

## Part 2

# Assange Extradition Hearing

This is the second in a two-part collection of news and analysis concerning the fraudulent extradition process inflicted on Julian Assange during 2020 by British authorities in complicity with the U.S. government. The principal language is English, with a few items in Swedish. For additional information, see References on page 342.

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Link to Part 1

[www.nnn.se/nordic/assange/docs/hearnews-1.pdf](http://www.nnn.se/nordic/assange/docs/hearnews-1.pdf)

[www.nnn.se/nordic/assange/docs/hearnews-2.pdf](http://www.nnn.se/nordic/assange/docs/hearnews-2.pdf)

## Your Man in the Public Gallery — Assange Hearing, Day 7

*Craig Murray*  
*September 9, 2020*

This morning we went straight in to the evidence of Clive Stafford Smith, a dual national British/American lawyer licensed to practice in the UK. He had founded Reprieve in 1999 originally to oppose the death penalty, but after 2001 it had branched out into torture, illicit detention and extraordinary rendition cases in relation to the “war on terror”.

Clive Stafford Smith testified that the publication by Wikileaks of the cables had been of great utility to litigation in Pakistan against illegal drone strikes. As Clive’s witness statement put it at paras 86/7:

86. One of my motivations for working on these cases was that the U.S. drone campaign appeared to be horribly mismanaged and was resulting in paid informants giving false information about innocent people who were then killed in strikes. For example, when I shared the podium with Imran Khan at a “jirga” with the victims of drone strikes, I said in my public remarks that the room probably contained one or two people in the pay of the CIA. What I never guessed was that not only was this true but that the informant would later make a false statement about a teenager who attended the jirga such that he and his cousin were killed in a drone strike three days later. We knew from the official press statement afterwards that the “intelligence” given to the U.S. involved four “militants” in a car; we knew from his family just him and his cousin going to pick up an aunt. There is a somewhat consistent rule that can be seen at work here: it is, of course, much safer for any informant to make a statement about someone who is a “nobody”, than someone who is genuinely dangerous.

87. This kind of horrific action was provoking immense anger, causing America’s status in Pakistan to plummet, and was making life more dangerous for Americans, not less.

Legal action dependent on the evidence about US drones strike policy revealed by Wikileaks had led to a judgement against assassination by the Chief Justice of Pakistan and to a sea change to public attitudes to drone strikes in Waziristan. One result had been a stopping of drone strikes in Waziristan.

Wikileaks released cables also revealed US diplomatic efforts to block international investigation into cases of torture and extraordinary rendition. This ran counter to the legal duty of the United States to cooperate with investigation of allegations of torture as mandated in Article 9 of the UN Convention Against Torture.

Stafford Smith continued that an underrated document released by Wikileaks was the JPEL, or US military Joint Priority Effects List for Afghanistan, in large part a list of assassination targets. This revealed a callous disregard of the legality of actions and a puerile attitude to killing, with juvenile nicknames given to assassination targets, some of which nicknames appeared to indicate inclusions on the list by British or Australian agents.

Stafford Smith gave the example of Bilal Abdul Kareem, an American citizen and journalist who had been the subject of five different US assassination attempts, using hellfire missiles fired from drones. Stafford Smith was engaged in ongoing litigation in Washington on whether “the US Government has the right to target its own citizens who are journalists for assassination.”

Stafford Smith then spoke of Guantanamo and the emergence of evidence that many detainees there are not terrorists but had been swept up in Afghanistan by a system dependent on the payment of bounties. The Detainee Assessment Briefs released by Wikileaks were not independent information but internal US Government files containing the worst allegations that the US had been able to “confect” against prisoners including Stafford Smith’s clients, and often get them to admit under torture.

These documents were US government allegations and when Wikileaks released them it was his first thought that it was the US Government who had released them to discredit defendants. The documents could not be a threat to national security.

Inside Guantanamo a core group of six detainees had turned informant and were used to make false allegations against other detainees. Stafford Smith said it was hard to blame them — they were trying to get out of that hellish place like everybody else. The US government had revealed the identities of those six, which put into perspective their concern for protecting informants in relation to Wikileaks releases.

Clive Stafford Smith said he had been “profoundly shocked” by the crimes committed by the US government against his clients. These included torture, kidnapping, illegal detention and murder. The murder of one detainee at Baghram Airport in Afghanistan had been justified as a permissible interrogation technique to put fear into other detainees. In 2001, he would never have believed the US Government could have done such things.

Stafford Smith spoke of use of Spanish Inquisition techniques, such as strapado, or hanging by the wrists until the shoulders slowly dislocate. He told of the torture of Binyam Mohamed, a British citizen who had his genitals cut daily with a razor blade. The British Government had avoided its legal obligations to Binyam Mohamed, and had leaked to the *BBC* the statement he had been forced to confess to under torture, in order to discredit him.

At this point Baraitser intervened to give a five minute warning on the 30 minute guillotine on Stafford Smith’s oral evidence. Asked by Mark Summers for the defence how Wikileaks had helped, Stafford Smith said that many of the leaked documents revealed illegal kidnapping, rendition and torture and had been used in trials. The International Criminal Court had now opened an investigation into war crimes in Afghanistan, in which decision Wikileaks released material had played a part.

Mark Summers asked what had been the response of the US Government to the opening of this ICC investigation. Clive Stafford Smith stated that an Executive Order had been issued initiating sanctions against any non-US citizen who cooperated with or promoted the ICC investigation into war crimes by the US. He suggested that Mr Summers would now be subject to US sanction for promoting this line of questioning.

Mr Stafford Smith’s 30 minutes was now up. You can read his full statement [here](#). There could not have been a clearer example from the first witness of why so much time yesterday was taken up with trying to block the evidence of defence witnesses from being heard. Stafford Smith’s evidence was breathtaking stuff and clearly illustrated the purpose of the time guillotine on defence evidence. This is not material governments wish to be widely aired.

James Lewis QC then cross-examined Clive Stafford Smith for the prosecution. He noted that references to Wikileaks in Stafford Smith’s written evidence were few and far between. He suggested that Stafford Smith’s evidence had tended to argue that Wikileaks disclosures were in the public interest; but there was specifically no public interest defence allowed in the UK Official Secrets Act.

Stafford Smith replied that may be, but he knew that was not the case in America.

Lewis then said that in Stafford Smith's written evidence paras 92-6 he had listed specific Wikileaks cables which related to disclosure of drone policy. But publication of these particular cables did not form part of the indictment. Lewis read out part of an affidavit from US Assistant Attorney Kromberg which stated that Assange was being indicted only for cables containing the publication of names of informants.

Stafford Smith replied that Kromberg may state that, but in practice that would not be the case in the United States. The charge was of conspiracy, and the way such charges were defined in the US system would allow the widest inclusion of evidence. The first witness at trial would be a "terrorism expert" who would draw a wide and far reaching picture of the history of threat against the USA.

Lewis asked whether Stafford Smith had read the indictment. He replied he had read the previous indictment, but not the new superseding indictment.

Lewis stated that the cables Stafford Smith quoted had been published by the *Washington Post* and the *New York Times* before they were published by Wikileaks. Stafford Smith responded that was true, but he understood those newspapers had obtained them from Wikileaks. Lewis then stated that the *Washington Post* and *New York Times* were not being prosecuted for publishing the same information; so how could the publication of that material be relevant to this case?

Lewis quoted Kromberg again: "The only instance in which the superseding indictment encompasses the publication of documents, is where those documents contains names which are put at risk".

Stafford Smith again responded that in practice that was not how the case would be prosecuted in the United States. Lewis asked if Stafford Smith was calling Kromberg a liar.

At this point Julian Assange called out from the dock "This is nonsense. Count 1 states throughout 'conspiracy to publish'." After a brief adjournment, Baraitser warned Julian he would be removed from the court if he interrupted proceedings again.

Stafford Smith said he had not said that Kromberg was a liar, and had not seen the full document from which Lewis was selectively quoting at him. Count 1 of the indictment is conspiracy to obtain national security information and this references dissemination to the public in a sub paragraph. This was not limited in the way Kromberg suggests and his claim did not correspond to Stafford Smith's experience of how national security trials are in fact prosecuted in the United States.

Lewis reiterated that nobody was being prosecuted for publishing except Assange, and this only related to publishing names. He then asked Stafford Smith whether he had ever been in a position of responsibility for classifying information, to which he got a negative reply. Lewis then asked if had ever been in an official position to declassify documents. Stafford Smith replied no, but he held US security clearance enabling him to see classified material relating to his cases, and had often applied to have material declassified.

Stafford Smith stated that Kromberg's assertion that the ICC investigation was a threat to national security was nonsense [I confess I am not sure where this assertion came from or why Stafford Smith suddenly addressed it]. Lewis suggested that the question of harm to US national interest from Assange's activities was best decided by a jury in the United States. The prosecution had to prove damage to the interests of the US or help to an enemy of the US.



Stafford Smith said that beyond the government adoption of torture, kidnapping and assassination, he thought the post-2001 mania for over-classification of government information was an even bigger threat to the American way of life. He recalled his client Moazzam Begg — the evidence of Moazzam's torture was classified "secret" on the grounds that knowledge that the USA used torture would damage American interests.

Lewis then took Stafford Smith to a passage in the book "Wikileaks; Inside Julian Assange's War on Secrecy", in which Luke Harding stated that he and David Leigh were most concerned to protect the names of informants, but Julian Assange had stated that Afghan informants were traitors who merited retribution. "They were informants, so if they got killed they had it coming." Lewis tried several times to draw Stafford Smith into this, but Stafford Smith repeatedly said he understood these alleged facts were under dispute and he had no personal knowledge.

Lewis concluded by again repeating that the indictment only covered the publication of names. Stafford Smith said that he would eat his hat if that was all that was introduced at trial.

In re-examination, Mark Summers said that Lewis had characterised the disclosure of torture, killing and kidnapping as "in the public interest". Was that a sufficient description? Stafford Smith said no, it was also the provision of evidence of crime; war crime and illegal activity.

Summers asked Stafford Smith to look at the indictment as a US lawyer (which Stafford Smith is) and see if he agreed with the characterisation by Lewis that it only covered publication where names were revealed. Summers read out this portion of the superseding indictment:

3. To willfully communicate documents relating to the national defense—namely, detainee assessment briefs related to detainees who were held at Guantanamo Bay; U.S. State Department cables; Iraq rules of engagement files; and documents containing the names of individuals in Afghanistan, Iraq, and elsewhere around the world, who risked their safety and freedom by providing information to the United States and our allies, which were classified up to the **SECRET** level—from persons having lawful possession of or access to such documents, to persons not entitled to receive them, in violation of Title 18, United States Code, Section 793(d); and

and pointed out that the "and" makes the point on documents mentioning names an additional category of document, not a restriction on the categories listed earlier. You can read the full superseding indictment [here](#); be careful when browsing as there are earlier superseding indictments; the US Government changes its indictment in this case about as often as Kim Kardashian changes her handbag. Summers also listed Counts 4, 7, 10, 13 and 17 as also not limited to the naming of informants.

Stafford Smith again repeated his rather different point that in practice Kromberg's assertion does not actually match how such cases are prosecuted in the US anyway. In answer to a further question, he repeated that the US government had itself released the names of its Guantanamo Bay informants.

In regard to the passage quoted from David Leigh, Summers asked Stafford Smith “Do you know that Mr Harding has published truths in the press”. Lewis objected and Summers withdrew (although this is certainly true).

This concluded Clive Stafford Smith’s evidence. Before the next witness, Lewis put forward an argument to the judge that it was beyond dispute that the new indictment only related, as far as publication being an offence was concerned, to publication of names of defendants. Baraitser had replied that plainly this was disputed and the matter would be argued in due course.

### PROFESSOR MARK FELDSTEIN

The afternoon resumed the evidence of Professor Mark Feldstein, begun sporadically amid technical glitches on Monday. For that reason I held off reporting the false start until now; I here give it as one account. Prof Feldstein’s full witness statement is [here](#).

Professor Feldstein is Chair of Broadcast Journalism at Maryland University and had twenty years experience as an investigative journalist.

Feldstein stated that leaking of classified information happens with abandon in the United States. Government officials did it frequently. One academic study estimated such leaks as “thousands upon thousands”. There were journalists who specialised in national security and received Pulitzer prizes for receiving such leaks on military and defence matters. Leaked material is published on a daily basis.

Feldstein stated that “The first amendment protects the press, and it is vital that the First Amendment does so, not because journalists are privileged, but because the public have the right to know what is going on”. Historically, the government had never prosecuted a publisher for publishing leaked secrets. They had prosecuted whistleblowers.

There had been historical attempts to prosecute individual journalists, but all had come to nothing and all had been a specific attack on a perceived Presidential enemy. Feldstein had listed three instances of such attempts, but none had reached a grand jury.

Mark Summers asked Prof Feldstein about the Jack Anderson case. Feldstein replied he had researched this for his book “Poisoning the Press”. Nixon had planned to prosecute Anderson under the Espionage Act but had been told by his Attorney General the First Amendment made it impossible. Consequently **Nixon had conducted a campaign against Anderson that included anti-gay smears, planting a spy in his office and foisting forged documents on him.** An assassination plot by poison had even been discussed.

Summers took Feldstein to his evidence on “Blockbuster” newspaper stories based on Wikileaks publications:

- A disturbing videotape of American soldiers firing on a crowd from a helicopter above Baghdad, killing at least 18 people; the soldiers laughed as they targeted unarmed civilians, including two Reuters journalists.
- US officials gathered detailed and often gruesome evidence that approximately 100,000 civilians were killed after its invasion of Iraq, contrary to the public claims of President George W. Bush’s administration, which downplayed the deaths and insisted that such statistics were not maintained. Approximately 15,000 of these civilians killings had never been previously disclosed anywhere.

- American forces in Iraq routinely turned a blind eye when the US-backed government there brutalized detainees, subjecting them to beatings, whippings, burnings, electric shock, and sodomy.
- After WikiLeaks published vivid accounts compiled by US diplomats of rampant corruption by Tunisian president Zine el-Abidine Ben Ali and his family, ensuing street protests forced the dictator to flee to Saudi Arabia. When the unrest in Tunisia spread to other Mideast countries, WikiLeaks was widely hailed as a key catalyst for this “Arab Spring.”
- In Afghanistan, the US deployed a secret “black” unit of special forces to hunt down “high value” Taliban leaders for “kill or capture” without trial.
- The US government expanded secret intelligence collection by its diplomats at the United Nations and overseas, ordering envoys to gather credit card numbers, work schedules, and frequent flier numbers of foreign dignitaries — eroding the distinction between foreign service officers and spies.
- Saudi Arabian King Abdullah secretly implored the US to “cut off the head of the snake” and stop Iran from developing nuclear weapons even as private Saudi donors were the number-one source of funding to Sunni terrorist groups worldwide.
- Customs officials caught Afghanistan’s vice president carrying \$52 million in unexplained cash during a trip abroad, just one example of the endemic corruption at the highest levels of the Afghan government that the US has helped prop up.
- The US released “high risk enemy combatants” from its military prison in Guantanamo Bay, Cuba who then later turned up again in Mideast battlefields. At the same time, Guantanamo prisoners who proved harmless — such as an 89-year-old Afghan villager suffering from senile dementia — were held captive for years.
- US officials listed Pakistan’s intelligence service as a terrorist organization and found that it had plotted with the Taliban to attack American soldiers in Afghanistan — even though Pakistan receives more than \$1 billion annually in US aid. Pakistan’s civilian president, Asif Ali Zardari, confided that he had limited control to stop this and expressed fear that his own military might “take me out.”

Feldstein agreed that many of these had revealed criminal acts and war crimes, and they were important stories for the US media. Summers asked Feldstein about Assange being charged with soliciting classified information. Feldstein replied that gathering classified information is “standard operating procedure” for journalists. “My entire career virtually was soliciting secret documents or records”

Summers pointed out that one accusation was that Assange helped Manning cover her tracks by breaking a password code. “Trying to help protect your source is a journalistic obligation” replied Feldstein. Journalists would provide sources with payphones, fake email accounts, and help them remove fingerprints both real and digital. These are standard journalistic techniques, taught at journalism college and workshops.

Summers asked about disclosure of names and potential harm to people. Feldstein said this was “easy to assert, hard to establish”. Government claims of national security damage were routinely overblown and should be treated with scepticism. In the case of the *Pentagon Papers*, the government had claimed that publication would identify CIA agents, reveal military plans and lengthen the Vietnam War. These claims had all proven to be untrue.

On the White House tapes Nixon had been recorded telling his aides to “get” the *New York Times*. He said their publications should be “cast in terms of aid and comfort to the enemy”.

Summers asked about the Obama administration’s attitude to Wikileaks. Feldstein said that there had been no prosecution after Wikileaks’ major publications in 2010/11. But Obama’s Justice Department had instigated an “aggressive investigation”. However they concluded in 2013 that the First Amendment rendered any prosecution impossible. Justice Department Spokesman Matthew Miller had published that they thought it would be a dangerous precedent that could be used against other journalists and publications.

With the Trump administration everything had changed. Trump had said he wished to “put reporters in jail”. Pompeo when head of the CIA had called Wikileaks a “hostile intelligence agency”. Sessions had declared prosecuting Assange “a priority”.

James Lewis then rose to cross-examine Feldstein. He adopted a particularly bullish and aggressive approach, and started by asking Feldstein to confine himself to very short, concise answers to his precise questions. He said that Feldstein “claimed to be” an expert witness, and had signed to affirm that he had read the criminal procedural rules. Could he tell the court what those rules said?

This was plainly designed to trip Feldstein up. I am sure I must have agreed WordPress’s terms and conditions in order to be able to publish this blog, but if you challenged me point blank to recall what they say I would struggle. However Feldstein did not hesitate, but came straight back saying that he had read them, and they were rather different to the American rules, stipulating impartiality and objectivity.

Lewis asked what Feldstein’s expertise was supposed to be. Feldstein replied the practice, conduct and history of journalism in the United States. Lewis asked if Feldstein was legally qualified. Feldstein replied no, but he was not giving legal opinion. Lewis asked if he had read the indictment. Feldstein replied he had not read the most recent indictment.

Lewis said that Feldstein had stated that Obama decided not to prosecute whereas Trump did. But it was clear that the investigation had continued through from the Obama to the Trump administrations. Feldstein replied yes, but the proof of the pudding was that there had been no prosecution under Obama.

Lewis referred to a *Washington Post* article from which Feldstein had quoted in his evidence and included in his footnotes, but had not appended a copy. “Was that because it contained a passage you do not wish us to read?” Lewis said that Feldstein had omitted the quote that “no formal decision had been made” by the Obama administration, and a reference to the possibility of prosecution for activity other than publication.

Feldstein was plainly slightly rattled by Lewis’ accusation of distortion. He replied that his report stated that the Obama administration did not prosecute, which was true. He had footnoted the article; he had not thought he needed to also provide a copy. He had exercised editorial selection in quoting from the article.

Lewis said that from other sources, a judge had stated in District Court that investigation was ongoing and District Judge Mehta had said other prosecutions against persons other than Manning were being considered. Why had Feldstein not included this information in his report? Assange’s lawyer Barry J Pollock had stated

“they are not informing us they are closing the investigation or have decided not to charge.” Would it not be fair to add that to his report?

Prof Feldstein replied that Assange and his lawyers would be hard to convince that the prosecution had been dropped, but we know that no new information had in 2015/16 been brought to the Grand Jury.

Lewis stated that in 2016 Assange had offered to go to the United States to face charges if Manning were granted clemency. Does this not show the Obama administration was intending to charge? Should this not have been in his report? Feldstein replied no, because it was irrelevant. Assange was not in a position to know what Obama’s Justice Department was doing. The subsequent testimony of Obama Justice Department insiders was much more valuable.

Lewis asked if the Obama administration had decided not to prosecute, why would they keep the Grand Jury open? Feldstein replied this happened very frequently. It could be for many reasons, including to collect information on alleged co-conspirators, or simply in the hope of further new evidence.

Lewis suggested that the most Feldstein might honestly say was that the Obama administration had intimated that they would not prosecute for passively obtained information, but that did not extend to a decision not to prosecute for hacking with Chelsea Manning. “If Obama did not decide not to prosecute, and the investigation had continued into the Trump administration, then your diatribe against Trump becomes otiose.”

Lewis continued that the “*New York Times* problem” did not exist because the *NYT* had only published information it had passively received. Unlike Assange, the *NYT* had not conspired with Manning illegally to obtain the documents. Would Prof Feldstein agree that the First Amendment did not defend a journalist against a burglary or theft charge? Feldstein replied that a journalist is not above the law. Lewis then asked Feldstein whether a journalist had a right to “steal or unlawfully obtain information” or “to hack a computer to obtain information.” Each time Feldstein replied “no”.

Lewis then asked if Feldstein accepted that Bradley (sic) Manning had committed a crime. Feldstein replied “yes”. Lewis then asked “If Assange aided and abetted, consulted or procured or entered into a conspiracy with Bradley Manning, has he not committed a crime?” Feldstein said that would depend on the “sticky details.”

Lewis then restated that there was no allegation that the *NYT* entered into a conspiracy with Bradley Manning, only Julian Assange. On the indictment, only counts 15, 16 and 17 related to publishing and these only to publishing of unredacted documents. The *New York Times*, *Guardian* and *Washington Post* had united in condemnation of the publication by Wikileaks of unredacted cables containing names. Lewis then read out again the same quote from the Leigh/Harding book he had put to Stafford Smith, stating that Julian Assange had said the Afghan informants would deserve their fate.

Lewis asked: “Would a responsible journalist publish unredacted names of an informant knowing he is in danger when it is unnecessary to do so for the purpose of the story”. Prof Feldstein replied “no”. Lewis then went on to list examples of information it might be proper for government to keep secret, such as “troop movements in war, nuclear codes, material that would harm an individual” and asked if Feldstein agreed these were legitimate secrets. Feldstein replied “yes”.

Lewis then asked rhetorically whether it was not more fair to allow a US jury to be the judge of harm. He then asked Feldstein: "You say in your report that this is a political prosecution. But a Grand jury has supported the prosecution. Do you accept that there is an evidentiary basis for the prosecution?". Feldstein replied "A grand jury has made that decision. I don't know that it is true." Lewis then read out a statement from US Assistant Attorney Kromberg that prosecution decisions are taken by independent prosecutors who follow a code that precludes political factors. He asked Feldstein if he agreed that independent prosecutors were a strong bulwark against political prosecution.

Feldstein replied "That is a naive view."

Lewis then asked whether Feldstein was claiming that President Trump or his Attorney General had ordered this prosecution without a factual basis. The professor replied he had no doubt it was a political prosecution, this was based on 1) its unprecedented nature 2) the rejection of prosecution by Obama but decision to prosecute now with no new evidence 3) the extraordinary wide framing of the charges 4) President Trump's narrative of hostility to the press. "It's political".

Mark Summers then re-examined Professor Feldstein. He said that Lewis had suggested that Assange was complicit in Manning obtaining classified information but the *New York Times* was not. Is it your understanding that to seek to help an official leaker is a crime? Professor Feldstein replied "No, absolutely not".

"Do journalists ask for classified information?"

"Yes."

"Do journalists solicit such information?"

"Yes."

"Are you aware of any kind of previous prosecution for this kind of activity?"

"No. Absolutely not."

"Could you predict it would be criminalised?"

"No, and it is very dangerous."

Summers then asked Professor Feldstein what the *New York Times* had done to get the *Pentagon Papers* from Daniel Ellsberg. Feldstein replied they were very active in soliciting the papers. They had a key to the room that held the documents and had helped to copy them. They had played an active not a passive role. "Journalists are not passive stenographers."

Summers reminded Prof Feldstein that he had been asked about hacking. What if the purpose of the hacking was not to obtain the information, but to disguise the source? This was the specific allegation spelt out in Kromberg memorandum 4 paras 11 to 14. Professor Feldstein replied that protecting sources is an obligation. Journalists work closely with, conspire with, cajole, encourage, direct and protect their sources. That is journalism.

Summers asked Prof Feldstein if he maintained his caution in accepting government claims of harm. Feldstein replied absolutely. The government track record demanded caution. Summers pointed out that there is an act which specifically makes illegal the naming of intelligence sources, the Intelligence Identities Protection Act. Prof Feldstein said this was true; the fact that the charge was not brought under the IIPA proves that it is not true that the prosecution is intended to be limited to revealing of identities and in fact it will be much broader.

Summers concluded by saying that Lewis had stated that Wikileaks had released the unredacted cables in a mass publication. Would it change the professor's assessment if the material had already been released by others. Prof Feldstein said his answers were not intended to indicate he accepted the government narrative.

Edward Fitzgerald QC then took over for the defence. He put to Prof Feldstein that there had been no prosecution of Assange when Manning was prosecuted, and Obama had given Manning clemency. These were significant facts. Feldstein agreed.

Fitzgerald then said that the *Washington Post* article from which Lewis complained Feldstein had quoted selectively, contained a great deal more material Feldstein had also not quoted but which strongly supported his case, for example "Officials told the *Washington Post* last week that there is no sealed indictment and the Department had 'all but concluded that they would not bring a charge'." It further stated that when Snowden was charged, Greenwald was not, and the same approach was followed with Manning / Assange. So overall the article confirmed Feldstein's thesis, as contained in his report. Feldstein agreed. There was then discussion of other material that could have been included to support his thesis.

Fitzgerald concluded by asking if Feldstein were familiar with the phrase "a grand jury would indict a ham sandwich". Feldstein replied it was common parlance and indicated the common view that grand juries were malleable and almost always did what prosecutors asked them to do. There was a great deal of academic material on this point.

## THOUGHTS

Thus concluded another extraordinary day. Once again, there were just five of us in the public gallery (in 42 seats) and the six allowed in the overflow video gallery in court 9 was reduced to three, as three seats were reserved by the court for "VIPs" who did not show up.

The cross-examinations showed the weakness of the thirty minute guillotine adopted by Baraitser, with really interesting defence testimony cut short, and then unlimited time allowed to Lewis for his cross examination. This was particularly pernicious in the evidence of Mark Feldstein. In James Lewis' extraordinary cross-examination of Feldstein, Lewis spoke between five and ten times as many words as the actual witness. Some of Lewis's "questions" went on for many minutes, contained huge passages of quote and often were phrased in convoluted double negative. Thrice Feldstein refused to reply on grounds he could not make out where the question lay. With the defence initial statement of the evidence limited to half an hour, Lewis's cross examination approached two hours, a good 80% of which was Lewis speaking.

Feldstein was browbeaten by Lewis and plainly believed that when Lewis told him to answer in very brief and concise answers, Lewis had the authority to instruct that. In fact Lewis is not the judge and it was supposed to be Feldstein's evidence, not Lewis's. Baraitser failed to protect Feldstein or to explain his right to frame his own answers, when that was very obviously a necessary course for her to take.

Today we had two expert witnesses, who had both submitted lengthy written testimony relating to one indictment, which was now being examined in relation to a new superseding indictment, exchanged at the last minute, and which neither of them had ever seen. Both specifically stated they had not seen the new indictment.



Furthermore this new superseding indictment had been specifically prepared by the prosecution with the benefit of having heard the defence arguments and seen much of the defence evidence, in order to get round the fact that the indictment on which the hearing started was obviously failing.

On top of which the defence had been refused an adjournment to prepare their defence against the new indictment, which would have enabled these and other witnesses to see the superseding indictment, adjust their evidence accordingly and be prepared to be cross-examined in relation to it.

Clive Stafford Smith testified today that in 2001 he would not have believed the outrageous crimes that were to be perpetrated by the US government. I am obliged to say that I simply cannot believe the blatant abuse of process that is unfolding before my eyes in this courtroom.

<https://www.craigmurray.org.uk/archives/2020/09/your-man-in-the-public-gallery-assange-hearing-day-7/>

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## **'Absolute And Arbitrary Power': Killing Extinction Rebellion and Julian Assange**

*Media Lens*  
9 September 2020

The use and misuse of George Orwell's truth-telling is so widespread that we can easily miss his intended meaning. For example, with perfect (Orwellian) irony, the BBC has a statue of Orwell outside Broadcasting House, bearing the inscription: 'If liberty means anything at all, it means the right to tell people what they do not want to hear.'

Fine words, but suitably ambiguous: the BBC might argue that it is merely exercising its 'liberty' in endlessly channelling the worldview of powerful interests -- crass propaganda that many people certainly 'do not want to hear'.

Orwell's real intention is made clearer in this second comment: 'Journalism is printing what someone else does not want printed: everything else is public relations.'

In this line attributed to him (although there is some debate about where it originated), Orwell was talking about power -- real journalism challenges the powerful. And this is the essential difference between the vital work of WikiLeaks and the propaganda role performed by state-corporate media like the BBC every day on virtually every issue.

On September 6, the *Mail on Sunday* ran two editorials, side by side. The first was titled, 'A sinister, shameful attack on free speech'. It decried the Extinction Rebellion action last Friday to blockade three newspaper printing presses owned by Rupert Murdoch's UK News. The second editorial, as we will see below, was a feeble call not to send Julian Assange to the US, on the eve of his crucial extradition hearing in London.

Extinction Rebellion's protest, lasting just a few hours, temporarily prevented the distribution of Murdoch newspapers, such as the *Sun* and *The Times*, as well as other titles printed by Murdoch's presses, including the *Daily Mail*, *Mail on Sunday* and the *Daily Telegraph*.

The *Mail on Sunday* editorial predictably condemned the protesters' supposed attempt at 'censorship', declaring it: 'a throwback to the very worst years of trade union militancy, which came close to strangling a free press and which was only defeated by the determined action of Rupert Murdoch.'

The paper fumed: 'The newspaper blockade was a shameful and dangerous attempt to crush free speech, and it should never be repeated.'

This was the propaganda message that was repeated across much of the 'mainstream media', epitomised by the empty rhetoric of Prime Minister Boris Johnson:

'A free press is vital in holding the government and other powerful institutions to account on issues critical for the future of our country, including the fight against climate change. It is completely unacceptable to seek to limit the public's access to news in this way.'

Johnson's comments could have been pure satire penned by Chris Morris, Mark Steel or the late Jeremy Hardy. Closer to the grubby truth, a different Johnson — Samuel — described the 'free press' as 'Scribbling on the backs of advertisements'.

As *Media Lens* has repeatedly demonstrated over the past 20 years, it is the state-corporate media, including *BBC News*, that has endlessly 'limited the public's access to news' by denying the public the full truth about climate breakdown, UK/US warmongering, including wars on Iraq, Afghanistan and Libya, the arming of Saudi Arabia and complicity in that brutal regime's destruction of Yemen, UK government support for the apartheid state of Israel even as it crushes the Palestinian people, the insidious prising open of the NHS to private interests, and numerous other issues of public importance.

When has the mythical 'free press' ever fully and properly held to account Boris Johnson or any of his predecessors in 10 Downing Street? Who can forget that Tony Blair, steeped in the blood of so many Iraqis, is still held in esteem as an elder statesman whose views are sought out by 'mainstream' news outlets, including *BBC News* and the *Guardian*?

As John Pilger said recently: 'Always contrast Julian Assange with Tony Blair. One will be fighting for his life in court on 7 Sept for the "crime" of exposing war crimes while the other evades justice for the paramount crime of Iraq.'

Health Secretary Matt Hancock, who has presided over a national public health disaster with soaring rates of mortality during the coronavirus pandemic, had the affront to tweet a photograph of himself with a clutch of right-wing papers under his arm, declaring: 'Totally outrageous that Extinction Rebellion are trying to suppress free speech by blockading newspapers. They must be dealt with by the full force of the law.'

It is Hancock himself, together with government colleagues and advisers — not least Johnson and his protector, Dominic Cummings — who should 'be dealt with by the full force of the law'. As Richard Horton, editor of *The Lancet* medical journal, said of Boris Johnson in May: 'you dropped the ball, Prime Minister. That was criminal. And you know it.'

Extinction Rebellion (XR) explained succinctly via Twitter their reason for their 'totally outrageous' action: 'Dear Newsagents, we are sorry for disruption caused to your business this morning. Dear Mr. Murdoch, we are absolutely not sorry for continuing to disrupt your agenda this morning. @rupertmurdoch #FreeTheTruth #ExtinctionRebellion #TellTheTruth'

An article on the XR website, simply titled, 'We do not have a free press', said: 'We are in an emergency of unprecedented scale and the papers we have targeted are not reflecting the scale and urgency of what is happening to our planet.'

One of the XR protesters was 'Steve', a former journalist for 25 years who had worked for the *Sun*, *Daily Mail*, *the Telegraph* and *The Times*. He was filmed on location during the protest. He explained that he was participating, in part, because he is worried about the lack of a future for his children. And a major reason for how we got to this point is that journalists are: 'stuck inside a toxic system where they don't have any choice but to tell the stories that these newspapers want to be told.'

He continued: 'Every person who works on News International or a *Mail* newspaper knows what story is or isn't acceptable for their bosses. And their bosses know that because they know what's acceptable to Murdoch or Rothermere or the other billionaires that run 70 per cent of our media'.

Steve said he left that system because he 'couldn't bear the way it worked'.

The most recent report by the independent Media Reform Coalition on UK media ownership, published in 2019, revealed the scale of the problem of extremely concentrated media ownership. Just three companies — Rupert Murdoch's News UK, Daily Mail Group and Reach (publisher of the *Mirror* titles) dominate 83 per cent of the national newspaper market (up from 71 per cent in 2015). When online readers are included, just five companies — News UK, Daily Mail Group, Reach, Guardian and Telegraph — dominate nearly 80 per cent of the market.

As we noted of XR's worthy action: 'Before anyone denounces this as an attack on the "free press" — there is no free press. There is a billionaire-owned, profit-maximising, ad-dependent corporate press that has knowingly suppressed the truth of climate collapse and the need for action to protect corporate profits.'

Zarah Sultana, Labour MP for Coventry South, indicated her support too: 'A tiny number of billionaires own vast swathes of our press. Their papers relentlessly campaign for right-wing politics, promoting the interests of the ruling class and scapegoating minorities. A free press is vital to democracy, but too much of our press isn't free at all.'

By contrast, Labour leader Keir Starmer once again demonstrated his establishment credentials as 'a safe pair of hands' by condemning XR's protest. Craig Murray commented: 'At a time when the government is mooting designating Extinction Rebellion as Serious Organised Crime, right wing bequipped muppet Keir Starmer was piously condemning the group, stating: "The free press is the cornerstone of democracy and we must do all we can to protect it."'

Starmer had also commented: 'Denying people the chance to read what they choose is wrong and does nothing to tackle climate change.'

But denying people the chance to read what they would choose — the corporate-unfriendly truth — on climate change is exactly what the corporate media, misleadingly termed 'mainstream media', is all about.

Media activist and lecturer Justin Schlosberg made a number of cogent observations on 'press freedom' in a Twitter thread (beginning here): '9 times out of 10 when people in Britain talk about protecting press freedom what they really mean is protecting press power'.

He pointed out the 'giant myth' promulgated by corporate media, forever trying to resist any attempt to curb their power; namely that: 'Britain's mainstream [sic] press is a vital pillar of our democracy, covering a diversity of perspectives and upholding professional standards of journalism...the reality is closer to the exact inverse of such claims. More than 10 million people voted for a socialist party at the last election (13 million in 2017) and polls have consistently shown that majority of British public oppose austerity'.

Schlosberg continued: 'The "diversity" of our national press [...] covers the political spectrum from liberal / centre to hard right and has overwhelmingly backed austerity economics for the best part of the last 4 decades... [moreover] the UK press enjoys an unrivalled international reputation for producing a diatribe of fake, racist and misogynistic hate speech over anything that can be called journalism'.

He rightly concluded: 'ironically one of the greatest threats to democracy is a press that continues to weave myths in support of its vested interests, and a BBC that continues to uncritically absorb them.'

### ***Assange In The US Crosshairs***

Alongside the *Mail on Sunday's* billionaire-owned, extremist right-wing attack on climate activists highlighting a non-existent 'free press', the paper had an editorial that touched briefly on the danger to all journalists should WikiLeaks co-founder Julian Assange be extradited from the UK to the US: 'the charges against Mr Assange, using the American Espionage Act, might be used against legitimate journalists in this country'.

The implication was that Assange is not to be regarded as a 'legitimate journalist'. Indeed, the billionaire Rothermere-owned newspaper — a more accurate description than 'newspaper' — made clear its antipathy towards him: 'Mr Assange's revelations of leaked material caused grave embarrassment to Washington and are alleged to have done material damage too.'

The term 'embarrassment' refers to the exposure of US criminal actions threatening the great rogue state's ability to commit similar crimes in future: not embarrassing (Washington is without shame), but potentially limiting.

The *Mail on Sunday* continued: 'Mr Assange has been a spectacular nuisance during his time in this country, lawlessly jumping bail and wasting police time by taking refuge in embassy of Ecuador. The *Mail on Sunday* disapproves of much of what he has done, but we must also ask if his current treatment is fair, right or just.'

The insinuations and subtle smears embedded in these few lines have been repeatedly demolished (see this extensive analysis, for example). And there was no mention that Nils Melzer, the UN Special Rapporteur on Torture, as well as numerous doctors, health experts and human rights organisations, have strongly condemned the UK's appalling abuse of Assange and demanded his immediate release.

Melzer has accused the British government of torturing Assange: 'the primary purpose of torture is not necessarily interrogation, but very often torture is used to

intimidate others, as a show to the public what happens if you don't comply with the government. That is the purpose of what has been done to Julian Assange. It is not to punish or coerce him, but to silence him and to do so in broad daylight, making visible to the entire world that those who expose the misconduct of the powerful no longer enjoy the protection of the law, but essentially will be annihilated. It is a show of absolute and arbitrary power'.

Melzer also spoke about the price he will pay for challenging the powerful: 'I am under no illusions that my UN career is probably over. Having openly confronted two P5-States (UN security council members) the way I have, I am very unlikely to be approved by them for another high-level position. I have been told, that my uncompromising engagement in this case comes at a political price.'

This is the reality of the increasingly authoritarian world we are living in.

The weak defence of Assange now being seen in even right-wing media, such as the *Mail on Sunday*, indicates a real fear that any journalist could in future be targeted by the US government for publishing material that might anger Washington.

In an interview this week, Barry Pollack, Julian Assange's US lawyer, warned of the 'very dangerous' precedent that could be set in motion with Assange's extradition to the US:

'The position that the U.S. is taking is a very dangerous one. The position the U.S. is taking is that they have jurisdiction all over the world and can pursue criminal charges against any journalist anywhere on the planet, whether they're a U.S. **citizen or not**. But if they're not a U.S. citizen, not only can the U.S. pursue charges against them but that person has no defense under the First Amendment.'

In stark contrast to the weak protestations of the *Mail on Sunday* and the rest of the establishment media, Noam Chomsky pointed out the simple truth in a recent interview on *RT* (note the dearth of Chomsky interviews on *BBC News*, and consider why his views are not sought after): 'Julian Assange committed the crime of letting the general population know things that they have a right to know and that powerful states don't want them to know.'

Likewise, John Pilger issued a strong warning: 'This week, one of the most important struggles for freedom in my lifetime nears its end. Julian Assange who exposed the crimes of great power faces burial alive in Trump's America unless he wins his extradition case. Whose side are you on?'

Pilger recommended an excellent in-depth piece by Jonathan Cook, a former *Guardian/Observer* journalist, in which Cook observed: 'For years, journalists cheered Assange's abuse. Now they've paved his path to a US gulag.'

Peter Osborne is a rare example of a right-leaning journalist who has spoken out strongly in defence of Assange. Osborne wrote last week in *Press Gazette* that: 'Future generations of journalists will not forgive us if we do not fight extradition.'

He set out the following scenario: 'Let's imagine a foreign dissident was being held in London's Belmarsh Prison charged with supposed espionage offences by the Chinese authorities. And that his real offence was revealing crimes committed by the Chinese Communist Party -- including publishing video footage of atrocities carried out by Chinese troops. To put it another way, that his real offence was committing the crime of journalism.'

‘Let us further suppose the UN Special Rapporteur on Torture said this dissident showed “all the symptoms typical for prolonged exposure to psychological torture” and that the Chinese were putting pressure on the UK authorities to extradite this individual where he could face up to 175 years in prison.

‘The outrage from the British press would be deafening.’

Osborne continued: ‘There is one crucial difference. It is the US trying to extradite the co-founder of Wikileaks. Yet there has been scarcely a word in the mainstream British media in his defence.’

In fact, as we have repeatedly highlighted, Assange has been the subject of a propaganda blitz by the UK media, attacking and smearing him, over and over again, often in the pages of the ‘liberal’ *Guardian*.

At the time of writing, neither *ITV* political editor Robert Peston nor *BBC News* political editor Laura Kuenssberg appear to have reported the Assange extradition case. They have not even tweeted about it once, even though they are both very active on Twitter. In fact, the last time Peston so much as mentioned Assange on his Twitter feed was 2017. Kuenssberg’s record is even worse; her Twitter silence extends all the way back to 2014. These high-profile journalists are supposedly prime exemplars of the very best ‘high-quality’ UK news broadcasters, maintaining the values of a ‘free press’, holding politicians to account and keeping the public informed.

On September 7, John Pilger gave an address outside the Old Bailey in London, just before Julian Assange’s extradition hearing began there. His words were a powerful rebuke to those so-called ‘journalists’ that have maintained a cowardly silence, or worse. The ‘official truth-tellers’ of the media — the stenographers who collaborate with those in power, helping to sell their wars — are, Pilger says, ‘Vichy journalists’.

He continued: ‘It is said that whatever happens to Julian Assange in the next three weeks will diminish if not destroy freedom of the press in the West. But which press? *The Guardian*? *The BBC*, *The New York Times*, the Jeff Bezos *Washington Post*?

‘No, the journalists in these organizations can breathe freely. The Judases on the *Guardian* who flirted with Julian, exploited his landmark work, made their pile then betrayed him, have nothing to fear. They are safe because they are needed.

‘Freedom of the press now rests with the honorable few: the exceptions, the dissidents on the internet who belong to no club, who are neither rich nor laden with Pulitzers, but produce fine, disobedient, moral journalism — those like Julian Assange.’

DC & DE

<https://www.medialens.org/2020/absolute-and-arbitrary-power-killing-extinction-rebellion-and-julian-assange/>

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## **Julian Assange is not on trial for his personality — but here’s how the US government made you focus on it**

*By drawing attention away from the principles of the case, the obsession with his character pushes out the significance of WikiLeaks’ revelations*

Noam Chomsky & Alice Walker  
*The Independent*  
2020-09-09

On Monday Julian Assange was driven to the Old Bailey to continue his fight against extradition to the United States, where the Trump administration has launched the most dangerous attack on press freedom in at least a generation by indicting him for publishing US government documents. Amid coverage of the proceedings, Assange's critics have inevitably commented on his appearance, rumours of his behaviour while isolated in the Ecuadorian embassy, and other salacious details.

These predictable distractions are emblematic of the sorry state of our political and cultural discourse. If Assange is extradited to face charges for practising journalism and exposing government misconduct, the consequences for press freedom and the public's right to know will be catastrophic. Still, rather than seriously addressing the important principles at stake in Assange's unprecedented indictment and the 175 years in prison he faces, many would rather focus on inconsequential personality profiles.

Assange is not on trial for skateboarding in the Ecuadorian embassy, for tweeting, for calling Hillary Clinton a war hawk, or for having an unkempt beard as he was dragged into detention by British police. Assange faces extradition to the United States because he published incontrovertible proof of war crimes and abuses in Iraq and Afghanistan, embarrassing the most powerful nation on Earth. Assange published hard evidence of "the ways in which the first world exploits the third", according to whistleblower Chelsea Manning, the source of that evidence. Assange is on trial for his journalism, for his principles, not his personality.

You've probably heard the refrain from well-meaning pundits: "You don't have to like him, but you should oppose threats to silence him." But that refrain misses the point by reinforcing the manipulative tropes deployed against Assange.

When setting a gravely dangerous precedent, governments don't typically persecute the most beloved individuals in the world. They target those who can be portrayed as subversive, unpatriotic — or simply weird. Then they actively distort public debate by emphasizing those traits.

These techniques are not new. After Daniel Ellsberg leaked the *Pentagon Papers* to journalists to expose the US government's lies about Vietnam, the Nixon administration's "White House Plumbers" broke into Ellsberg's psychiatrist's office in search of material that could be used to discredit him. NSA whistleblower Edward Snowden was falsely portrayed as collaborating with the Chinese, then the Russians. Obsession with military intelligence analyst Manning's mental health and gender identity was ubiquitous. By demonizing the messenger, governments seek to poison the message.

The prosecution will be all too happy when coverage of Assange's extradition hearing devolves into irrelevant tangents and smears. It matters little that Assange's beard was the result of his shaving kit having been confiscated, or that reports of Paul Manafort visiting him in the embassy were proven to be fabricated. By the time these petty claims are refuted, the damage will be done. At best, public debate over the real issues will be derailed; at worst, public opinion will be manipulated in favour of the establishment.

By drawing attention away from the principles of the case, the obsession with personality pushes out the significance of WikiLeaks' revelations and the extent to



which governments have concealed misconduct from their own citizens. It pushes out how Assange's 2010 publications exposed 15,000 previously uncounted civilian casualties in Iraq, casualties that the US Army would have buried. It pushes out the fact that the United States is attempting to accomplish what repressive regimes can only dream of: deciding what journalists around the globe can and cannot write. It pushes out the fact that all whistleblowers and journalism itself, not just Assange, is on trial here.

*This piece was written by Noam Chomsky and Alice Walker, co-chairs of AssangeDefense.org*

<https://chomsky.info/20200909>

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## **Professor Paul Rogers on Trump's politically motivated prosecution**

*Dont Extradite Assange*  
2020-09-09

Paul Rogers, Emeritus Professor of Peace Studies at Bradford University, took the stand by video link to testify about Julian Assange's political views and how they factor into the Trump administration's prosecution of Assange for publishing. Rogers reviewed Assange's speeches, including an anti-war speech in 2011 in London and a speech to the UN following the release of Iraq and Afghan war logs, as well as Mairead Maguire's nomination of Assange for the Nobel Peace Prize in 2019. LINKs. Rogers concluded that Assange's views don't fall into traditional liberal or conservative belief systems but are rather more libertarian, anti-war, and based on values of transparency and accountability.

On the stand, Rogers talked about how WikiLeaks put these values into practice with the war logs publications, and he contextualized the releases with changing opinions in America regarding the wars in Iraq and Afghanistan:

"Possibly the most important part of the whole thing," he said, was that WikiLeaks' releases showed 15,000 previously uncounted civilian casualties, "bringing to the American public a very disturbing aspect of the whole war."

As Rogers puts it in his statement, "The political objective of seeking to achieve greater transparency in the workings of governments is clearly both the motivation and the modus operandi for the work of Mr Assange and the organisation WikiLeaks. Its manifestation, as is set out in the study by Professor Benkler, has constituted a wholesale alteration of accessing and making available for public information, the secrets that governments wish to remain unknown to their general populations. The subject matter of the charges Mr Assange currently faces involve strong examples of the clash of these positions both in their content and scope, and in the reaction of government."

In his oral testimony, Rogers explained that these views and motivations put him in contrast with successive U.S. administrations but particularly in contrast with the Trump administration.

It is clear that Assange is being opposed because of the success of WikiLeaks in bringing information to the public, he said. This is dangerous to the Trump administration: "the root of it is that Assange and what he stands for represents

a threat to normal political endeavor.” In addition to opposing Assange’s words and views, the fact that Obama didn’t prosecute should to some extent be considered in why Trump is prosecuting.

Prosecutor James Lewis QC sought to undermine Assange’s political views by bringing up his views on corporations and NGOs, but Rogers explained that “political opinion” isn’t just about government leaders, that the definition of political opinion has changed significantly in the last 50 years, and that Assange has a view on “transnational elites.”

Asked if simply being a journalist necessitated political opinions, Rogers explained that it’s a complex question, that deciding what to publish and what not to constitutes a political opinion, but Lewis complained that his answers were too long, not yes or no.

Lewis further sought to portray Rogers as biased toward Assange and the defense. He asked why Rogers didn’t include in his statement, in which he referenced views of other experts like Noam Chomsky and Carey Shenkman, the views of assistant U.S. attorney Gordon Kromberg, which defended the prosecution of Assange as a criminal matter, not a political one.

Rogers responded that he takes it as read that federal prosecutors at the lower level act in good faith, that they do as they’re instructed in accordance with the law, but that the wider political context — namely that the Obama administration didn’t prosecute and the Trump admin did, and the Trump administration represents a marked shift in the U.S. political situation — far outweighs the statements of a U.S. attorney.

The prosecution then suggested that the Obama administration may not have prosecuted Assange because he was in the Ecuadorian Embassy at the time:

Lewis: Was it possible to arrest Mr Assange in 2013?

Rogers: Is it necessary to be able to arrest someone to bring a prosecution?

Lewis: What would be the point if he’s hiding in the embassy?

Rogers: Well, to put pressure on him. It would have made very good sense to bring it at that time, to show a standing attempt to bring Mr Assange to justice.

Lewis reviewed the same items as he did with Feldstein yesterday, including WikiLeaks’ lawyer and editor suggesting they still believed charges were possible, but again and again Rogers brought the discussion back to the wider context, and the fact that the Trump administration’s views more broadly have to be considered. Statements by then-CIA director Mike Pompeo, then-Attorney General Jeff Sessions and others have to be part of the determination. Rogers also referenced Obama’s commutation of Chelsea Manning’s sentence. The Trump administration wasn’t happy about that, but a commutation can’t be reversed by a subsequent administration, so this could be Trump’s way of responding to that.

Rogers hammered home that by calling this a “politically motivated prosecution,” he isn’t saying that lower-level federal prosecutors are acting in bad faith. Rather, he said, the influence comes from the top down.

## ***Recess***

Trevor Timm Founder of the Freedom of the Press Foundation, which advocates for reporters' rights and tracks violations to press freedom across the United States, Trevor Timm took the stand by videolink this afternoon to talk about the dangers the indictment against Assange poses to journalists and their sources.

Timm objects to the indictment on the grounds that it threatens to criminalize source protection and the passive receipt of government documents as well as pure publication. He concluded that "It would be a radical rewrite of the First Amendment if the government were to go forward with these charges."

As Timm writes in his statement, "The decision to indict Julian Assange on allegations of a "conspiracy" between a publisher and his source or potential sources, and for the publication of truthful information, encroaches on fundamental press freedoms."

Freedom of the Press Foundation has helped many news organizations adopt SecureDrop, an anonymous and secure submission system for sources to safely send documents to journalists undetected. While a largely unused practice when WikiLeaks pioneered it before 2010, major news outlets around the world make use of SecureDrop, and some of them explicitly ask for leaks of government documents.

The way this indictment is written, particularly the charge alleging Assange engaged in a conspiracy with source Chelsea Manning to crack a military computer password in order to remain anonymous, would make this extremely common news gathering illegal. "I don't think it's an exaggeration to say this indictment would criminalize national security journalism."

"Material journalists often write about and print do not magically land on their desks," he said. They talk to sources, ask for clarification, ask for more information. This is standard practice for journalists."

News outlets and press freedom observers agree. Timm said, "This is almost a consensus opinion among press freedom groups and media lawyers who have looked at this indictment. This is why newspapers, even those who have criticized Mr Assange, have condemned this indictment."

## ***Espionage Act: over-broad and over-used***

Beyond the effort to criminalize source-protection and newsgathering, Timm is extremely concerned about the other charges in the Assange indictment under the Espionage Act of 1917. Some charges criminalize publishing and for soliciting information, and some of the charges are even broader. "Just the mere thought of obtaining these documents," Timm said, "the US government is saying is potentially criminal."

Timm discussed previous efforts to go after journalists under the Espionage Act, efforts that have failed under legal scrutiny. "In each and every case," Timm said, "the government concluded or was forced to conclude" that an Espionage Act prosecution would violate First Amendment protections, including the Obama administration's 2013 determination not to prosecute WikiLeaks.

Each Espionage Act charge carries 10 years in prison, allows no public interest defense, and only requires the government prove harm could "possibly" have been caused by leaking or publishing.

James Lewis QC, cross-examining Timm for the prosecution, highlighted Timm's claim in his witness statement that Trump is waging a "war on journalism." He sought to undercut the claim by pointing out that the U.S. Department of Justice has explicitly said that they do not consider Assange to be a journalist and that they aren't going after journalists.

Timm responded, "In the US, the First Amendment protects everyone. Whether you consider Assange a journalist doesn't matter, he was engaging in journalistic activity."

Lewis tried again, emphasizing that the DOJ specifically went "out of its way" to say they don't target journalists.

Timm said, "My opinions are not based on a Justice Department press release but on what is actually contained in the indictment. There are several charges that deal with the mere fact that WikiLeaks had these in their possession. You say there are three charges dealing with publication just of documents with unredacted names, but the rest of the charges deal with all of these document sets, and this criminalizes journalism.

"The aspect of criminalizing publication worries me greatly, but there are many other charges that are as worrying or more so, that could criminalize journalistic practice whether you consider Mr Assange a journalist or not."

Lewis tried to get Timm to comment on the 2011 unredacted publication of the State Department cables, but Timm made clear that whether WikiLeaks has "perfect editorial judgment" shouldn't matter as to whether the action is illegal. Furthermore, he said, "I certainly don't think the US Government should be the one to determine whether this was good editorial judgment."

"Trump has the most confrontational approach to the media since Nixon," Timm said. He referenced Trump tweeting 2,200 times about the press, including calling them the "enemy of the people." Timm said, "This case is the perfect opportunity for him to create a precedent to punish the rest of the media.

"To me it's very telling that Trump's is the first one to try to bring a case like this since the Nixon administration."

<https://dontextraditeassange.com/post/day-3-september-9-2020-assangecase/>

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## **Your Man in the Public Gallery — Assange Hearing, Day 8**

*Craig Murray*  
*September 10, 2020*

The great question after yesterday's hearing was whether prosecution counsel James Lewis QC would continue to charge at defence witnesses like a deranged berserker (spoiler — he would), and more importantly, why?

QC's representing governments usually seek to radiate calm control, and treat defence arguments as almost beneath their notice, certainly as no conceivable threat to the majestic thinking of the state. Lewis instead resembled a starving terrier kept away from a prime sausage by a steel fence whose manufacture and appearance was far beyond his comprehension. Perhaps he has toothache.

## PROFESSOR PAUL ROGERS

The first defence witness this morning was Professor Paul Rogers, Emeritus Professor of Peace Studies at the University of Bradford. He has written 9 books on the War on Terror, and has been for 15 years responsible for MOD contracts on training of armed forces in law and ethics of conflict. Rogers appeared by videolink from Bradford.

Prof Rogers' full witness statement is [here](#).

Edward Fitzgerald QC asked Prof Rogers whether Julian Assange's views are political (this goes to article 4 in the UK/US extradition treaty against political extradition). Prof Rogers replied that "Assange is very clearly a person of strong political opinions."

Fitzgerald then asked Prof Rogers to expound on the significance of the revelations from Chelsea Manning on Afghanistan. Prof Rogers responded that in 2001 there had been a very strong commitment in the United States to going to war in Afghanistan and Iraq. Easy initial military victories led to a feeling the nation had "got back on track". George W Bush's first state of the union address had the atmosphere of a victory rally. But Wikileaks' revelations in the leaked war logs reinforced the view of some analysts that this was not a true picture, that the war in Afghanistan had gone wrong from the start. It contradicted the government line that Afghanistan was a success. Similarly the Wikileaks evidence published in 2011 had confirmed very strongly that the Iraq War had gone badly wrong, when the US official narrative had been one of success.

Wikileaks had for example proven from the war logs that there were a minimum of 15,000 more civilian deaths than had been reckoned by Iraq Body Count. These Wikileaks exposures of the failures of these wars had contributed in large part to a much greater subsequent reluctance of western powers to go to war at an early stage.

Fitzgerald said that para 8 of Rogers' report suggests that Assange was motivated by his political views and referenced his speech to the United Nations. Was his intention to influence political actions by the USA?

Rogers replied yes. Assange had stated that he was not against the USA and there were good people in the USA who held differing views. He plainly hoped to influence US policy. Rogers also referenced the statement by Mairead Maguire in nominating Julian for the Nobel Peace Prize:

"Julian Assange and his colleagues in Wikileaks have shown on numerous occasions that they are one of the last outlets of true democracy and their work for our freedom and speech. Their work for true peace by making public our governments' actions at home and abroad has enlightened us to their atrocities carried out in the name of so-called democracy around the world."

Rogers stated that Assange had a clear and coherent political philosophy. He had set it out in particular in the campaign of the Wikileaks Party for a Senate seat in Australia. It was based on human rights and a belief in transparency and accountability of organisations. It was essentially libertarian in nature. It embraced not just government transparency, but also transparency in corporations, trade unions and NGOs. It amounted to a very clear political philosophy. Assange adopted a clear political stance that did not align with conventional party politics but incorporated coherent beliefs that had attracted growing support in recent years.

Fitzgerald asked how this related to the Trump administration. Rogers said that Trump was a threat to Wikileaks because he comes from a position of quite extreme

hostility to transparency and accountability in his administration. Fitzgerald suggested the incoming Trump administration had demonstrated this hostility to Assange and desire to prosecute. Rogers replied that yes, the hostility had been evidenced in a series of statements right across the senior members of the Trump administration. It was motivated by Trump's characterisation of any adverse information as "fake news".

Fitzgerald asked whether the motivation for the current prosecution was criminal or political? Rogers replied "the latter". This was a part of the atypical behaviour of the Trump administration; it prosecutes on political motivation. They see openness as a particular threat to this administration. This also related to Trump's obsessive dislike of his predecessor. His administration would prosecute Assange precisely because Obama did not prosecute Assange. Also the incoming Trump administration had been extremely annoyed by the commutation of Chelsea Manning's sentence, a decision they had no power to revoke. For that the prosecution of Assange could be vicarious revenge.

Several senior administration members had advocated extremely long jail sentences for Assange and some had even mooted the death penalty, although Rogers realised that was technically impossible through this process.

Fitzgerald asked whether Assange's political opinions were of a type protected by the Refugee Convention. Rogers replied yes. Persecution for political opinion is a solid reason to ask for refugee status. Assange's actions are motivated by his political stance. Finally Fitzgerald then asked whether Rogers saw political significance in the fact that Assange was not prosecuted under Obama. Rogers replied yes, he did. This case is plainly affected by fundamental political motivation emanating from Trump himself.

James Lewis QC then rose to cross-examine for the prosecution. His first question was "what is a political opinion?" Rogers replied that a political opinion takes a particular stance on the political process and does so openly. It relates to the governance of communities, from nations down to smaller units.

Lewis suggested that Assange's views encompassed the governance of corporations, NGOs and trade unions. They could not therefore be considered as "political opinion". Rogers replied that the province of the political in the last fifty years or so now includes much more beyond the strict governmental process. Assange particularly discusses relationships between government and corporations and the latter's influence on government and society as part of a wider ruling establishment.

Lewis then asked "is simply being a journalist a person who expresses political opinions?" Rogers replied not necessarily; there were different kinds of journalist. Lewis then asked "So just being a journalist or publisher does not necessarily mean that you have political opinions, does it?" Rogers replied "not necessarily, but usually." Lewis then suggested that the expression of editorial opinion was what constituted a political view in a journalist. Rogers replied that was one way, but there were others. Selection of material to publish could manifest a political view.

Lewis then rattled off a series of questions. Is transparency a political opinion? Does Assange hold the view that Governments may never hold secrets? Should that transparency enable putting individuals at risk? There were more.

Rogers replied that these questions did not permit of binary answers.

Lewis then took Rogers to Assange's speech to the Stop the War Coalition, where he stated that the invasion of Poland at the start of the Second World War was the result of carefully concocted lies. Did Prof Rogers agree with that view? What political opinion did that view represent? Rogers replied it represented a strong political opinion and a particular view on the origin of war. Lewis then quoted another alleged comment of Assange, "Journalists are war criminals" and asked what political opinion that represented. Rogers replied that it represented a suspicion of certain journalistic practices.

Rogers said that he had never said he supported or identified with Assange's views. He strongly disagreed with some. But that they were coherent political views there was no doubt.

Lewis then read out a lengthy quote by Assange to the effect that strongly anti-transparency governments will always result in more leaks, followed by more restrictions and this would set up a cycle. Lewis asked Rogers what political view this could be said to represent. Rogers replied it was an interesting analysis of the working of highly autocratic systems. Their concern with secrecy leads to increased leaks which decrease their security. He was not sure if it was explicit, but he believed Assange may be positing this as a new development made possible by the internet. Assange's thesis was that autocratic regimes harbour the seeds of their own destruction. It was not a traditional view held by political scientists but it was worth consideration.

Lewis now changed tack. He stated that Prof Rogers was appearing as a "so-called expert witness" under a continuing obligation to be unbiased. He had a duty to consider all supporting evidence. US Assistant Attorney Gordon Kromberg had submitted an affidavit explicitly denying there was any political motivation for the prosecution, stating that it is evidence based. Why did Prof Rogers not mention the Kromberg statement in his report? An unbiased expert witness would take into account Kromberg's statement.

Rogers replied that he spoke from his expertise as a political scientist, not a lawyer. He accepted that Kromberg had made his statement but believed a wider view to be more important.

Lewis stated that Kromberg's first affidavit stated that "based on the available evidence and applicable law a grand jury had approved the charges." Why had Rogers not mentioned the grand jury? Rogers said that he had taken a wider view about why there was a decision now to prosecute and not in 2011, why Kromberg's statement was being made now after a gap of eight years. This was anomalous.

Lewis then asked "I want to consider why you did not consider the opposite view. Have you seen the evidence?" At this point he was grinning very strangely indeed, looking up at the judge, leaning back with one arm wide across his chair back, in some sort of peculiar alpha male gesture. I believe Rogers' videolink only gave him a wide view of the whole courtroom, so how much he could see of the body language of his questioner I am unsure.

Rogers said he had seen the evidence. Lewis gurned in wild-eyed triumph "you cannot have seen the evidence. The evidence has only been seen by the grand jury and not released. You cannot have seen the evidence." Rogers apologised, and said he had understood Lewis to mean Kromberg's affidavit as the evidence. Rogers went on to



say that less than 24 hours ago he had received an evidence bundle of 350 pages. It was unfair to expect him to have a precise mental picture of every document.

Lewis then returned to a Gordon Kromberg affidavit which said that prosecutors have a code which bars them from taking politically motivated decisions. Rogers replied that may be right in theory, but was untrue in practice, particularly in the USA where a much higher percentage of senior officials in the Department of Justice were political appointees who changed with each administration. Lewis asked Rogers whether he was alleging the prosecutors did not follow the code outlined by Kromberg. Rogers replied you had to consider the motivation of those above the prosecutors who influenced their decisions. "What you are giving me is a fair representation of how federal prosecutors are supposed to do their work. But they work as those above direct them."

Lewis repeated that the code excludes political motivation for prosecution. Was Rogers claiming that Gordon Kromberg was acting in bad faith? Rogers replied no, but he was acting under political direction. The timing of this indictment after eight years was the key. Lewis asked whether that mattered if a crime had been committed. He referred to historic prosecutions of those soldiers who had allegedly committed crimes in Northern Ireland over twenty years ago. Was it political motivation that led to new prosecutions now? Rogers said this was more about bad faith.

Lewis asked if Rogers understood what Assange was being prosecuted for. Was he being prosecuted for publishing the collateral murder video? Rogers replied no, the charges were more specific and mostly related to the Espionage Act. Lewis stated the majority of charges were focused on complicity in theft and on hacking. Rogers responded there was obviously a wider political question as to why acts were being done in the first place. Lewis stated that on the question of publication, charges only related to the unredacted names of sources. Rogers said that he understood that was what the prosecution is saying, but was not agreed by the defence. But the question remained, why is this being brought now? And you could only look at that from the point of view of developments in American politics over the last twenty years.

Lewis asked Rogers to confirm that he was not saying US prosecutors were acting in bad faith. Rogers replied that he would hope not, at that level. Lewis asked if Rogers' position was that at a higher level there had been a political decision to prosecute. Rogers said yes. These were complex matters. It was governed by political developments in the US since about 1997. He wished to speak to that... Lewis cut him off and said he preferred to look at evidence. He cited a *Washington Post* article from 2013 which stated that there had been no formal decision not to prosecute Assange by the Obama administration (this was the same article Lewis had quoted yesterday to Feldstein, on which he had been called out by Edward Fitzgerald for selective quotation). Rogers replied yes, but that must be considered in a wider context.

Lewis again refused to let Rogers develop his evidence, and gave the quotes from Assange's legal team, again as given yesterday to Feldstein, to the effect they had in 2016 not been informed charges had been dropped. Rogers replied that was just what you would expect from Wikileaks at that time. They did not know and were bound to be cautious.

Lewis: Do you accept there had been a continuing investigation from Obama to Trump administrations.

Rogers: Yes, but we do not know at what level of intensity.

Lewis: Do you accept that there was no decision not to prosecute by Obama?

Rogers: There was no decision to prosecute. It did not happen.

Lewis: How could they prosecute when Assange was in the Embassy?

Rogers: That would not preclude a prosecution going ahead and charges being brought. That might be a way to bring pressure on Ecuador.

Lewis: Assange's lawyer said there was no decision not to prosecute by the Obama administration.

Rogers: I have accepted there was no decision not to prosecute. But there was no prosecution and it was considered.

Lewis: Judge Mehta said there was ongoing investigation of others beside Manning. And Wikileaks tweeted Assange's willingness to come to the USA to face charges if Manning was granted clemency.

Rogers: Obviously Assange and his lawyer could not be sure of the situation. But it must be understood that bringing Julian Assange to the USA for a major trial of someone who was perceived by many Trump supporters and potential Trump supporters as an enemy of the state, might be of crucial political benefit to Mr Trump.

Lewis now responded that Rogers was not a real expert witness and "had given a biased opinion in favour of Julian Assange".

Edward Fitzgerald QC then re-examined Prof Rogers for the defence. He said that Mr Lewis had appeared to see something sinister in Mr Assange's statement that the invasion of Poland and second world war had been started by lies. To what lies did Prof Rogers think that Assange was referring? Rogers replied the lies of the Nazi Regime. Fitzgerald asked if this was a fair point. Rogers replied yes.

Fitzgerald read the context of Assange's statement which also referred to lies starting the Iraq war. Rogers agreed that lies leading to war was a consistent Assange political theme. Fitzgerald then invited Rogers briefly to summarise the consequences of the change of US administration. Rogers stated that under Trump, the narrative from senior politicians on Wikileaks had changed.

The Bush administration had viewed the Iraq war as essential, with the support of most American people. That view had gradually changed until Obama had won basically on a "withdraw from Iraq" ticket. Similarly the Afghan war had been thought winnable but gradually the political establishment changed their mind. This shift in view was partly due to Wikileaks. By 2015/6 American politics had moved on from the wars and there was no political interest in prosecuting Wikileaks.

Then Trump came in with a completely new attitude to the entire fourth estate and to openness and accountability of the executive. That had led to this prosecution. Fitzgerald directed Rogers to a *Washington Post* article which stated:

"The previously undisclosed disagreement inside the Justice Department underscores the fraught, high-stakes nature of the government's years-long effort to counter Assange, an Internet-age publisher who has repeatedly declared his hostility to U.S. foreign policy and military operations. The Assange case also illustrates how the Trump administration is willing to go further than its predecessors in pursuit of leakers — and those who publish official secrets."

Rogers agreed this supported his position. Fitzgerald then asked about Lewis's comparison with prosecution of British soldiers for historical crimes in Northern Ireland. Rogers agreed that their prosecution in no way related to their political opinions, so the cases were not comparable. Rogers' final point was that four months after Barr took office as attorney general, charges were increased from a single one to eighteen. This was a pretty clear indication of political pressure being put on the prosecutorial system.

## TREVOR TIMM

The afternoon witness was Trevor Timm, co-founder of the Freedom of the Press Association in San Francisco, again via videolink. You can see his full evidence statement [here](#). The Freedom of the Press Association teaches and supports investigative journalism and seeks to document and counter violations of media freedom in the USA.

Mr Timm testified that there is a rich history in the USA of famous reporters covering defence and foreign affairs related matters drawing upon classified documents. In 1971 the Supreme Court had decided the government could not censor the *NYT* from publishing the *Pentagon Papers*. There have been several instances over history where the government had explored using the Espionage Act to prosecute journalists but no prosecution had ever materialised because of First Amendment constitutional rights.

For the defence, Mark Summers QC put to Mr Timms that this was the prosecution's case: Chelsea Manning had committed a crime in whistleblowing. So any act that helped Chelsea Manning or solicited material was also a crime. Timm replied this was not the law. It was standard practice for journalists to ask sources for classified material. The implications of this prosecution would criminalise any journalist in receipt of classified intelligence. Virtually every single newspaper in the United States had criticised this decision to prosecute on these grounds, including those that have opposed Wikileaks' general activities.

This was the only attempt to use the Espionage Act against a person not in government employ apart from the AIPAC case, which had collapsed for that reason. Many great journalists would have been caught by this kind of prosecution, including Woodward and Bernstein for the cultivation of Deep Throat.

Summers asked about the prosecution's characterisation of the provision of a drop box by Wikileaks to a whistleblower as criminal conspiracy. Timm replied that the indictment treats possession of a secure drop box as a criminal offence. But the *Guardian*, *Washington Post*, *New York Times* and over 80 other news organisations have secure drop boxes. The International Committee of Investigative Journalists has a drop box with a specific "leak to us" page requesting classified documents. Timms' own foundation had developed in 2014 a secure drop box which they taught, and which had been adopted by multiple news organisations in the USA.

Summers asked if news organisations advertised drop boxes. Timm replied yes. The *New York Times* links to its secure drop box in its social media posts. Some even took out paid adverts for whistleblowers. Summers asked about the "most wanted list" which the prosecution characterised as criminal solicitation. Timm replied that multiple respectable news organisations actively solicited whistleblowers. The "most wanted" list had been a Wiki document which had been crowdsourced. It was not a Wikileaks document. His own foundation had contributed to it along with many other media organisations. Summers asked if this was criminal activity. Timm replied in the negative.

Summers asked Timm to expound his thoughts on the Senate Intelligence Committee Report on Torture in 2014. Timm said that this vital and damning report on CIA involvement in torture had been much redacted and was based on thousands of classified documents not made available to the public. Virtually the entire media had therefore been involved in trying to obtain the classified material that revealed more of the story. Much of this material was classified Top Secret — higher than the Manning material. Many newspapers appealed for whistleblowers to come forward with documents and he had himself published an appeal to that effect in the *Guardian*.

Summers asked if it had ever been suggested to Timm this was criminal behaviour. Timm replied no, the universal belief had been that it was first amendment protected free speech. The current indictment is unconstitutional.

James Lewis QC then cross-examined for the prosecution. He said this was claimed to be expert opinion, but did Timm know what that meant in UK law? Timm said he had an obligation to explain his qualification and to tell the truth. Lewis replied that he was also supposed to be objective, unbiased and have no conflict of interest. But the Free Press Foundation had contributed to Assange's defence fund. Lewis asked how much? Timm replied US\$100,000.

Lewis asked if there were any conditions under which the Foundation would get their money back. Timm replied no, not to his knowledge. Lewis asked whether Timm would feel personally threatened were this case to go to prosecution. Timm replied that would represent a threat to many thousands of journalists. The Espionage Act was so widely drafted it would even pose a threat to purchasers and readers of newspapers containing leaked information.

Lewis said that Timm had testified that he had written advocating a leaking of CIA material. Did he fear he would be prosecuted himself? Timm replied no, he had not asked for material to be leaked to himself. But this prosecution was a real threat to thousands of journalists represented by his organisation.

Lewis said that the prosecution position is that Assange is not a journalist. Timm replied that he is a journalist. Being a journalist does not mean working for the mainstream media. There was a long legal history of that going back to pamphleteers at the time of Independence.

This cross examination was not going so well, and Lewis reached yet again for Gordon Kromberg's affidavit as for a comfort blanket. Kromberg had sworn that the Department of Justice takes seriously the protection of journalists and that Julian Assange is no journalist. Kromberg had further sworn that Julian Assange was only being prosecuted for conspiring to illegally obtain material, and for publishing unredacted names of informants who would be at risk of death. The government is going out of its way to stress it is not prosecuting journalism.

Timm replied that he based his opinion on what the indictment said, not on the Department of Justice press release from which Lewis had read. Three of these charges relate to publication. The other charges relate to possession of material. Lewis said that Timm was missing the hacking allegation which was central to Count 1 and several other counts. Lewis quoted an article in the *Law Review* of New York Law School, which said that it was illegal for a journalist to obtain material from the wreckage of a crashed airplane, from an illegal wiretap or from theft, even if the purpose were publication. Would it not be illegal to conspire with a source to commit hacking?

Timm replied that in this case the allegation appeared to be that the hacking was to protect the identity of the source, not to steal documents. Protection of sources was an obligation.

Lewis then asked Timm if he had seen the actual evidence that supports the indictment. Timm replied only some of it, in particular the Java script of the messages allegedly between Assange and Manning. Lewis said Timm could not have seen all the evidence as it had not been published. Timm replied he had not said he had seen it all. He had seen the alleged Assange/Manning messages which had been published.

Lewis said that Assange had published unredacted material which put lives in danger. That was the specific charge. Timm replied that, assuming the assertion was true, the prosecution was still unconstitutional. There was a difference between responsible and irresponsible, and legal and illegal. An act could be irresponsible, even blameworthy, and still not illegal.

There had never been a prosecution for publication of names of informants, even where they were allegedly put in harm's way. Following the official line about harm to informants precisely due to Wikileaks' publication of the cables, Senator Joe Lieberman had introduced the Shield Bill into Congress. It failed specifically on First Amendment grounds. The episode tells us two things; firstly that Congress considered publication of informants' names was not illegal and secondly that neither did they wish to make it illegal.

Lewis quoted a *Guardian* editorial condemning the publication of names, and stated that the *Washington Post*, *New York Times*, *El Pais* and *Der Spiegel* among many others had condemned it too. Timm replied that still did not make it illegal. The US government ought not to be the arbiter of whether an editorial decision is correct or not. Timm also felt it worth noting in passing that all of those media outlets whose opinions Lewis held in such high regard, had condemned the current attempt at prosecution.

Lewis asked why we should prefer Timm's opinion to that of the courts. Timm replied that his opinion was in line with the courts. Countless decisions over centuries upheld the First Amendment. It was the indictment which was out of tune with the courts. The Supreme Court had expressly stated that there was no balance of harm argument in First Amendment cases.

Lewis asked Timm what qualification he had to comment on legal matters. Timm replied he had graduated from Law School and had gained admission to the New York Bar, but rather than practice he had worked on academic analysis of media freedom cases. The Foundation often joined in with litigation in support of media freedom, on an amicus basis.

Lewis said (in a tone of disbelief) that Timm had stated this prosecution was part of "Trump's war on journalism". Timm cut in niftily. Yes, he explained, we keep track on Trump's war on journalism. He has sent out over 2,200 tweets attacking journalists. He has called journalists "enemies of the people". There is a great deal of available material on this.

Lewis asked why Timm had failed to note that US Assistant Attorney Gordon Kromberg had specifically denied that there was a war on journalists? Timm said he had addressed these arguments in his evidence, though without specifically referencing Kromberg. Lewis stated that Timm had also not addressed Kromberg's assertion that Assange is not charged simply with receipt of classified material. Timm replied that is because Kromberg's assertion is inaccurate. Assange is indeed charged

with offences encompassing passive receipt. If you get to count 7, for example and look at the legislation it charges under, it does precisely criminalise passive receipt and possession.

Lewis asked why Timm had omitted Kromberg's reference to the grand jury decision? Timm replied that it meant very little: 99.9% of grand juries agree to return a prosecution. An academic study of 152,000 grand juries had revealed only 11 which had refused the request of a federal prosecutor to prosecute.

Lewis asked Timm why he had failed to mention that Kromberg asserted that a federal prosecutor may not take political considerations into account. Timm replied that did not reflect reality. Prosecution was one prong of many in President Trump's war on journalism. Lewis asked whether Timm was saying that Kromberg and his colleagues were acting in bad faith. Timm replied no, but there had been a story in the *Washington Post* that more senior federal prosecutors had been opposed to the prosecution as contrary to the First Amendment and thus unconstitutional.

Mark Summers then re-examined for the defence. He said that Kromberg presents two grounds for Assange not being a journalist. The first is that he conspired with Manning to obtain confidential material. Timm replied that this cultivating of a source was routine journalistic activity. The indictment is precluded by the First Amendment. The Supreme Court has ruled that even if a journalist knows that material is stolen (but not by him), he may still publish with entitlement to First Amendment protection.

Summers asked Timm about Lewis's comparison of Assange's contact with Manning to theft from an airplane wreck or illegal wiretap. Timm said this alleged offence did not reach that bar. The government does not allege that Assange himself helped Manning to steal the material. It alleges he provided help to crack a code that enabled Manning better to protect his identity.

Lewis here interrupted with a lengthy quote from one of Kromberg's affidavits, to the effect that the government was now alleging that Assange helped Manning hack a password in order to facilitate obtaining classified information. Timm said yet again Kromberg's affidavit did not appear to match the actual indictment. The claim there is that the password hacking "may have made it more difficult to identify Manning". It is about source protection, not theft. Source protection is normal journalistic activity.

Summers stated that Kromberg's second justification for stating that Assange is not a journalist was that he published the names of sources. Timm replied that he understood these facts were disputed, but in any event the Supreme Court had made plain such publication still enjoyed First Amendment protection. Controversial editorial choice did not render you "not a journalist".

Summers asked Timm if he accepted Kromberg's characterisation that Assange was only being prosecuted for alleged hacking and for publication of names. Timm said he did not. Counts 16, 17 and 18 were for publishing. All the other counts related to possession. Count 7 for example was for "knowingly unlawful receiving and obtaining". That described passive receipt of classified information and would criminalise much legitimate journalistic activity. Huge swathes of defence, national security and foreign affairs reporting would be criminalised.

## COMMENT

The defence have been attempting the last two days to make a rational case that this is a politically motivated prosecution and therefore not eligible under the terms of the UK/US extradition treaty of 2007 (relevant extract pictured above).

In opening argument back in February, the prosecution had run a frankly farcical argument that Article 4 of the treaty does not apply as incompatible with UK law, and an esto argument that Assange's activity is not political as in law that word can only mean support for a particular party. Hence Lewis's sparring on that point with Prof Rogers today, in which Lewis was well out of his depth.

Lewis primary tactic has been rudeness and aggression to disconcert witnesses. He questions their honesty, fairness, independence and qualifications. Today his bullying tactics ran foul of two classier performers than he. That is no criticism of Professor Feldstein yesterday, whose quiet dignity and concern was effective in a different way in exposing Lewis as a boor.

Lewis's remaining tactic is to fall back repeatedly on the affidavits of Gordon Kromberg, US Assistant Attorney, and his statements that the prosecution is not politically motivated, and on Kromberg's characterisation of the extent of the charges, which everybody else but Lewis and Kromberg finds inconsistent with the superseding indictment itself.

Witnesses understandably back away from Lewis's challenge to call Kromberg a liar, or even to question his good faith. Lewis's plan is very plainly to declare at the end that every witness accepted Kromberg's good faith and therefore this is a fair prosecution and the defence have no case.

Perhaps I can assist. I do not accept Kromberg's good faith. I have no hesitation in calling Kromberg a liar.

When the best thing your most supportive colleague can say about you, is that out-and-out Islamophobes do enjoy temporary popularity in the immediate aftermath of a terror attack, then there is a real problem. There is a real problem with Gordon Kromberg, and Lewis may very well come to regret resting the weight of the credibility of his entire case upon such a shoogly peg.

Kromberg has a repeated history of Islamophobic remarks, including about Muslim women. As the *Wall Street Journal* reported on September 15th 2008, "Kromberg has taken a lot of heat recently for comments made and tactics taken in terrorism prosecutions"... said Andrew McCarthy, a former federal terrorism prosecutor. "As long as nothing goes boom, they want to say you're an Islamophobe. The moment something does go boom, if the next 9/11 happens, God help anyone who says they weren't as aggressive as Gordon."

For British readers, Kromberg is Katie Hopkins with a legal brief. Conjure up that image every one of the scores of times Lewis relies on Gordon Kromberg.

More to the point, all expert witnesses have so far said that Kromberg's precious memoranda explaining the scope of the indictment are inaccurate. It is at odds either with actual practice in the USA (the lawyer Clive Stafford Smith made this point) or the actual statutes to which it refers (the lawyers Trevor Timm and of course Mark Summers QC for the defence both make this point).

Crucially, Kromberg has a proven history of precisely this kind of distortion away from the statute. Also from the *Wall Street Journal*: "Federal judge Leonie M. Brinkema lashed out at the prosecutor [Kromberg], calling his remark insulting. Earlier, she had chastised Kromberg for changing a boilerplate immunity order beyond the language spelled out by Congress and questioned whether Arian's constitutional rights had been violated.

“I’m not in any respect attributing evil motives or anything clandestine to you, but I think it’s real scary and not wise for a prosecutor to provide an order to the Court that does not track the explicit language of the statutes, especially this particular statute,” Brinkema said at the hearing in the Alexandria courtroom.

Next time Lewis asks a witness if they are questioning Kromberg’s good faith, they might want to answer “yes”. It certainly will not be the first time. As Trevor Timm testified today, senior prosecutors in the Justice Department had opposed this prosecution as unconstitutional and refused to be involved. Trump was left with this discredited right wing sleazeball. Now here we are at the Old Bailey, with a floundering Lewis clutching at this oaf Kromberg for intellectual support.

<https://www.craigmurray.org.uk/archives/2020/09/your-man-in-the-public-gallery-assange-hearing-day-8/>

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## **Whistleblowing, Journalism and Democracy; Prominent Australians on Julian Assange**

*Five prominent Australians discuss his extradition trial taking place in London.*

*Consortium News  
September 12, 2020*

Hosted by Canberra Action 4 Assange and live streamed exclusively by *Consortium News*, five eminent Australians chaired by Professor Stuart Rees discussed the extradition proceedings against journalist Julian Assange, and its importance for the future of free speech, free press, and democracy.

CHAIR: Emeritus Professor Stuart Rees AM is an Australian academic, human rights activist and author who is the founder of the Sydney Peace Foundation and is Emeritus Professor at the Centre for Peace and Conflict Studies at the University of Sydney in Australia.

Scott Ludlum: former Australian senator who served as deputy leader of the Australian Green Party.

Greg Barns SC: barrister with chambers in Hobart, Melbourne and Brisbane.

David McBride: former Australian Defence Force lawyer and high-profile whistleblower in the Afghan Files case.

Christine Milne: former Australian politician who served as a Senator for Tasmania. She led the Australian Greens from 2012 to 2015.

Assisted by: Melbourne 4 Wikileaks, Support Assange & Wikileaks Coalition (@SAWCSydney), People 4 Assange Sydney, Northern Rivers NSW 4 Assange, Julian Assange Supporters International, and support groups all over Australia and internationally.

<https://consortiumnews.com/2020/09/12/watch-a-cn-live-exclusive-whistleblowing-journalism-and-democracy-prominent-australians-on-julian-assange/>



## Your Man in the Public Gallery — Assange Hearing, Day 9

*Craig Murray*  
*September 15, 2020*

Things became not merely dramatic in the Assange courtroom today, but spiteful and nasty. There were two real issues, the evidence and the procedure. On the evidence, there were stark details of the dreadful regime Assange will face in US jails if extradited. On the procedure, we saw behaviour from the prosecution QC that went well beyond normal cross examination and was a real attempt to denigrate and even humiliate the witness. I hope to prove that to you by a straightforward exposition of what happened today in court, after which I shall add further comment.

Today's witness was Eric Lewis. A practising US attorney for 35 years, Eric Lewis has a doctorate in law from Yale and a masters in criminology from Cambridge. He is former professor in law at Georgetown University, an elected member of both the American Law Institute and the Council on Foreign Relations and a fellow of the American Bar Foundation. He is Chairman of Reprieve. He has represented high profile clients in national security and terrorism cases, including Seymour Hersh and Guantanamo Bay internees.

Lewis had submitted five statements to the court, between October 2019 and August 2020, addressing the ever-changing indictments and charges brought by the prosecution. He was initially led through the permitted brief half-hour summary of his statements by defence QC Edward Fitzgerald. (I am told I am not currently allowed to publish the defence statements or links to them. I shall try to clarify this tomorrow.)

Eric Lewis testified that no publisher had ever been successfully prosecuted for publishing national security information in the USA. Following the Wikileaks publications including the diplomatic cables and the Iraq and Afghanistan war logs, Assange had not been prosecuted because the First Amendment was considered insuperable and because of the *New York Times* problem — there was no way just to prosecute Assange without prosecuting the *New York Times* for publishing the same material. The *New York Times* had successfully pleaded the First Amendment for its publication of the *Pentagon Papers*, which had been upheld in a landmark Supreme Court judgement.

Lewis here gave evidence that mirrored that already reported of Prof Feldstein, Trevor Timm and Prof Rogers, so I shall not repeat all of it. He said that credible sources had stated the Obama administration had decided not to prosecute Assange, notably Matthew Miller, a highly respected Justice Department figure who had been close to Attorney General Holder and would have been unlikely to brief the media without Holder's knowledge and approval.

Eric Lewis then gave testimony on the change of policy towards prosecuting Assange from the Trump administration. Again this mostly mirrored the earlier witnesses. He added detail of Mike Pompeo stating the free speech argument for Wikileaks was "a perversion of what our great country stands for", and claiming that the First Amendment did not apply to foreigners.

Attorney General Sessions had accordingly stated that it was "a priority for the Justice Department" to arrest Julian Assange. He had pressured prosecutors in the Eastern District of Virginia to bring a case. In December 2017 an arrest warrant had been

issued, with the indictment to be filled in later. The first indictment of a single count had been launched in March 2018, its timing possibly dictated by a limitation deadline.

In May 2019 a new superseding indictment increased the counts from one to eighteen, seventeen of which related to espionage. This tougher stance followed the appointment of William Barr as Attorney General just four months previously. The plain intention of the first superseding indictment was to get round the *New York Times* problem by trying to differentiate Assange's actions with Manning from those of other journalists. It showed that the Justice Department was very serious and very aggressive in acting on the statements of Trump administration officials. Barr was plainly acting at the behest of Trump. This represented a clear abuse of the criminal enforcement power of the state.

The prosecution of a publisher in this way was unprecedented. Yet the facts were the same in 2018 as they had been in 2012 and 13; there was no new evidence behind the decision to prosecute. Crucially, the affidavits of US Assistant Attorney Gordon Kromberg present no legal basis for the taking of a different decision to that of 2013. There is no explanation of why the dossier was lying around with no action for five or six years.

The Trump administration had in fact taken a different political decision through the Presidential spokesperson Sarah Sanders who had boasted that only this administration had acted against Assange and "taken this process seriously".

Edward Fitzgerald QC then turned to the question of probable sentencing and led Lewis through his evidence on this point. Eric Lewis confirmed that if Julian Assange were convicted he could very probably spend the rest of his life in prison. The charges had not been pleaded as one count, which it had been open to the prosecution to do. The judge would have discretion to sentence the counts either concurrently or consecutively. Under current sentencing guidelines, Assange's sentence if convicted could range from "best case" 20 years to a maximum of 175 years. It was disingenuous of Gordon Kromberg to suggest a minimal sentence, given that Chelsea Manning had been sentenced to 35 years and the prosecution had requested 60.

It had been a government choice to charge the alleged offences as espionage. The history of espionage convictions in the USA had generally resulted in whole life sentences. 20 to 30 years had been lighter sentences for espionage. The multiple charges approach of the indictment showed a government intention to obtain a very lengthy sentence. Of course the final decision would lay with the judge, but it would be decades.

Edward Fitzgerald then led on to the question of detention conditions. On the question of remand, Gordon Kromberg had agreed that Julian Assange would be placed in the Alexandria City Jail, and there was a "risk" that he would be held there under Special Administrative Measures. In fact this was a near certainty. Assange faced serious charges related to national security, and had seen millions of items of classified information which the authorities would be concerned he might pass on to other prisoners. He would be subject to Special Administrative Measures both pre- and post-conviction.

After conviction Julian Assange would be held in the supermax prison ADX Florence, Colorado. There were at least four national security prisoners currently there in the H block. Under SAMS Assange would be kept in a small cell for 22 or 23 hours a day

and not allowed to meet any other prisoners. He would be allowed out once a day for brief exercise or recreation excluded from other prisoners, but shackled.

Fitzgerald then led Lewis to the 2017 decision by the International Criminal Court to open an investigation into war crimes in Afghanistan, in which the evidence provided by the Wikileaks release of US war logs and diplomatic cables provided essential evidence. This had been denounced by Trump, John Bolton and Pompeo. The ICC prosecutor's US visa had been cancelled to hinder his investigation. An Executive Order had been issued imposing financial sanctions and blocking the banking access of any non US national who assisted the ICC investigation into crimes alleged against any US citizen. This would affect Julian Assange.

At this point, the half-hour guillotine imposed by Judge Baraitser on defence evidence came down. Fitzgerald pointed out they had not even reached the second superseding indictment yet, but Baraitser said that if the prosecution addressed that in cross examination, then the defence could question on it in re-examination.

James Lewis QC then rose to cross examine Eric Lewis. Yet again, he adopted an extremely aggressive tone. This is perhaps best conveyed as a dialogue.

N.B. this is not a precise transcript. It would be illegal for me to publish a transcript (of a "public" court hearing; fascinating but true). This is condensed and slightly paraphrased. It is I believe a fair and balanced representation of what happened, but not a *verbatim* record.

Eric Lewis was appearing by videolink and it should be borne in mind that he was doing so at 5am his time.

*James Lewis QC* Are you retained as a lawyer by Mr Assange in any way?

*Eric Lewis* No.

*James Lewis QC* Are you being paid for your evidence?

*Eric Lewis* Yes, as an expert witness. At a legal aid rate.

*James Lewis QC* Are you being paid for your appearance in this court?

*Eric Lewis* We haven't specifically discussed that. I assume so.

*James Lewis QC* How much are you being paid?

*Eric Lewis* £100 per hour, approximately.

*James Lewis QC* How much have you charged in total?

*Eric Lewis* I don't know, haven't worked it out yet.

*James Lewis QC* Are you aware of the rules governing expert witnesses?

*Eric Lewis* Yes, I am. I must state my qualifications and my duty is to the court; I have to give an objective and unbiased view.

*James Lewis QC* You are also supposed to set out alternative views. Where have you set out the arguments in Mr Kromberg's five affidavits?

*Eric Lewis* The court has Mr Kromberg's affidavits. I address his arguments directly in my statements. Are you saying that I should have repeated his affidavits and all the other evidence in my statements? My statements would have been thousands of pages long.

*James Lewis QC* You are supposed to be unbiased. But you had previously given views that Mr Assange should not be extradited.

*Eric Lewis* Yes, I published an article to that effect.

*James Lewis QC* You also gave an interview to an Australian radio station.

*Eric Lewis* Yes, but both of those were before I was retained as an expert witness in this case.

*James Lewis QC* Does this not create a conflict of interest?

*Eric Lewis* No, I can do an objective analysis setting aside any prejudice. Lawyers are used to such situations.

*James Lewis QC* Why had you not declared these media appearances as an interest?

*Eric Lewis* I did not think perfectly open actions and information needed to be declared.

*James Lewis QC* It would be much better if we were not forced to dig out this information. You give opinions on law. You also give opinions on penal conditions. Are you an expert witness?

*Eric Lewis* I am very familiar with prison conditions. I visit prisons. I studied criminology at Cambridge. I keep up to date with penology. I have taught aspects of it at university.

*James Lewis QC* Are you a qualified penologist?

*Eric Lewis* I think I have explained my qualification.

*James Lewis QC* Can you point us to peer reviewed articles which you have published on prison conditions?

*Eric Lewis* No.

*James Lewis QC* Have you visited ADX Colorado?

*Eric Lewis* No, but I have had a professional relationship with a client in there.

*James Lewis QC* Have you represented anyone in Alexandra Detention Centre?

*Eric Lewis* Yes, one person, Abu Qatada.

*James Lewis QC* So you have no expertise in prisons?

*Eric Lewis* I have visited extensively in prisons and observed prison conditions. I have read widely and in detail on the subject.

*James Lewis QC* Abu Qatada was acquitted of 14 of the 18 charges against him. Was that not acquittal by the same jury pool that would try Julian Assange?

*Eric Lewis* No. That was Colombia, not Eastern Virginia. Very different jury pools.

*James Lewis QC* The prosecutors withdrew capital charges. You said that was a courageous but correct decision?

*Eric Lewis* Yes.

*James Lewis QC* So what was Qatada's sentence and what was the maximum?

*Eric Lewis* The government asked for life but to my mind that was not legal for the charges on which he was convicted. He got 22 years. That was much criticised as harsh for those charges.

*James Lewis QC* Was the Abu Qatada trial a denial of justice?

*Eric Lewis* No.

*James Lewis QC* Abu Qatada was held under Special Administrative Measures. Did that prevent you from spending many hours with him?

*Eric Lewis* No, but it made it extremely difficult. The many hours were spread out over a long period. That is why remand lasted for three years.

*James Lewis QC* Were your meetings with him monitored?

*Eric Lewis* Yes.

*James Lewis QC* But not by the prosecution.

*Eric Lewis* It was all recorded by the authorities. We were told that nothing would be passed to the prosecution. But from many other reports I am not convinced that is true.

*James Lewis QC* What jury pool was Zacarias Moussaoui convicted by?

*Eric Lewis* He was not convicted by a jury. He pled guilty.

*James Lewis QC* But the jury decided against the death penalty.

*Eric Lewis* Yes.

*James Lewis QC* What about Maria Butina? She was charged with being an agent of the Russian Federation but received a light sentence?

*Eric Lewis* That was a very weird case. She did no more than cultivate some figures in the National Rifle Association. She was sentenced to time served.

*James Lewis QC* But she only got 18 months when the maximum was 20 years?

*Eric Lewis* Yes. It was not a comparable case, and it was a plea deal.

*James Lewis QC* You have addressed prison conditions because the defence argue that Article 3 of the European Convention on Human Rights will be breached. You consider the case of Babar Ahmed. You state that it is “almost certain” that Julian Assange will be subject to administrative segregation. What is the procedure for administrative segregation?

*Eric Lewis* The bureau president will decide depending upon various factors including security risk, threat to national security, threat to other prisoners, seriousness of the charge. My experience is that national security charged prisoners go straight into administrative segregation.

*James Lewis QC (very aggressive)* What are you reading?  
*Eric Lewis* Pardon?

*James Lewis QC* You are reading something there. What is it?

*Eric Lewis* It is my witness statement. (*Holds it up.*) Is that not OK?

*James Lewis QC* That is alright. I thought it was something else. How many categories of administrative detention are there?

*Eric Lewis* I just went through the main ones. National security, serious charge, threat to other prisoners.

*James Lewis QC* You do not know the categories. They are (reels off a long list including national security, serious charge, threat to others, threat to self, medical custody, protective custody and several more). Do you agree there is no solitary confinement in administrative segregation and Special Administrative Measures?

*Eric Lewis* No.

*James Lewis QC* US Assistant Attorney Kromberg states in his affidavit that there is no solitary confinement.

*Eric Lewis* It is solitary confinement other than in the vernacular of the US prison service.

*James Lewis QC* In that case it is also not solitary confinement in the vernacular of the English High Court, which has accepted there is no solitary confinement.

*Eric Lewis* It is solitary confinement. When you are kept in a tiny cell for 23 hours a day and allowed no contact with the rest of the prison population even during the one hour you are allowed out, that is solitary confinement. The attempt to deny it is semantic.

*James Lewis QC* Was Abu Qatada in solitary confinement? When he was permitted unlimited legal visits?

*Eric Lewis* They were not unlimited. In reality there were practical and logistical obstacles. There was a single room that could be used, for the entire prison population. You had to get a booking for that one room. You had to book translation services. The FBI oversaw the visits and listened in. Now with Covid there are no visits at all. Theoretically visits are “unlimited” but in practice you do not get nearly as much time with your client as you need.

James Lewis QC You said that he would be held in solitary confinement. But is it not true that even prisoners under SAMs get a break schedule?

*Eric Lewis* There is a break schedule but it requires no other prisoner to be in the communal areas to have contact with the prisoner under SAM. So in practice the “one hour break” would typically be scheduled between 3am and 4am. Not many prisoners wanted to get out of bed at 3am to walk around a cold and empty communal area.

At this point there was a break. James Lewis QC used it forcefully to complain to Baraitser about the four hour limit set on his cross-examination of Eric Lewis. He said that so far he had only got through one and a half pages of his questions, and that Eric Lewis refused to give yes or no answers but instead insisted on giving lengthy explanations. James Lewis QC was plainly extremely needled by Eric Lewis’ explanations of “unlimited visiting time” and “no solitary confinement”. He complained that Baraitser was “failing to control the witness”.

It was plain that James Lewis’s real aim was not to get more time, but to get Baraitser to curtail Eric Lewis’s inconvenient answers. It is of course amazing that he was complaining about four hours, when the defence had been limited to half an hour and had not even been permitted to get to the latest superseding indictment.

Baraitser, to her credit, replied that it was not for her to control the witness, who must be free to give his evidence so long as it was relevant, which it was. It was a question of fairness not of control. James Lewis was asking open or general questions.

James Lewis responded that the witness refused to give binary answers. Therefore his cross examination must be longer than four hours. He became very heated and told Baraitser that never in his entire career had he been subject to a guillotine on cross examination, and that this “would not happen in a real court”. He very definitely said that. “This would not happen in a real court.” I have of course been arguing all along that this is not a genuine process. I did not expect to hear that from James Lewis QC, though I think his intention was just to bully Baraitser, which was confirmed by Lewis going on to state he had never heard of such a guillotine in his capacity of “High Court Judge”. I find that Lewis is listed as “deputy high court judge”, which I think is like being 12th man at cricket, or Gareth Bale.

Baraitser only conceded very slight ground under this onslaught, saying she had never used the word guillotine, that the timings had been agreed between parties, and she expected them to stick to them. James Lewis said it was impossible in that way adequately to represent his client (the US government). He said he felt “stressed”, which for once seemed true, he had gone purple. Baraitser said he should try his best to stick to the four hours. He fumed away (though at a later stage apologised to Baraitser for his “intemperate language”).

James Lewis QC’s touting for business webpage describes him as “the Rolls Royce of advocates”. I suppose that is true, in the sense of foreign owned. Yet here he was before us, blowing a gasket, not getting anywhere, emitting fumes and resembling a particularly unloved Trabant.

Cross-examination of Eric Lewis resumed. James Lewis QC started by reiterating the criteria and categories for Administrative Segregation after conviction (as opposed to pre-trial). Then we got back into questioning.

*James Lewis QC* Gordon Kromberg states that there is no solitary confinement in ADX Colorado.

*Eric Lewis* Again this is semantic. There is solitary confinement.

*James Lewis QC* But there is an entitlement to participate in three programmes a week.

*Eric Lewis* Not in Special Administrative Measures.

*James Lewis QC* But which of the criteria for Special Administrative Measures might Julian Assange fall into?

*Eric Lewis* Criteria 2, 4 and 5, at least.

*James Lewis QC* Can we agree there is a formal procedure?

*Eric Lewis* Yes, but not worth the name.

*James Lewis* Your opinion is based on one single client in ADX Colorado.

*Eric Lewis* Yes, but the system is essentially the same as other supermaxes.

*James Lewis* At para 14 of your report you state that the system lacks procedural rights, and is tantamount to solitary confinement. Had you read the European Court of Human Rights judgement on Babar Ahmad when you wrote this?

*Eric Lewis* Yes.

*James Lewis* That judgement specifically rejects the same claims you make.

*James Lewis QC* refers to a number of paragraphs in the original UK District court decision in the case of Babar Ahmad. *Eric Lewis* asks for more time to find the document as “I only received these documents from the court this morning”.

*James Lewis QC* But Mr Lewis, you have testified on oath that you had read the Babar Ahmad judgement.

*Eric Lewis* I have read the final judgement of the European Court of Human Rights. I had not read all the judgements from lower courts. I received them from the court this morning.

*James Lewis QC* The senior district judge ruled that although Special Administrative Measures were a concern, they did not preclude extradition. There were various safeguards to SAMs. For example although attorney / client conversations were monitored, that was only for the purpose of preventing terrorism and the FBI did not pass on the recordings to the prosecution. The judge rejected the idea that SAMs amounted to solitary confinement. The High Court upheld the District judge’s ruling and the House of Lords rejected Babar Ahmad’s application to appeal. In its ruling on admissibility of the case, the European Court of Human Rights considered six affidavits from US attorneys very similar to that submitted by *Eric Lewis* in this case. This included the affirmations that it would be “virtually certain” that Babar Ahmad would be subject to SAMs, and that these would interfere directly with the right to a fair trial, and would constitute cruel and degrading treatment. The ECHR found in relation to pre-trial detention that these allegations were wrong in the Babar Ahmad case.

*Eric Lewis* But that was a terrorism case, not a national security case. SAMs apply differently in national security cases. This is about a million classified documents. Different cases had to be considered each on their merits.



*James Lewis QC* In the Babar Ahmad case, the defence submissions were that the regime was harsh, amounted to solitary confinement nearly 24 hours a day, with one phone call every two weeks and one family visit a month. Is that not almost identical to your evidence here?

*Eric Lewis* Each case must be considered on its merits. **There are key differences.** Assange is charged with espionage not terrorism, and possession of classified intelligence is a factor. Mental health issues are also different. Under SAMs there is no internet access and no access to any news source. Only approved reading material is allowed. These would be particularly hard for Assange.

*James Lewis QC* But the Babar Ahmad case does specifically deal with mental health issues, between Babar and co-defendants these include clinical depression, suicide risk and Asperger's. The court agreed that SAMs would be likely to be applied both before and after trial. But it ruled that the American government had good reasons for imposing SAMs, were entitled to do so, and that there was a clear and non-arbitrary procedure for implementing them.

*Eric Lewis* replied that he disagreed that would be true in this case. SAM's could be applied without procedure, by the US Attorney-General, and William Barr would do that in this case, on the basis of statements by Trump and Gina Haspel. In practice, SAMs had never been overturned whatever the claimed procedure. *Eric Lewis* did not agree they were not arbitrary.

There now followed an episode where *James Lewis QC* successfully tripped up *Eric Lewis* by quoting a passage from an Ahmad case judgement and then confusing him as to whether it was from the final ECHR judgement, which *Eric Lewis* had read, or from an earlier English court judgement or the ECHR prior judgement on admissibility, which he had not.

*James Lewis QC* So the ECHR viewed the argument that the SAM regime in pre-trial detention breaches Article 3 as ill-founded and inadmissible. Do you agree with the European Court of Human Rights?

*Eric Lewis* They found that in the Babar Ahmad admissibility decision in 2008. New information and evidence and changes to the regime since then might change that view.

*James Lewis QC* What are the defence issues that Assange will raise that you say makes proper consultation under the SAM regime impossible?

*Eric Lewis* Well I don't know the precise details of what his defence will be but...

*James Lewis QC* [interrupting] Well how can you possibly know what the issues will be if you do not know the case?

*Eric Lewis* Because I have read the indictment. The issues are very wide ranging indeed and involve national security documents.

*James Lewis QC* But you don't know what defence at all will be put forward, so how can you opine?

*Eric Lewis* The charges themselves give a fair idea what might be covered.

*James Lewis QC* Turning to the Babar Ahmad final judgement on post-trial incarceration at ADX Colorado. Have you read this (sarcastic emphasis) judgement? Of 210,307 federal prisoners, only 41 of these had SAMs. 27 were in ADX Colorado.  
*Eric Lewis* The Warden of ADX Colorado himself had stated that it was “not fit for humanity” and “a fate worse than death”.

*James Lewis QC* The ECHR said that SAMS was subject to oversight by independent authorities who looked after the interests of prisoners and could intervene.

*Eric Lewis* Since that ECHR judgement, a new US judgement had stated that prisoners have no Fifth Amendment right to appeal against the conditions of their incarceration.

*James Lewis QC* The ECHR found that the US prison authorities took cognisance of a prisoner’s mental state in relation to SAM measures.

*Eric Lewis* Things have also moved on there since 2012. He referenced details from his written evidence.

*James Lewis QC* The ECHR also found that “the isolation experienced by ADX inmates is partial and relative. The court notes that their psychiatric conditions have not prevented their high security detention in the United Kingdom.” Do you accept that in 2012 the ECHR made a thorough finding?

*Eric Lewis* Yes, on the basis of what they knew in 2012, but much more information is now available. And there are specific reasons to doubt Mr William Barr’s impartiality.

*James Lewis QC* You say that Mr Assange will not receive adequate healthcare in a US prison. Are you a medical expert?

*Eric Lewis* No.

*James Lewis QC* Do you hold any medical qualification?

*Eric Lewis* No.

*James Lewis QC* What published statement gives the policy of the Bureau of Prisons on Mental Health?

*Eric Lewis* I was relying on the published statement of the US Inspector of Prisons and the study by Yale Law School of mental health in US prisons. The US Bureau of Prisons states that 48% of prisoners have serious mental health problems but only 3% receive any treatment. The provision for mental healthcare in jails has been cut every year for a decade. Suicides in jail are increasing by 18% a year.

*James Lewis QC* Have you read “The Treatment and Care of Prisoners with Mental Illness” by the US Department of Health?

*Eric Lewis* Yes.

*James Lewis QC* You purport to be an expert. Without looking it up what year was it published? You don’t know, do you?

*Eric Lewis* Could you be courteous? I have been courteous to you. Can you refer me to a relevant question?

*James Lewis QC* The policy has had eight changes since 2014. Can you list them?

*Eric Lewis* I am trying to testify on my experience and my knowledge in dealing with these questions on behalf of the many clients I have represented. If you are asking me am I a prison psychiatrist, I am not.

*James Lewis QC* Do you know the specific changes made since 2014 or not?

*Eric Lewis* I know that there were new regulations stipulating 1 mental health professional for every 500 inmates and guidelines for an increase in accessibility, but I also know those have not in fact been implemented due to lack of resources.

*James Lewis QC (smirking)* How many levels of psychiatric assessment are there? What is level number three? What are you reading? You are reading! What are you reading! What are you reading! *[Yes, this is not a mistake. He did pull this stunt again.]*

*Eric Lewis* I am looking at my own witness statement (*shows it to camera*).

*James Lewis QC* You are not a genuine expert witness — you have no expertise in these matters. As you are being paid to give evidence and are not an expert, that is something the court will have to take account in deciding what weight, if any at all, to give to your evidence.

Before Eric Lewis could respond, the video link broke down, rather bizarrely broadcasting a news item about Donald Trump attacking Julian Assange. It could not be restored all day, so that was the end of proceedings, for which my note taking hand was not ungrateful. The link could be restored in the adjacent courtroom, which indicates the problem was very local. The judge considered changing courts but it was considered too difficult to move everyone and the great mounds of files and equipment. This hearing has frequently been interrupted by the strange incompetence of the Ministry of Justice in establishing simple videolinks.

James Lewis QC's conduct was very strange. It really is not normal courtroom behaviour. Were there a jury, they would completely have written him off by now as rude and obnoxious, and even Baraitser finally seems to have found her limit of being pushed around by the prosecution. Eric Lewis is obviously a very distinguished man and a lawyer with immense experience of the US system. Trying to claim he has no expertise because he is not a psychiatrist or an academic in penology is no more than a shoddy trick, performed in a manner designed to humiliate.

The asking for the precise title of one particular Department of Health Pamphlet or for a specific point in it, as though that were a way of invalidating all that Eric Lewis knows, is so transparently invalid as a test of worth that I am astonished Baraitser let James Lewis pursue it, let alone the histrionic accusations about "reading". This was really hard to sit through silently for me; goodness knows what it was like for Julian.

The mainstream media are turning a blind eye. There were three reporters in the press gallery, one of them an intern and one representing the NUJ. Public access continues to be restricted and major NGOs, including Amnesty, PEN and Reporters Without Borders, continue to be excluded both physically and from watching online. It has taken me literally all night to write this up — it is now 8.54 am — and I have to finish off and get back into court. The six of us allowed in the public gallery, incidentally, have to climb 132 steps to get there, several times a day. As you know, I have a very dodgy ticker; I am with Julian's dad John who is 78; and another of us has a pacemaker.

I do not in the least discount the gallant efforts of others when I explain that I feel obliged to write this up, and in this detail, because otherwise the vital basic facts of the most important trial this century, and how it is being conducted, would pass almost completely unknown to the public. If it were a genuine process, they would want people to see it, not completely minimise attendance both physically and online.

<https://www.craigmurray.org.uk/archives/2020/09/your-man-in-the-public-gallery-assange-hearing-day-9/>

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## **Daniel Ellsberg Tells UK Court That US Seeks Both 'Revenge' Against Julian Assange and to 'Crush' Future Whistleblowers**

*The Pentagon Papers leaker previously called Assange's prosecution the most "significant attack on freedom of the press" since his 1971 case.*

Brett Wilkins  
Common Dreams  
September 16, 2020

Daniel Ellsberg — who famously leaked the *Pentagon Papers* exposing U.S. lies and crimes in Southeast Asia — told a British court on Tuesday that the U.S. government is seeking both "revenge" against WikiLeaks founder Julian Assange and to "crush" future whistleblowers with its extradition attempt.

Ellsberg's eight-page written statement to the London court considering a U.S. request to extradite Assange was an incisive statement of support for the 49-year-old Australian, who has been jailed in the U.K. since 2019 for avoiding a 2010 international arrest warrant from Sweden for alleged sex offenses.

Assange's imprisonment followed a nearly seven-year period of political asylum granted by Ecuador — which agreed he could face political persecution if extradited to Sweden or the U.S. — spent entirely in the South American nation's London embassy.

Last year, Nils Melzer, the United Nations special rapporteur on torture, repeatedly called the cumulative effects of the U.S., Britain, and Sweden "ganging up" on Assange a form of "psychological torture."

The Trump administration last year formally requested Britain's extradition of Assange under the 1917 Espionage Act and the Computer Fraud and Abuse Act. U.S. authorities accuse him of conspiring to hack government computers and illegally disclosing classified and sensitive national defense information.

Critics from both sides of the mainstream political aisle have called Assange's actions "reckless." At the height of WikiLeaks' revelations, some leading Republicans and Donald Trump called for his execution.

However, Ellsberg refuted claims that Assange acted in such a manner, asserting in the court statement that "his approach was the exact opposite of reckless," and that Assange would not "willfully expose others to harm."

Ellsberg also noted that "very frequently the claim for 'national security' has been erected to obscure illegality and deceit, often on a major scale," and argued that the "closest similarities" between his and Assange's cases include the manner in which "the exposure of illegality and criminal acts institutionally and by individuals was intended to be crushed by the administration carrying out those illegalities."

This, Ellsberg argued, is "in part in revenge" for revealing wrongdoing, as well as an attempt "to crush all such future exposure of the truth."

"I have closely observed the actions of the U.S. government, its military, and its intelligence agency the CIA, and that the actions in question were never intended to be revealed, including rendition and torture, the use of 'black sites,' and crimes against humanity," wrote Ellsberg.

Among the most important documents shared by WikiLeaks were the *Afghanistan* and *Iraq War Logs*, which revealed war crimes including mass killing of civilians, extrajudicial killing, torture, corruption, and other crimes and abuses committed by U.S. and coalition forces and the governments of Afghanistan and Iraq.

In 2010 WikiLeaks also released the infamous "Collateral Murder" video, which shows U.S. Army attack helicopter crews joking and laughing while massacring Iraqi civilians — including two journalists — and shooting children and first responders.

"I have also observed that those who have been party to exposing them have been and continue to be themselves threatened and criminalized," Ellsberg added, a likely reference to other whistleblowers targeted by the Bush, Obama, and Trump administrations, including Edward Snowden, Chelsea Manning, John Kiriakou, Jeffrey Sterling, and Reality Leigh Winner.

Ellsberg was a former RAND Corporation economist who in 1971 leaked the *Pentagon Papers*, a series of classified documents commissioned by Defense Secretary Robert McNamara during the height of the Vietnam War. The papers detailed the history of U.S. involvement in Vietnam and beyond from 1945 through 1967, including the secret escalation of the war into Laos and Cambodia, and that the Johnson administration "systematically lied, not only to the public but also to Congress."

Like Assange, Ellsberg was demonized in the U.S. after the *New York Times* published the *Pentagon Papers* in 1971. He was criminally charged with theft and conspiracy under the Espionage Act. However, all charges against him were dismissed in 1973 and today Ellsberg is widely viewed as an iconic figure in the history of the movement for government transparency and accountability.

A British judge will rule on whether Assange can be extradited to the United States. His lawyers claim he faces cruel and unusual punishment in the U.S., including a draconian 175-year sentence in notoriously harsh American prisons, where they say he risks being tortured.

Press freedom, legal, and human rights advocates around the world have all championed Assange's cause.

This is not the first time Ellsberg has defended Assange. Last May, he appeared on *Democracy Now!* and called the charges against Assange "unprecedented" and a "direct attack on the First Amendment."

"There hasn't actually been such a significant attack on the freedom of the press...since my case in 1971," the then-88-year-old said.

<https://www.commondreams.org/news/2020/09/16/daniel-ellsberg-tells-uk-court-us-seeks-both-revenge-against-julian-assange-and>

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## Your Man in the Public Gallery — Assange Hearing, Day 10

Craig Murray  
September 16, 2020

The gloves were off on Tuesday as the US Government explicitly argued that all journalists are liable to prosecution under the Espionage Act (1917) for publishing classified information, citing the Rosen case. Counsel for the US government also argued that the famous *Pentagon Papers* supreme court judgement on the *New York Times* only referred to pre-publication injunction and specifically did not preclude prosecution under the Espionage Act. The US Government even surmised in court that such an Espionage Act prosecution of the *New York Times* may have been successful.

It is hard for me to convey to a British audience what an assault this represents by the Trump administration on Americans' self-image of their own political culture. The First Amendment is celebrated across the political divide and the *New York Times* judgement is viewed as a pillar of freedom. So much so that Hollywood's main superstars are still making blockbusters about it, in which the heroes are the journalists rather than the actual whistleblower, Dan Ellsberg (whom I am proud to know).

The US government is now saying, completely explicitly, in court, those reporters could and should have gone to jail and that is how we will act in future. The *Washington Post*, the *New York Times*, and all the "great liberal media" of the USA are not in court to hear it and do not report it, because of their active complicity in the "othering" of Julian Assange as something sub-human whose fate can be ignored. Are they really so stupid as not to understand that they are next?

Err, yes.

The prosecution's line represented a radical departure from their earlier approach which was to claim that Julian Assange is not a journalist and to try and distinguish between his behaviour and that of newspapers. In the first three days of evidence, legal experts had stated that this gloss on the prosecution did not stand up to investigation of the actual charges in the indictment. Experts in journalism also testified that Assange's relationship with Manning was not materially different from cultivation and encouragement by other journalists of official sources to leak.

By general consent, those first evidence days had gone badly for the prosecution. There was then a timeout for (ahem) suspected Covid among the prosecution team. The approach has now changed and on Tuesday a radically more aggressive approach was adopted by the prosecution asserting the right to prosecute all journalists and all media who publish classified information under the Espionage Act (1917).

The purpose of the earlier approach was plainly to reduce media support for Assange by differentiating him from other journalists. It had become obvious such an approach ran a real risk of failure, if it could be proved that Assange is a journalist, which line was going well for the defence. So now we have "any journalist can be prosecuted for

publishing classified information” as the US government line. I strongly suspect that they have decided they do not have to mitigate against media reaction, as the media is paying no attention to this hearing anyway.

I shall now continue my exposition of the questioning of Eric Lewis. I shall not set out as much of this in full detail as dialogue as I did yesterday, but will do so at key points in the summary.

*James Lewis QC* Returning to the European Court of Human Rights judgement in the case of Babar Ahmad, you state that their finding that solitary confinement is permissible did not take into account more recent studies such as the 2020 Danish study by Wildeman and Andersen. Do you say this study would have reversed the ECHR decision?

*Eric Lewis* That is impossible to say. I hope that if the ECHR had before it the large body of evidence on solitary confinement available today, the judgement may have been different.

*James Lewis QC* What are the five limitations to their study which Wildemann and Andersen mention?

*Eric Lewis* I don't have it in front of me.

*James Lewis QC* Why did you not mention the five limitations in your report? They state that their methodology is strictly observational and cannot be used to prove cause and effect.

*[The report in effect shows a much higher suicide rate post-incarceration among those who had been subjected to solitary confinement, from a very large sample of ex-prisoners.]*

*Eric Lewis* I could have written hundreds of pages on recent social sciences developments on solitary confinement. This is just one such report.

*James Lewis QC* You were just fishing about for something, omitting details which counter your opinion.

*Eric Lewis* There is a huge amount of data, including from the US Bureau of Prisons. You just picked out one caveat of one report.

*James Lewis QC* Please keep your answers concise. The situation has changed due to the Cunningham Mitigation. Do you know what that is?

*Eric Lewis* Yes

*James Lewis QC* Why did you not mention it in your report?

*Eric Lewis* Because it is not relevant. A number of recommendations were set out, which have not been implemented in practice.

*James Lewis QC* Gordon Kromberg has produced the Cunningham Mitigation for us. In November 2016, in settlement of an 8th Amendment claim, it was admitted that conditions for mental health treatment in the Florence Colorado ADX are unsatisfactory and a large number of measures were agreed. Do you agree with Mr Kromberg that the Cunningham Mitigation has improved matters.?

*Eric Lewis* In some ways it has improved matters, in other ways things have gotten worse.

*James Lewis QC* then proceeded to state in response to *Eric Lewis's* written statement on Covid, that Gordon Kromberg affirmed that as of 2 September there was no Covid in the Alexandra Detention Centre where Assange would be kept pre-trial. *Eric Lewis* countered that levels of Covid in federal prisons in the USA are 18%.

*James Lewis QC* You stated in the press that the maximum sentence is 340 years when now you state it is only 175 years. You miscalculated didn't you? You took 20 years per count as the base when it should be 10.

*Eric Lewis* It was a mistake in an interview.

*James Lewis QC* You don't really believe in 175 years maximum sentence, do you? It's just a soundbite.

*Eric Lewis* started to answer and *James Lewis QC* cut him off. Edward Fitzgerald rose and objected that the witness must be allowed to answer. Baraitser agreed.

*Eric Lewis* The US government has called this one of the biggest cases in history. Espionage convictions frequently attract long sentences. Pompeo has categorised Wikileaks as a hostile intelligence agency. The government asked for 60 years for Chelsea Manning. I considered the charges in relation to the official sentencing guidelines.

*James Lewis QC.* Gordon Kromberg has testified that only a tiny fraction of all federal defendants attract the maximum sentence. The sentencing guidelines stipulate no unwarranted disparity with similar convictions. Jeffrey Sterling was a CIA agent convicted of selling secrets on Iran to Russia. He had faced a possible maximum sentence of 130 years, but had received only 42 months.

*Eric Lewis* The prosecution asked for a much longer sentence. In fact that was a very unique case not comparable...

*James Lewis QC* Why did you not give a realistic estimate and not a soundbite?

*[In fact James Lewis' categorisation of the Jeffrey Sterling case is entirely tendentious and it is hardly a sensible comparator. Sterling was a rare black CIA officer, involved in a long and bitter dispute with his employer over racial discrimination, convicted on purely circumstantial evidence of giving information to an American journalist about a completed CIA operation to leak false Iranian plans to Russia. Sterling was not accused of leaking to Russia. The entire case was very dubious.]*

*Eric Lewis* I followed sentencing guidelines. I gave what I calculated as the statutory maximum, 175 years, and an estimate from my experience of the very lightest sentence he could expect, 20 years. Sterling got well below the guidelines and the judge explained why.

*James Lewis QC* now ran through a couple more cases, and stated that the longest sentence ever given for unlawful disclosure to the media was 63 months — presumably not counting Chelsea Manning. *Eric Lewis* replied that the specific charges laid in the Assange indictment relate to disclosure to a foreign power, not to the media, and of information helpful to the enemy. Sentences for the counts Assange was charged on were much higher.



*James Lewis QC stated that sentencing was by an independent federal judge who had life tenure, to free them from political influence. There was brief to and fro about the circumstances in which a federal judge might be impeached. The judge assigned the Assange case was Claude Hilton, who had been on the bench since 1985. James Lewis QC challenged Eric Lewis as to whether he thought Claude Hilton was fair, and Eric Lewis replied that Hilton had a reputation as a heavy sentencer.*

*James Lewis QC then asked Eric Lewis whether he accepted that the US Department of Justice had sentencing principles in place which specifically guarded against unnecessarily long prison sentences. Eric Lewis replied that the USA had the highest percentage of its population in jail of any country in the world.*

*Counsel for the US Government James Lewis QC then stated he would turn to the First Amendment issue.*

*James Lewis QC* You suggest that the First Amendment precludes this prosecution.

*Eric Lewis* Yes, There has never been a prosecution of a publisher under the Espionage Act for publication of classified information.

*James Lewis QC* Are you familiar with the Rosen Case of 2006. This was precisely the same charge as Assange now faces, 793 (g) of the Espionage Act, conspiracy to transmit classified information to those not entitled to receive it. Have you read the case?

*Eric Lewis* Not in a long while, because ultimately it was not proceeded with.

*[James Lewis read through lengthy extracts of the Rosen judgement, which I do not have in front of me and was unable to get down verbatim. What follows is therefore gist not transcript].*

*James Lewis QC* In the Rosen case, it is made plain that the receiver, not just the discloser, is liable to prosecution under the Espionage Act. The judge noted that although the Espionage Act of 1917 had been criticised for vagueness, Congress had never felt the need to clarify it. It also noted that much of the alleged vagueness had been resolved in various judicial interpretations. It noted the fourth circuit had rejected a first amendment defence in the case of Morison.

*Eric Lewis* Morison is different. He was a leaker not a publisher.

*James Lewis QC* The Rosen judgement also goes on to state that vagueness does not come into play where there is clear evidence of intent.

*Eric Lewis* When you consider the 100 year old Espionage Act and that there has never been a prosecution of a publisher, then intent...

*James Lewis QC [interrupting]* I want to move on from intent to the First Amendment. There are supreme court judgements that make it clear that at times the government's interest in national security must override the First Amendment.

*Eric Lewis* In times of imminent danger and relating to immediate and direct damage to the interests of the United States. It is a very high bar.

*James Lewis QC* The Rosen judgement also notes that the *New York Times Pentagon Papers* case was about injunction not prosecution. "The right to free speech is not absolute".

*Eric Lewis* Of course. The arguments are well rehearsed. Movement of troop ships in time of war, for example; cases of grave and immediate danger. In the *Pentagon Papers* Ellsberg was, like Assange, accused of putting named US agents at risk. The bar for overriding the First Amendment is set very high.

*James Lewis QC* [Reading out from a judgement which I think is still the *Rosen* judgement but it was referred to only by bundle page.] He also notes that serial, continuing disclosure of secrets which harm the national interest cannot be justified. It therefore follows that journalists can be prosecuted. Is that what he says, Mr Lewis?

*Eric Lewis* Yes, but he is wrong.

*James Lewis QC* Do you accept that the *Pentagon Papers* judgement is the most relevant one?

*Eric Lewis* Yes, but there are others.

*James Lewis QC* A close reading of the *Pentagon Papers* judgement shows that the *New York Times* might have been successfully prosecuted. Three of the Supreme Court judges specifically stated that an Espionage Act prosecution could be pursued for publication.

*Eric Lewis* They recognised the possibility of a prosecution. They did not say that it would succeed.

*James Lewis QC* So your analysis that there cannot be a prosecution of a publisher on First Amendment grounds is incorrect.

*Eric Lewis* gave a lengthy answer to this, but the sound on the videolink had been deteriorating and had in the public gallery become just a series of electronic sounds. The lawyers carried on, so perhaps they could hear, but I know Julian could not because I saw him trying to communicate this to his lawyers through the bulletproof glass screen in front of him. He had difficulty in doing this as he was behind them, and they had their backs to him and eyes fixed on the video screen.

*James Lewis QC* I challenge you to name one single judgement that states a publisher may never be prosecuted for disclosing classified information?

*Eric Lewis* gave another long answer that appear to reel off a long list of cases and explain their significance, but again I could hear only a few disjointed words. The sound eventually improved a bit.

*Eric Lewis* There has been an unbroken line of the practice of non-prosecution of publishers for publishing national defence information. Every single day there are defence, foreign affairs and national security leaks to the press. The press are never prosecuted for publishing them.

*James Lewis QC* The United States Supreme Court has never held that a journalist cannot be prosecuted for publishing national defence information.

*Eric Lewis* The Supreme Court has never been faced with that exact question. Because a case has never been brought. But there are closely related cases which indicate the answer.

*James Lewis QC* Do you accept that a government insider who leaks classified information may be prosecuted?

*Eric Lewis* Yes.

*James Lewis QC* Do you accept that a journalist may not aid such a person to break the law?

*Eric Lewis* No. It is normal journalistic practice to cultivate an official source and encourage them to leak. Seymour Hersh would have to be prosecuted under such an idea.

*James Lewis QC* Do you accept that a journalist may not have unauthorised access to the White House?

*Eric Lewis* Yes.

*James Lewis then started to quote a judgement on White House access, then appeared to drop it. He then said he was turning to the question of whether this was a political extradition.*

*James Lewis QC* Do you have any qualifications in social science?

*Eric Lewis* I have a degree in Public International Affairs from the Woodrow Wilson School of International Relations.

*James Lewis QC* Have you published any peer reviewed publications?

*Eric Lewis* No.

*James Lewis QC* You opined in another extradition case, that of Dempsey, that it was based upon political opinion. The High Court of England described your evidence as “pure conjecture”.

*Eric Lewis* Yes, that was their view. Dempsey was en route to Syria and approached at an airport by FBI agents. He explained to them that he was going to Syria to work with an anti-Assad group. Nothing was done. But by 2016 policy towards Assad had changed and Dempsey was charged. My evidence was about a change of policy, not political opinions.

*James Lewis QC* Turning to the expert evidence of Prof Feldstein last week, do you agree with his statement that while the Obama administration did not take the decision to prosecute, he did not take the decision not to prosecute. Do you agree?

*Eric Lewis* No. I believe that is predicated on a fundamental misunderstanding of how the Justice Department works.

*James Lewis QC* Do you have first-hand knowledge or sources for your opinion?

*Eric Lewis* No.

*James Lewis QC* So your information is only from newspapers.

*Eric Lewis* And TV interviews and statements.

*James Lewis QC* Statements like those from Matthew Miller who had left the Justice Department two years before he spoke to the *Washington Post*?

*Eric Lewis* Yes, but he remained close to Attorney General Eric Holder.

*James Lewis QC* Do you agree with Gordon Kromberg that prosecuting decisions are taken in line with federal guidelines that preclude political prosecution?

*Eric Lewis* No. Not under William Barr. The system is now top down political prosecution.

*James Lewis QC* So you claim the guidelines are not followed?

*Eric Lewis* I do. So do the 2,600 former federal prosecutors who called for Barr's resignation and the 1,000 former prosecutors who protested the Roger Stone commutation. Or Judge Gleeson in his reports on political prosecution decisions.

*James Lewis QC* Do you accuse Gordon Kromberg of bad faith?

*Eric Lewis* I don't know him. But I do know there is disclosure of heavy political pressure in this case.

There followed some discussion on Trump's changing relationship with Wikileaks over the years, and also of the Classified Information Protection Act and whether it hampers the defence in disclosure and in taking instruction from the accused. This was to be discussed in greater detail with the next witness.

Edward Fitzgerald then led the witness in re-examination. He asked Eric Lewis to mention the television interviews he had referred to in noting the political change from Obama to Trump. Eric Lewis cited Sarah Sanders saying "we did something" and contrasting this with Obama's inaction, and Eric Holder stating that they had decided not to prosecute Assange under the Espionage Act as he was not acting for a foreign power.

Edward Fitzgerald then asked about the pressure put on prosecutors in the Eastern District of Virginia to bring the present prosecution. Eric Lewis referred to the article by Adam Goldman in the *New York Times* to this effect. Ten days after this article the Justice Department stated it was a priority to prosecute Assange.

Lewis explained that William Barr had made explicit that prosecution was subject to political direction. He subscribed to the Unitary Executive Theory and held that all prosecution decisions were by or on behalf of the President. Barr had set this out in a memo that stated directly that prosecutors were "merely the hand" of the Presidency. This was not theory. This was how the Justice Department was now run. Many federal prosecutors had resigned. Many had refused to touch the Assange prosecution. "Mr Kromberg, as is his right, did not."

Edward Fitzgerald then noted that James Lewis had queried Eric Lewis's qualifications to comment on prison conditions. Yet for the prosecution, US Assistant Attorney Gordon Kromberg had submitted voluminous comments on prison conditions. Did Mr Kromberg have academic qualifications in penology as required by James Lewis? Eric Lewis replied that he believed not, and certainly he had no doubt he himself had greatly more practical experience of prison conditions than Mr Kromberg. Mr Kromberg's exposition of official policy was doubtless correct, but it bore no relation to the actual conditions in jails.

On solitary confinement, Edward Fitzgerald outlined the UN's Mandela rules, under which 22 hours or more in a cell a day and no significant human contact constitute solitary confinement. Lewis replied that the SAM regime would definitely breach the Mandela rules.

The next witness was Mr Thomas Durkin. He is an attorney practising for 47 years, licensed to appear in the Supreme Court. From 1973-8 he was a US Assistant Attorney and since then has been in private practice. He teaches law at Loyola and has received a lifetime achievement award from the Illinois Association of Criminal Lawyers. He also appeared by videolink.

Edward Fitzgerald asked Mr Durkin about the special problems of cases working with classified materials. Durkin said that the biggest problem is that you cannot discuss classified disclosure material with your client. You can only look at the material on a special computer in a secure location — a SCIF — and have to prepare your material there. Mr Assange will not know what his lawyers have learned, and nor will they be able to ask him what the material relates to or signifies. This is an incredibly difficult hardship in taking instructions and preparing a defence.

Edward Fitzgerald asked Mr Durkin if there is a real chance that Julian Assange will receive an effective rest-of-life jail sentence. Durkin replied that this was a very likely possibility. Looking through the counts and the enhancements that might apply, he would rate the offences at 38, 40 or 43 points on the sentencing scale. That would put the range at 235 months to life, and there were multiple counts that could be sentenced consecutively. Durkin said that based on his extensive experience of national security trials, he would expect a sentence of 30 to 40 years. The government position was that Assange was more to blame than Manning. They had asked for 60 years for Chelsea Manning.

Edward Fitzgerald then asked about the effect of the plea bargaining system. Thomas Durkin replied that an early guilty plea reduced the sentencing score by three points. That could make several years difference in sentence. But much more important was the freedom of the prosecution to reduce the counts charged in exchange for a guilty plea. That could make a massive difference — potentially from 100 years plus to ten years, for example. The system greatly reduced freedom of choice and was a massive disincentive to stand trial. People just could not take the risk. A large majority of Durkin's clients now took a plea deal.

Mr Durkin agreed with a suggestion from Edward Fitzgerald that a condition of a plea deal for Julian Assange was likely to be that he gave up the names of Wikileaks' sources.

Edward Fitzgerald asked Mr Durkin whether there had been a political decision by the Trump administration to prosecute Assange. Durkin said there were no new criminal justice considerations that had caused the change in approach. This was most likely a political decision.

Edward Fitzgerald asked Durkin about Gordon Kromberg's assertion that a Grand Jury was a powerful bulwark against a political prosecution. Durkin replied this was simply untrue. A grand jury virtually never refused to authorise a prosecution. In the whole of the USA, there was generally about one refusal every four or five years.

James Lewis then started cross-examination. He asked if Durkin was saying that Assange would not receive a fair trial in the US, or just that it was difficult? Durkin replied that Julian Assange would not get a fair trial in the USA.

Lewis suggested that the requirement to see classified material in a SCIF was merely an inconvenience. Durkin said it was much more than that. You could not discuss material with your client, which materially limited your understanding of it. James Lewis countered that US Assistant Attorney Kromberg's affidavit stated that Assange would be able to see some classified material himself. A classified facility would be available for him to meet his attorneys. Durkin said he did not accept this description. He had never seen anything like this happen.

Lewis then said Durkin's statement was that there will be an unprecedented volume of classified material disclosed in this prosecution. But he could not know that. He had no idea what would be disclosed or what the defence would be, if any. Durkin replied that much could be understood from the extensive indictment and from what happened in the Chelsea Manning case. Lewis repeated Durkin did not know what would happen. Assange might plead guilty.

Lewis suggested the plea bargain system was in essence the same in England, where defendants could get one third off sentence for a guilty plea. Durkin said plea bargaining in the US went far beyond that. The government could put a big offer on the table in terms of reductions of charges and counts.

Lewis then went to the question of a change of policy between the Obama and Trump administrations. He established that Durkin relied on media reports for his view on this. Durkin pointed out that the *Washington Post* report of 25 November 2013 that the Obama administration would not prosecute, had quoted multiple former and then current Justice Department employees and crucially no denial or counter briefing had ever been forthcoming. It had never been contradicted.

That was the end of Tuesday's hearing. In conclusion I need to correct something I published yesterday, that there were only three journalists in the video gallery to cover the trial. James Doleman led me to another hidden nest of them and there are about ten in total. The main titles are inexcusably unrepresented, but press agencies are, even if their feed is being little used.

<https://www.craigmurray.org.uk/archives/2020/09/your-man-in-the-public-gallery-assange-hearing-day-10/>

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## **John Goetz on WikiLeaks' "very rigorous redaction process"**

*Assange Defense*  
*September 16, 2020*

American journalist John Goetz, who has worked in Germany for the last 30 years, testified today about his experiences as a media partner on WikiLeaks' releases in 2010. Working for *Der Spiegel*, Goetz had already been reporting on Iraq and Afghanistan when he joined the partnership to report the *Afghan War Diaries*, the *Iraq War Logs*, and the State Department cables.

Goetz was involved in early discussions and testified that Wikileaks spearheaded a "very rigorous redaction process," beginning with the Afghanistan files. He said Assange himself was "very concerned with the technical aspect of trying to find the names in this massive collection of documents" so that "we could redact them, so they

wouldn't be published, so they wouldn't be harmed." He testified that Assange continually reminded the media partners to use secure communications, encrypted phones and apps, and while he seemed paranoid at the time, this is now standard journalistic practice.

Goetz also testified about WikiLeaks and the media partners' conversations with the U.S. government ahead of publication. At one point the partners were on a conference call with the State Department in which U.S. officials would provide numbers of documents that they especially didn't want published. They didn't give specific names to redact but rather were indicating politically sensitive areas — when they realized that they were just calling attention to stories the journalists would be interested, they stopped.

The media partners also sent a delegation of *New York Times* reporters, who already had an office in Washington DC, to the White House to discuss the release ahead of time. As the *Times*' Eric Schmitt emailed to Goetz immediately after the meeting, the media delegation passed on to the U.S. government that WikiLeaks would not be publishing some 15,000 documents within the *Afghan War Diaries*, and they asked the White House for any technical assistance they could provide to assist with redactions. That request, Goetz said, was met with "derision."

As Goetz testified, *Der Spiegel* interviewed Assange in 2010 about his harm-minimization process:

*Assange:* The Kabul files contain no information related to current troop movements. The source went through their own harm-minimization process and instructed us to conduct our usual review to make sure there was not a significant chance of innocents being negatively affected. We understand the importance of protecting confidential sources, and we understand why it is important to protect certain US and ISAF sources.

*SPIEGEL:* So what, specifically, did you do to minimize any possible harm?

*Assange:* We identified cases where there may be a reasonable chance of harm occurring to the innocent. Those records were identified and edited accordingly.

Though he personally wasn't as involved in later releases, Goetz testified that with future releases, WikiLeaks' harm-minimization process developed over time, and he said that the organization "overshot" with the *Iraq War Logs*, and "ended up redacting more than the Defense Department did. Some of the files had been declassified and released under FOIA requests, so one could compare redactions and see that WikiLeaks had concealed more names than the U.S. government had.

### ***WikiLeaks docs confirm CIA torture & escaping accountability***

Giving an example of the types of stories that WikiLeaks releases assisted with, Goetz explained had been investigating the story of Khalid el-Masri, a German citizen who was kidnapped by the CIA in Macedonia, extraordinarily rendered to a black site in Afghanistan where he was detained and tortured in 2004. This wasn't known at the time, so Goetz searched the documents for el-Masri's name, saw that he had been brought to Afghanistan, and found the CIA kidnappers "who'd forced el-Masri onto a military plane, sodomized him and sent him" to Afghanistan.

Goetz tracked down the CIA agents responsible in the United States, interviewed them, and reported the story. Following that broadcast, a Munich state prosecutor

issued an arrest warrant for the 13 CIA agents. But, Goetz said, “It turns out the arrest warrant was never actually issued to the United States.” When he saw the State Department cables, he discovered that the U.S. had pressured the German prosecutor to issue the warrant in a jurisdiction where the perpetrators didn’t live, threatening “repercussions” otherwise.

Following Goetz’s testimony, the defense wanted to read a statement from Khalid el-Masri himself into the court record. The prosecution objected, suggesting that el-Masri isn’t in the charges against Assange and therefore is irrelevant and shouldn’t be considered admissible. While still objecting, prosecutor James Lewis said the defense could read the statement “if it wants to waste half an hour of the court’s time.” The judge warned Lewis that the way he was objecting, he was going “down a risky path” that could involve accepting the defense’s evidence “unchallenged.”

The remote press video went down at this time, but journalists inside the court reported that discussion of el-Masri’s statement continued, with the government objecting because it didn’t want to imply that allowing his evidence to be read that the prosecution would stipulate that el-Masri was tortured by the U.S. government. The statement wasn’t read aloud and it appears the matter is yet to be resolved.

See this BoingBoing video from 2010 on ‘WikiLeaks and the el-Masri case’ in which el-Masri relates his experiences: “El-Masri’s futile efforts at receiving justice in the U.S. are well-known, but cables recently leaked by Wikileaks reveal that the U.S. also warned German authorities not to allow a local investigation into his kidnapping.”

Also see ‘El-Masri v. Macedonia’, ‘Extraordinary Renditions: The Right to the Truth.’

### ***Unredacted cables falsely blamed on WikiLeaks***

A central argument in the U.S. government’s case is that WikiLeaks published documents which, the government alleged, it knew would cause harm. Time and again the prosecution alerts witnesses to the fact that Assange is only charged with publishing on the internet the unredacted cables containing the names of sources who could have been harmed. The claim is misleading about the charges and was contradicted by both witnesses today.

While the three “pure publication” counts do indeed deal with the 2011 publication of unredacted cables, the 15 other charges, which charge Assange with “soliciting” “obtaining” and “receiving” the documents, deal with the full datasets of Iraq and Afghan war logs, the State Department cables, and the Guantanamo Bay detainee assessment briefs. The charges work in unison, relying on each other, and so the full set of documents must be discussed together. Furthermore, all of the documents — and any conduct that the judge deems relevant even if not in the charges — would be considered at sentencing, where the court considers factors to be mitigating or aggravating.

But even on the facts of it, today’s witnesses strongly disputed the government’s claims. Asked about the 2011 publication of unredacted cables, John Goetz explained what really happened: in February 2011, *Guardian* reporters David Leigh and Luke Harding published a book with a password to the unencrypted file set as the title of a chapter. German magazine *Die Freitag* published this information, which allowed



eagle-eyed observers to use that password to unlock the files and publish them online in full. Most notably, they were released on Cryptome, a “rival leak site” as described by the government, but they were also mirrored on several other sites, so they could not be taken down and they were out of WikiLeaks’ hands.

Assange and other WikiLeaks staff called the State Department’s emergency phone line at the time (as you can see in this video clip) warning that sources had been named, but they were ignored.

*See Julian Assange’s Emergency Call to Hillary Clintons Office*  
<https://www.youtube.com/watch?v=57Hqfq0rwXI&feature=youtu.be>

The prosecution pointed to a *Guardian* article from September 2011, in which the media partners condemn WikiLeaks’ release of the unredacted cables (though they concede in the article that the material was first published by Cryptome). Goetz testified, however, that the media partners did not know the true chain of events at this time, it was only later put together that the password in Leigh and Harding’s book was to blame for the material being released.

Goetz also said that Assange had tried to stop *Die Freitag* from publishing information that would lead to the release of unredacted files.

### ***Whistleblower Daniel Ellsberg***

Next the defense called *Pentagon Papers* whistleblower Daniel Ellsberg to testify about Assange’s motivations, Ellsberg’s own experience being prosecuted under the Espionage Act, and his view on the unredacted publication of State Department cables.

Ellsberg explained in his witness statement that he copied and released the *Pentagon Papers*, comprising 7,000 Top Secret files, to the *New York Times* in 1971 because they demonstrated that the United States government had “started and continued” the Vietnam War “with the knowledge that it could not be won” and successive presidential administrations lied to Congress and the public about it.

“My own actions in relation to the *Pentagon Papers* and the consequences of their publication have been acknowledged to have performed such a radical change of understanding. I view the WikiLeaks publications of 2010 and 2011 to be of comparable importance.”

In court, Ellsberg testified about Julian Assange’s political opinions, his opposition to war and believe that justice is brought about by transparency and accountability. He and Assange both felt that both the Afghan and Iraq wars were wrong and that it was “clear even to the layman” that the Iraq war was a “crime.” an “aggressive war” as defined by the United Nations. He compared the war in Afghanistan to the war in Vietnam, the former a “rerun” of the latter, as perpetrators of both knew that they could only result in a seemingly endless “stalemate.”

What had changed, Ellsberg said, was that in Afghanistan (and in Iraq), horrific abuses, illegal killings and war crimes had become normalized, so much so that they appeared in “low-level field reports.” The *Iraq* and *Afghanistan War Logs* are marked up to Secret, whereas the *Pentagon Papers* were all Top Secret. Ellsberg said he “would’ve been astonished to see similar reports in Vietnam” in low-level classification. They are now so routine, he said, that they appear in the leaked logs as just the normal course of war.

The famous ‘Collateral Murder’ video illustrates this further. The title of the video, taken from a U.S. Army Apache helicopter and documenting the gunning down of civilians including journalists, children, and their rescuers, was controversial when it was released in 2010. Assange was criticized for labeling the actions “murder,” but to Ellsberg, the title caught his eye for a different reason:

“There was no question to me that what I was witnessing at the time was murder. In fact, the problematic word in the title was ‘Collateral’, implying that it was unintended. This was murder, and a war crime. So I was very glad that the American public was confronted with this.”

Ellsberg spoke of the decision to leak them: “I was very impressed that the source of these documents, Chelsea Manning, was willing to risk her liberty and even her life to make this information public. It was the first time in 40 years I saw someone else doing that, and I felt kinship toward her.”

### ***Ellsberg and the Espionage Act***

Asked if he was able to explain his own motivations when he was charged under the Espionage Act by the Nixon administration, Ellsberg said, “No, absolutely not... I had withheld, in the nearly 2 years between the revelations and their release, discussion as to what led me to do that in the hopes that I could testify under oath, with sufficient solemnity and credibility.”

But at his 1973 trial, when his lawyer asked Ellsberg on the stand to explain his motivation, the government objected that the question was irrelevant, and the judge agreed. This established the Espionage Act as a “strict liability offense,” with every prosecution under the law in the years since handled in the same way.

“The Espionage Act does not allow for whistleblowing, to allow you to say you were informing the polity. So I did not have a fair trial, no one since me had a fair trial on these charges, and Julian Assange cannot remotely get a fair trial under those charges if he were tried.”

### ***False Dichotomy***

On cross-examination, the prosecution attempted to draw out a distinction between Ellsberg and Assange by citing Floyd Abrams, who along with James Goodale argued for the *New York Times*’ right to publish the *Pentagon Papers*, as Abrams has written that he believes WikiLeaks is different from the Ellsberg’s release. But Ellsberg said Abrams “doesn’t understand my motives or Julian’s” since he didn’t actually read through all the *Pentagon Papers* and didn’t discuss Ellsberg’s motivations with him.

Ellsberg added that this false dichotomy isn’t limited to Abrams. “And I’d say people who criticize Ed Snowden, Chelsea Manning, Julian Assange, they don’t want to criticize me — it is entirely misleading,” he said.

Ellsberg said at the time of his releases, he was harshly criticized, the way Snowden and Manning and Assange are now. Then for a long time he was ignored. And now that these new releases have come out, WikiLeaks’ in 2010 and Snowden’s NSA revelations in 2013, all of a sudden commentators were contrasting them with him, referring to Ellsberg positively “to draw some contrast between us.”

"I totally disagree with the 'good Ellsberg / bad Assange' theory," he said. "Except for the computer aspects which didn't exist back then, I see no difference between the charges against me and the charges against Assange."

In addition to the personalities involved, the prosecution also attempted to draw a contrast between Assange's and Ellsberg's releases, in particular by highlighting the harm the government alleges was caused by WikiLeaks disclosures.

Prosecutor James Lewis cited the fact that Ellsberg withheld 4 volumes of documents from the media, though he gave the full set of files to the Senate, as well as the fact that Abrams quoted Ellsberg as having said, "I don't want to get in the way of diplomacy," whereas, Abrams says, Assange clearly does. The prosecution painted this as Ellsberg wanting to protect his country from harm. But Ellsberg clarified that at the time of his release, the U.S. and Vietnam had been engaged in peace negotiations. They were not progressing very well, but the talks were taking place, and Ellsberg didn't want the release to be used as a pretext for withdrawing from peace talks.

Ellsberg recalls his own full quote: "I want to get in the way of the war, I don't want to get in the way of negotiations."

This is also the reason Ellsberg didn't redact a single word of his releases, even allowing the publication of the name of a clandestine CIA agent (who he knew was already known in Vietnam). He didn't want the public to think that the files had been edited or interfered with. He wanted to show there was no adequate justification for the killings in Vietnam, and he didn't want to allow any implication that something he redacted covered up such a justification.

### *WikiLeaks did not cause harm*

Lewis still attempted to get Ellsberg to concede that WikiLeaks' documents were more harmful.

"Are you saying no one was placed in grave danger?", he asked.

"It appears not, as there was no harm, as shown by the Defense Department," Ellsberg said, referring to the fact that in Chelsea Manning's court-martial, the government was forced to admit that it could not point to a single death that resulted from WikiLeaks' releases.

Lewis then spent several minutes reading aloud from an affidavit from assistant U.S. attorney Gordon Kromberg on the government's allegations of harm caused by WikiLeaks releases. These included many allegations and claims that were already attempted in Manning's trial, such as the fact that WikiLeaks files were found in Osama Bin Laden's compound, or the Taliban saying they would read through the datasets for informants to punish. These arguments were put forward in the government's attempt to prosecute Manning for "aiding the enemy" — she was acquitted on that charge.

At one point, Ellsberg interrupted the prosecutor to ask if he would ever get the chance to respond to them. At the end of Lewis' recitation, Ellsberg said, "I find the government recounting of these allegations to be cynical. Am I right in that none of these people actually suffered physical harm?"

Lewis responded, "The rules are that you do not get to ask the questions."

Ellsberg reminded the court that the U.S. government was specifically asked to help redact the documents and declined to do so. Furthermore, he said, if there really was

massive harm caused by the releases, he would have expected the government to show something far more concrete, or the Taliban to have pointed to actual informants they punished rather than merely talking about it.

Lewis spoke about some named informants having to flee their countries or their posts.

Ellsberg responded: "I understand the anxiety that these people named might be harmed. And that anxiety is caused by the refusal to help WikiLeaks redact. But aside from that, people having to leave the country, must be put in the context of Mr Assange trying to end a war that has caused 37 million refugees and over a million deaths."

<https://assangedefense.org>

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## **Your Man in the Public Gallery — Assange Hearing, Day 11**

*Craig Murray*  
*September 17, 2020*

Yet another shocking example of abuse of court procedure unfolded on Wednesday. James Lewis QC for the prosecution had been permitted gratuitously to read to two previous witnesses with zero connection to this claim, an extract from a book by Luke Harding and David Leigh in which Harding claims that at a dinner at El Moro Restaurant Julian Assange had stated he did not care if US informants were killed, because they were traitors who deserved what was coming to them.

This morning giving evidence was John Goetz, now Chief Investigations Editor of NDR (German public TV), then of *Der Spiegel*. Goetz was one of the four people at that dinner. He was ready and willing to testify that Julian said no such thing and Luke Harding is (not unusually) lying. Goetz was not permitted by Judge Baraitser to testify on this point, even though two witnesses who were not present had previously been asked to testify on it.

Baraitser's legal rationale was this. It was not in his written evidence statement (submitted before Lewis had raised the question with other witnesses) so Goetz was only permitted to contradict Lewis's deliberate introduction of a lie if Lewis asked him. Lewis refused to ask the one witness who was actually present what had happened, because Lewis knew the lie he is propagating would be exposed.

This is my report of Lewis putting the alleged conversation to Clive Stafford Smith, who knew nothing about it:

Lewis then took Stafford Smith to a passage in the book "Wikileaks; Inside Julian Assange's War on Secrecy", in which Luke Harding stated that he and David Leigh were most concerned to protect the names of informants, but Julian Assange had stated that Afghan informants were traitors who merited retribution. "They were informants, so if they got killed they had it coming." Lewis tried several times to draw Stafford Smith into this, but Stafford Smith repeatedly said he understood these alleged facts were under dispute and he had no personal knowledge.

This is my report of James Lewis putting the same quote to Prof Mark Feldstein, who had absolutely no connection to the event:

Lewis then read out again the same quote from the Leigh/Harding book he had put to Stafford Smith, stating that Julian Assange had said the Afghan informants would deserve their fate.

James Lewis QC knew that these witnesses had absolutely no connection to this conversation, and he put it to them purely to get the lie into the court record and into public discourse. James Lewis QC also knows that Goetz was present on the occasion described. The Harding book specifies the exact date and location of the dinner and that it included two German journalists, and Goetz was one of them.

It is plainly contrary to natural justice that a participant in an event introduced into the proceedings should not be allowed to tell the truth about it when those with no connection are, tendentiously, invited to. Whatever the rules of evidence may say, Baraitser and Lewis have here contrived between them a blatant abuse of process. It is a further example of the egregious injustices of this process.

If that does not make you angry, try this. Daniel Ellsberg was to give evidence this afternoon. Edward Fitzgerald QC applied for his videolink evidence to be heard at 3.15 pm which is 07.15 am in California where Dan lives. Baraitser insisted it could not be put back beyond 2.30 pm, thus forcing an 89 year old man to give evidence at 6.30am. Simply stunning.

As it happens, when Dan is 108 and on his death bed he will still be able to outwit James Lewis QC while reading *Moby Dick* and playing the ukelele, but the continual and cynical lack of concern for the defence just keeps punching you in the face.

John Goetz was the first witness this morning. Senior Investigations Editor at *NDR* since 2011, he was at *Der Spiegel* from 2007-11. He had published a series of articles on German involvement in the Afghan War, including one on a bombing raid on Kunduz which massacred civilians, for which he had won Germany's highest journalism award. In June 2010 he went to London to meet with Wikileaks and the *Guardian* to work on the *Afghan War Logs*.

In a series of meetings in "the bunker" at the *Guardian* with the *NYT* and the other major media partners, the partnership was formed whereby all would pool effort in researching the *Afghan War Logs* but each party would choose and publish his own stories. This cooperative venture between five major news organisations — normally rivals — was unique at the time.

Goetz had been struck by what seemed to him Julian Assange's obsession with the security of the material. He insisted everything was encrypted and strict protocols were in place for handling the material. This had been new territory for the journalists. The *New York Times* was tasked with liaison with the White House, the Department of Defence and State Department on questions of handling the material.

Asked by Mark Summers to characterise the *Afghan War Logs*, Goetz said that they were fascinating first-hand material giving low level reports on actual operations. This was eye witness material which sometimes lacked the larger view. There was abundant first-hand evidence of war crimes. He had worked with Nick Davies of the *Guardian* on the Task Force 373 story.

Julian Assange had been most concerned to find the names in the papers. He spent a lot of time working out technical ways to identify names in the tens of thousands of documents. Mark Summers asked if he had been looking for the names for the purpose of redaction, and Goetz confirmed it was for redaction. He had interviewed Assange on the harm minimisation programme of the operation.

On behalf of the group Eric Schmitt of the *NYT* had been speaking to the White House and he had sent an email identifying 15,000 documents the White House did not want published to prevent harm to individuals or to American interests. It was agreed not to publish these documents and they were not published. Summers asked Goetz if he was aware of any names that slipped through, and he replied not.

Goetz was not so involved for family reasons when the consortium went through the same process with the Iraq war logs. But he knew that when a large number of these were released in the USA under a FOIA request, it was seen that Wikileaks had redacted those they released more heavily than the Department of Defense did. Goetz recalled an email from David Leigh of *the Guardian* stating that publication of some stories was delayed because of the amount of time Wikileaks were devoting to the redaction process to get rid of the “bad stuff”.

Summers then turned to the investigation of Khaled el-Masri. Goetz stated that back in 2005-6 when in his first stint at *NDR* he had looked into what seemed at the time the extraordinary claims of German citizen el-Masri, who stated that he had been kidnapped in Skopje, flown shackled and hooded around the world, subjected to constant beatings and torture, eventually ending up in what he believed to be a US detention facility in Afghanistan. At the time his claims had seemed difficult to believe.

[If I might interject a personal note here, this is around the time I myself blew the whistle on the torture programme, as a UK ambassador. I was effectively called a liar by then Foreign Secretary Jack Straw to parliament who described the extraordinary rendition programme as a “conspiracy theory”. I know how hard it was to be believed then.]

Goetz’s investigations had shown the story to be true. Using rendition flight logs and hotel records, he had even managed to track the actual perpetrators to North Carolina, and had spoken to some of them there. Enough evidence was produced for arrest warrants against 13 American agents or soldiers to be issued in Munich. Summers asked Goetz whether they were arrested. He replied that no, to their surprise, nothing was done to deliver the arrest warrant to the USA.

Then when the Wikileaks diplomatic cables were released, they had been able to see the pressure brought on the German government not to deliver the arrest warrant. The US had told Germany that to do so would have serious repercussions for the US/German relationship.

Summers asked if Goetz was involved in working through the cables for *Der Spiegel*. Goetz replied he was. In addition to the main media partners, Wikileaks had brought in a second phase of local media partners in the third countries involved, who might better be able both to redact and to know what were the important stories for a local audience. This had introduced some delays which were frustrating for Goetz.

Summers asked how thorough the process of redaction was. Goetz said that the original strict protocols remained in place and he did not know of anybody who had come to any harm. The State Department was actively engaged in the process. P J Crowley and others would call and request redactions and omissions. These were made. Eventually though a decision was taken by the US Government to withdraw cooperation.



1. (S/NF) In a February 6 discussion with German Deputy National Security Adviser Rolf Nikel, the DCM reiterated our strong concerns about the possible issuance of international arrest warrants in the al-Masri case. The DCM noted that the reports in the German media of the discussion on the issue between the Secretary and FM Steinmeier in Washington were not accurate, in that the media reports suggest the USG was not troubled by developments in the al-Masri case. The DCM emphasized that this was not the case and that issuance of international arrest warrants would have a negative impact on our bilateral relationship. He reminded Nikel of the repercussions to U.S.-Italian bilateral relations in the wake of a similar move by Italian authorities last year.

2. (S/NF) The DCM pointed out that our intention was not to threaten Germany, but rather to urge that the German Government weigh carefully at every step of the way the implications for relations with the U.S. We of course recognized the independence of the German judiciary, but noted that a decision to issue international arrest warrants or extradition requests would require the concurrence of the German Federal Government, specifically the MFA and the Ministry of Justice (MOJ). The DCM said our initial indications had been that the German federal authorities would not allow the warrants to be issued, but that subsequent contacts led us to believe this was not the case.

3. (S/NF) Nikel also underscored the independence of the German judiciary, but confirmed that the MFA and MOJ would have a procedural role to play. He said the case was subject to political, as well as judicial, scrutiny. From a judicial standpoint, the facts are clear, and the Munich prosecutor has acted correctly. Politically speaking, said Nikel, Germany would have to examine the implications for relations with the U.S. At the same time, he noted our political differences about how the global war on terrorism should be waged, for example on the appropriateness of the Guantanamo facility and the alleged use of renditions.

4. (S/NF) Nikel also cited intense pressure from the Bundestag and the German media. The German federal Government must consider the "entire political context," said Nikel. He assured the DCM that the Chancellery is well aware of the bilateral political implications of the case, but added that this case "will not be easy." The Chancellery would nonetheless try to be as constructive as possible.

### ***Baraitser issued a time warning***

Summers then asked about events leading to the publishing of the unredacted cables. Goetz said this was a complicated process. It started when Luke Harding and David Leigh published a book in February 2011 containing the password to the online cache of encrypted cables. This was discussed on various mirroring sites, and eventual publication of the full cache by Cryptome after *Die Freitag* became involved. Cryptome was at that time very well known and an important source for journalists.

Summers then asked about the breakdown of relationships between Wikileaks and *the Guardian*. It was at this point that Baraitser ruled that Summers was not allowed to ask about what happened at the dinner he attended at El Moro restaurant. Summers made a formal request, as Lewis had introduced the subject with other witnesses who unlike Goetz had not been there. Lewis objected, and Baraitser said no.

James Lewis QC then cross-examined for the US Government and went straight to the publication of unredacted cables by Wikileaks in August and September 2011. Goetz

referred to his earlier evidence on the releasing of the password, and said that Cryptome published first. Lewis countered that on 29 August 2011 Wikileaks had released 133,877 cables together with a statement that this was done “in accordance with Wikileaks’ commitment to maximising impact and making information available to all”. This was two days before Cryptome published.

A rather chaotic period ensued. Julian cried out from the dock that this was a misquote. He was warned he would be excluded from court by Baraitser. It turned out it was a misquote, and what I give above is the corrected version. There was then some rather confused questioning between Goetz and Lewis, of which the upshot was that those were unclassified and/or redacted cables (a quarter of the cache). Goetz said he could not comment to Lewis’s suggestion that some had names marked “strictly protect”.

Lewis suggested that after the collaboration, the material was just dumped. Goetz said no. Wikileaks had invested a lot of time, money and staff resources in the programme and from detailed discussions he knew they intended it to continue to roll out for at least another year. Then Cryptome had published.

Lewis quoted from a *Guardian* article of 1 September in which the original media partners, including *Der Spiegel*, condemned the release of the unredacted documents. He asked Goetz whether the 15,000 withheld cables had also been “dumped”? Goetz replied they were not cables, they were Afghan war logs, and no, not to his knowledge.

Lewis then said there was evidence that called Assange thoughtful, humorous and energetic. Did Goetz agree? He said yes. Lewis then quoted Christine Assange on what a good father her son was, and invited Goetz to comment. Goetz replied he was in no position to know. [It is hard to explain this somewhat sinister finishing questioning. Possibly to counter psychiatric evidence?]

In re-examination by Mark Summers, Goetz stated that while the cables redaction process was going on, no names at risk had been published. To his knowledge, nobody had ever been harmed as a result of publication. He knew from his close involvement that Assange had tried very hard to prevent the publication of the unredacted cables. He had pleaded with *Die Freitag*.

In the afternoon, the witness was Dan Ellsberg, doyen of whistleblowers. Born in Chicago in 1931, he was educated at Harvard and Cambridge. He served in the Marines from 1954-7, and from 1964-5 was Special Assistant to the US Secretary of Defence. He was then involved in the making of an official classified 47-volume report entitled *History of Decision Making in Vietnam*.

Ellsberg briefly explained that the report showed that the war in Vietnam had been both continued in the knowledge that it could not be won. It showed that both the public and Congress had repeatedly been lied to. He had leaked the report to lawmakers and then the public as *The Pentagon Papers*. This had resulted in the famous case on prior restraint on publication. There had also been a less well-known criminal case against him personally under the Espionage Act. This had been dismissed with prejudice by the court.

Asked by Edward Fitzgerald to comment on the Wikileaks/Manning publication on Afghanistan, Ellsberg replied that he saw extremely strong parallels with his own case. These papers had the capability of informing the public of the progress of the



war and the limited possibility that it could be brought to a successful conclusion at all. The *Afghan War Logs* showed operational-level information not a wider view, but the effect was similar. He strongly identified with both the source and the process of publication.

Fitzgerald then asked Ellsberg whether Assange held political opinions relevant to this publication. Ellsberg said it was absurd for the prosecution to argue otherwise. He had himself been motivated by his political views in his publication and Assange's views were very similar. He had held very interesting discussions with Assange and felt a great affinity with him. They both believed that there was a great lack of transparency to the public over government decisions. The public were fed much information that was false.

When the public had so little genuine information and were fed so much false information, real democracy was not possible. An example was the Iraq War, clearly an illegal war of aggression in breach of the UN charter, sold on lies to the public.

The *Afghan War Logs* were similar to low-level reports Ellsberg had himself written in Vietnam. It was the same thing; the invasion and occupation of a foreign country against the wishes of the majority of its population. That could only bring defeat or endless conflict: 19 years so far. The war logs had exposed a pattern of war crimes: torture, assassination and death squads. The one thing that had changed since Vietnam was that these things were now so normalised they were classified below Top Secret.

All the *Pentagon Papers* were Top Secret. None of the Wikileaks documents were. They were not just below Top Secret, they had no restricted distribution classifications. This meant that by definition there should be nothing genuinely sensitive, and certainly not life-endangering, in papers of this classification.

Fitzgerald asked him about the *Collateral Murder* video. Ellsberg stated that it definitely showed murder, including the deliberate machine gunning of a wounded and unarmed civilian. That it was murder was undoubted. The dubious word was "collateral", which implies accidental. What was truly shocking about it was the Pentagon reaction that these war crimes were within the Rules of Engagement. Which permitted murder.

Edward Fitzgerald asked whether Ellsberg was allowed to put forward the question of intention at his trial. He replied no, the distribution of classified material outside those designated to receive it was an offence of strict liability under the 1917 Espionage Act. This was absolutely inappropriate to trials of whistleblowers. "I did not get a fair trial and nor have recent whistleblowers in the USA. Julian Assange could not get a fair trial."

Cross-examining for the US Government, James Lewis QC asked Ellsberg to confirm that at the time he copied the *Pentagon Papers* he was working for the Rand Corporation. He said yes. Lewis said that Assange was not being prosecuted for publication of the *Collateral Murder* video. Ellsberg said that the *Collateral Murder* video was essential to an understanding of the Rules of Engagement. Lewis countered that Assange was not being charged for publication of the Rules of Engagement. He was only being charged for publication of unredacted names of those who might come to harm.

Ellsberg replied that he had read the superseding indictment and that Assange was being charged with obtaining, receiving and possession of material including the

Rules of Engagement and the *Collateral Murder* video, and all the documents. On publishing, he was only charged with the names. Lewis said the other charges related to conspiracy with Chelsea Manning. Ellsberg replied “Yes. They are still charges.”

Ellsberg quoted US Assistant Attorney Gordon Kromberg stating that prosecution was for documents up to Secret level containing the names of those “who risked their lives and freedom while helping the USA”. Lewis contrasted this with Ellsberg “when you published the *Pentagon Papers* you were very careful what you gave to the media”. Ellsberg replied that he withheld three or four volumes not to cause difficulties to diplomatic efforts to end the war.

Lewis suggested he was protecting individuals. Ellsberg said no; if he released those documents, the US government might have used it as an excuse to exit diplomacy and continue the war. Lewis asked if there were names in the *Pentagon Papers* that would risk harm to them. Ellsberg replied yes. In one case, a clandestine CIA agent was named, involved in the CIA assassination of a major Vietnamese politician. He was a personal friend of Ellsberg and Ellsberg had thought hard about it, but had left him in.

Lewis Asked Ellsberg whether he had read the article “Why Wikileaks is Not the Pentagon Papers” by Floyd Abrams, who had represented the *New York Times* in the *Pentagon Papers* case. Ellsberg replied he had read several articles like this by Abrams. He did not know Abrams. He had only been involved in the civil case, not the criminal one. He had seen him once, at an awards ceremony long after.

Lewis said that Abrams had written that Ellsberg had withheld four volumes, whereas “can anyone doubt” that Assange would have published all of them? Ellsberg replied he disagreed, Abrams had never had one minute of discussion with him or Assange. “He does not understand my motives at all in his article”. The position he outlines is widely held by those who want to criticise Julian Assange, Chelsea Manning and Edward Snowden while pretending to be liberal:

What he writes is simply untrue. Julian Assange withheld 15,000 files. He went through a long, hard process of redaction. He requested help from both the State Department and Department of Defence on redaction. I have no doubt Julian would have removed the volumes as I did, in my place. He had no intention to name names.

Ten years later, the US Government has still not been able to name one single individual who was actually harmed by the Wikileaks releases. I was shocked that Kromberg should make that allegation while offering no evidence. As nobody was hurt, clearly the risk was never as high as they claimed — as indeed the document classification would tell you.

They said exactly the same of me. They said CIA agents and those helping the USA would be hurt. “They said I would have blood on my hands.”

There now followed an extraordinary “question” from James Lewis QC who was permitted to read out about 11 paragraphs from various locations in one of Kromberg’s rambling affidavits, in which Kromberg said that as a result of Wikileaks publication, some US sources had had to leave their homeland, go into hiding, or change their names, in a number of countries, including Afghanistan, Iraq, Iran, Syria, Libya, China and Ethiopia. Some individuals in Afghanistan and Iraq had subsequently disappeared. The Taliban were on record as saying that those who cooperated with US forces would be killed. One Ethiopian journalist was forced to flee

Ethiopia after being named as a US source. The US Embassy in China reported threats had been made against some of their named Chinese sources. Wikileaks material was found in the possessions of Osama Bin Laden after he was shot.

Lewis asked in a furious voice “How can you possibly, honestly say that nobody was harmed?”

*Ellsberg* With all these people who felt they were in danger, of course I am sorry it was inconvenient for them, and that is regrettable. But was any one of them actually physically harmed? Did one of them actually suffer the claimed physical consequences?

*Lewis* You call it regrettable that people were put at risk. Is it your position that there was absolutely no harm caused by the publication of the names of these individuals?

*Ellsberg* Assange’s actions are absolutely antithetical to the notion that he deliberately published these names. Had hundreds been harmed, that would count against the great good done by publication of the information. No evidence is produced that any actual harm came to them. But his has to be put in the context of the policies which Assange was trying to change, invasions that led to 37 million refugees and 1 million deaths. Of course some people could not be located again in a war that killed a million people and displaced 37 million. The government is extremely hypocritical to pretend a concern for them against their general contempt for Middle Eastern lives. They had even refused to help redact the names. This is a pretence at concern.

*Lewis* What about the disappeared? Is it not common sense that some had been forced to disappear or flee under another name?

*Ellsberg* It does not seem to me that that small percentage of those named who may have been murdered or fled, can necessarily be attributed as a result of Wikileaks, when they are in among more than 1 million who have been murdered and 37 million who have fled.

Lewis then asked Ellsberg if it was true he had held an encrypted back up copy of the Manning material for Assange. Ellsberg replied it was; it had subsequently been physically destroyed.

In re-examination, Fitzgerald took Ellsberg to a passage in the Kromberg affidavit which stated that the US Government could not positively attribute any death to the Wikileaks material. Ellsberg said that was his understanding, and had been said at the Manning trial. He was shocked. It was just like Iraqi WMD. He had at first been inclined to believe the government on Iraqi WMD, just as he had first been inclined to believe the government on deaths caused by Wikileaks releases. In both cases it had proved they were making it up.

## COMMENT

The court heard a great deal more truth than it could handle today, and great effort was put into excluding more truth. The US Government succeeded in preventing John Goetz eyewitness contradicting their promulgation of Luke Harding’s lie about what Assange said at El Moro. The US Government also objected, successfully so far, to Khaled el-Masri’s giving evidence on the grounds that he will allege he was tortured in the USA. Given that the European Court of Human Rights and the German courts

had both found el-Masri's story to be true, only in the wacky world of Lewis and Baraitser could it be considered wrong for him to tell the truth in court.

<https://www.craigmurray.org.uk/archives/2020/09/your-man-in-the-public-gallery-assange-hearing-day-11/>

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## **Your Man in the Public Gallery — Assange Hearing, Day 12**

*Craig Murray*  
*September 18, 2020*

A less dramatic day, but marked by a brazen and persistent display of this US government's insistence that it has the right to prosecute any journalist and publication, anywhere in the world, for publication of US classified information. This explicitly underlay the entire line of questioning in the afternoon session.

The morning opened with Professor John Sloboda of Iraq Body Count. He is a Professor of Psychology and musicologist who founded Iraq Body Count together with Damit Hardagan, and was speaking to a joint statement by both of them.

Professor Sloboda stated that Iraq Body Count attempted to build a database of civilian deaths in Iraq based on compilation of credible published material. Their work had been recognised by the UN, EU and the Chilcot Inquiry. He stated that protection of the civilian population was the duty of parties at war or in occupation, and targeting of civilians was a war crime.

Wikileaks' publication of the *Iraq War Logs* had been the biggest single accession of material to the Iraq Body Count and added 15,000 more civilian deaths, plus provided extra detail on many deaths which were already recorded. The logs or Significant Activity Reports were daily patrol records, which recorded not only actions and consequent deaths the patrols were involved in, but also deaths which they came across.

After the publication of the *Afghan War Logs*, Iraq Body Count (IBC) had approached Wikileaks to be involved in the publication of the Iraq equivalent material. They thought they had accumulated a particular expertise which would be helpful. Julian Assange had been enthusiastic and had invited them to join the media consortium involved in handling the material.

There were 400,000 documents in the *Iraq War Logs*. Assange had made very plain that great weight must be placed on document security and with careful redaction to prevent, in particular, names from being revealed which could identify individuals who might come to harm. It was however impossible to redact that volume of documents by hand. So Wikileaks had sought help in developing software that would help. IBC's Hamit Dardagan had devised the software which solved the problem.

Essentially, this stripped the documents of any word not in the English dictionary. Thus arabic names were removed, for example. In addition other potential identifiers such as occupations were removed. A few things like key acronyms were added to the dictionary. The software was developed and tested on sample batches of telegrams until it worked well. Julian Assange was determined redaction should be effective and

resisted pressure from media partners to speed up the process. Assange always meticulously insisted on redaction. On balance, they over-redacted for caution. Sloboda could only speak on the *Iraq War Logs*, but these were published by Wikileaks in a highly redacted form which was wholly appropriate.

Joel Smith then stood up to cross-examine for the US Government. I am sure Mr Smith is a lovely man. But sadly his looks are against him. You would certainly not enter an alleyway if he were anywhere nearby. The first time I saw him I presumed he was heading for the dock in court 11.

As is the standard prosecution methodology in this hearing, Mr Smith set out to trash the reputation of the witness. [I found this rather ironic, as Iraq Body Count has been rather good for the US Government. The idea that in the chaos of war every civilian death is reported somewhere in local media is obviously nonsense. Each time the Americans flattened Fallujah and everyone in it, there was not some little journalist writing up the names of the thousands of dead on a miraculously surviving broadband connection. Iraq Body Count is a good verifiable minimum number of civilian deaths, but no more, and its grandiose claims have led it to be used as propaganda for the “war wasn’t that bad” brigade. My own view is that you can usefully add a zero to their figures. But I digress.]

Smith established that Sloboda’s qualifications are in psychology and musicology, that he had no expertise in military intelligence, classification and declassification of documents or protection of intelligence sources. Smith also established that Sloboda did not hold a US security clearance (and thus was in illegal possession of the information from the viewpoint of the US government). Sloboda had been given full access to all 400,000 *Iraq War Logs* shortly after his initial meeting with Assange. They had signed a non-disclosure agreement with the International Committee of Investigative Journalists. Four people at IBC had access. There was no formal vetting process.

To give you an idea of this cross-examination:

*Smith* Are you aware of jigsaw identification?

*Sloboda* It is the process of providing pieces of information which can be added together to discover an identity.

*Smith* Were you aware of this risk in publishing?

*Sloboda* We were. As I have said, we redacted not just non-English words but occupations and other such words that might serve as a clue.

*Smith* When did you first speak to Julian Assange?

*Sloboda* About July 2010.

*Smith* The *Afghan War logs* were published in July 2010. How long after that did you meet Assange?

*Sloboda* Weeks.

*Smith* You talk of a responsible way of publishing. That would include not naming US informants?

*Sloboda* Yes.

*Smith* Your website attributes killings to different groups and factions within the state as well as some outside influences. That would indicate varied and multiple sources of danger to any US collaborators named in the documents.

*Sloboda* Yes.

*Smith* Your statement spoke of a steep learning curve from the Afghan war logs that had to be applied to the Iraq war logs. What does that mean?

*Sloboda* It means Wikileaks felt that mistakes were made in publishing the Afghan war logs that should not be repeated with the Iraq war logs.

*Smith* Those mistakes involved publication of names of sources, didn't they?

*Sloboda* Possibly, yes. Or no. I don't know. I had no involvement with the *Afghan War Logs*.

*Smith* You were told there was time pressure to publish?

*Sloboda* Yes, I was told by Julian he was put under time pressure and I picked it up from other media partners.

*Smith* And it was IBC who came up with the software solution, not Assange?

*Sloboda* Yes.

*Smith* How long did it take to develop the software?

*Sloboda* A matter of weeks. It was designed and tested then refined and tested again and again. It was not ready by the original proposed publication date of the *Iraq War Logs*, which is why the date was put back.

*Smith* Redaction then would remove all non-English words. But it would still leave vital clues to identities, like professions? They had to be edited by hand?

*Sloboda* No. I already said that professions were taken out. The software was written to do that.

*Smith* It would leave in buildings?

*Sloboda* No, other words like mosque were specifically removed by the software.

*Smith* But names which are also English words would be left in. Like Summers, for example.

*Sloboda* I don't think there are any Iraqi names which are also English words.

*Smith* Dates, times, places?

*Sloboda* I don't know.

*Smith* Street names?

*Sloboda* I don't know.

*[Sloboda was obviously disconcerted by Smith's quickfire technique and had been rattled into firing back equally speedy and short answers. If you think about it a moment, Iraqi street names are generally not English words.]*

*Smith* Vehicles?

*Sloboda* I don't know.

*Smith* You said at a press conference that you had "merely scratched the surface" in looking at the 400,000 documents.

*Sloboda* Yes.

*Smith* You testified that Julian Assange shared your view that the Iraqi war logs should be published responsibly. But in a 2010 recorded interview at the Frontline Club, Mr Assange called it regrettable that informants were at risk, but said Wikileaks only had to avoid potential for unjust retribution; and those that had engaged in traitorous behaviour or had sold information ran their own risk. Can you comment?

*Sloboda* No. He never said anything like this to me.

*Smith* He never said he found the process of redaction disturbing?

*Sloboda* No, on the contrary. He said nothing at all like that to me. We had a complete meeting of minds on the importance of protection of individuals.

*Smith* Not all the logs related to civilian deaths?

*Sloboda* No. The logs put deaths in four categories. Civilian, host nation (Iraqi forces and police), friendly nation (coalition forces) and enemy. The logs did not always detail the actions in which deaths occurred. Sometimes the patrols were the cause, sometimes they detailed what they came across. We moved police deaths from the host nation to the civilian category.

*[One of the problems I personally have with IBC's approach is that they accepted US forces' massive over-description of the dead as "hostile". Obviously when US forces killed someone they had an incentive to list them as "hostile" and not "civilian".]*

*Smith* Are you aware that when the Iraq Significant Activity Reports (war logs) were released online in October 2010, they did in fact contain unredacted names of co-operating individuals?

*Sloboda* No, I am not aware of that.

*Smith* now read an affidavit from a new player [Dwyer?] which stated that the publication of the SARs put co-operating individuals in grave danger. Dwyer purported to reference two documents which contained names. Dwyer also stated that "military and diplomatic experts" confirmed individuals had been put in grave danger.

*Smith* How do you explain that?

*Sloboda* I have no knowledge. It's just an assertion. I haven't seen the documents referred to.

*Smith* Might this all be because Mr Assange "took a cavalier attitude to redaction"?

*Sloboda* No, definitely not. I saw the opposite.

*Smith* So why did it happen?

*Sloboda* I don't know if it did happen. I haven't seen the documents referred.

That ended Professor Sloboda's evidence. He was not re-examined by the defence.

I have no idea who "Dwyer" — name as heard — is or what evidential value his affidavit might hold. It is a constant tactic of the prosecution to enter highly dubious information into the record by putting it to witnesses who have not heard of it. The context would suggest that "Dwyer" is a US government official. Given that he claimed to be quoting two documents he was alleging Wikileaks had published online, it is also not clear to me why those published documents were not produced to the court and to Professor Sloboda.

We now come to the afternoon session. I have a difficulty here. The next witness was Carey Shenkman, an academic lawyer in New York who has written a book on the history of the Espionage Act of 1917 and its use against journalists. Now, partly because Shenkman was a lawyer being examined by lawyers, at times his evidence included lots of case names being thrown around, the significance of which was not entirely clear to the layman. I often could not catch the names of the cases. Even if I produced a full transcript, large chunks of it would be impenetrable to those from a non-legal background — including me — without a week to research it. So if this next reporting is briefer and less satisfactory than usual, it is not the fault of Carey Shenkman.

This evidence was nonetheless extremely important because of the clear intent shown by the US government in cross examination to now interpret the Espionage Act in a manner that will enable them to prosecute journalists wholesale.

Shenkman began his evidence by explaining that the 1917 Espionage Act under which Assange was charged dates from the most repressive period in US history, when Woodrow Wilson had taken the US into the First World War against massive public opposition. It had been used to imprison those who campaigned against the war, particularly labour leaders. Wilson himself had characterised it as "the firm hand of stern repression". Its drafting was extraordinarily broad and it was on its surface a weapon of political persecution.

The *Pentagon Papers* case had prompted Edgar and Schmidt to write a famous analysis of the Espionage Act published in the *Columbia Law Review* in 1973. It concluded that there was incredible confusion about the meaning and scope of the law and capacity of the government to use it. It gave enormous prosecutorial discretion on who to prosecute and depended on prosecutors behaving wisely and with restraint. There was no limit on strict liability. The third or fifth receiver in the chain of publication of classified information could be prosecuted, not just the journalist or publisher but the person who sells or even buys or reads the newspaper.

Shenkman went through three historic cases of potential criminal prosecution of media under the Espionage Act. All had involved direct Presidential interference and the active instigation of the Attorney General. All had been abandoned before the Grand Jury stage because the Justice Department had opposed proceeding. Their primary concern had always been how to distinguish media outlets. If you prosecuted one, you had to prosecute them all.



[An aside for my regular readers — that is a notion of fairness entirely absent from James Wolffe, Alex Prentice and the Crown Office in Scotland.]

The default position had become that the Espionage Act was used against the whistleblower but not against the publisher or journalist, even when the whistleblower had worked closely with the journalist. Obama had launched the largest ever campaign of prosecution of whistleblowers under the Espionage Act. He had not prosecuted any journalist for publishing the information they leaked.

Claire Dobbin then rose to cross-examine on behalf of the US Government, which evidently is not short of a penny or two to spend on multiple counsel. Mrs Dobbin looks a pleasant and unthreatening individual. It was therefore surprising that when she spoke, out boomed a voice that you would imagine as emanating from the offspring of Ian Paisley and Arlene Foster. This impression was of course reinforced by her going on to advocate for harsh measures of repression.

Ms Dobbin started by stating that Mr Shenkman had worked for Julian Assange. Shenkman clarified that he had worked in the firm of the great lawyer Michael Ratner, who represented Mr Assange. But that firm had been dissolved on Mr Ratner's death in 2016 and Shenkman now worked on his own behalf. This all had no bearing on the history and use of the Espionage Act, on which he had been researching in collaboration with a well-established academic expert.

Dobbin then asked whether Shenkman was on Assange's legal team. He replied no. Dobbin pointed to an article he had written with two others, of which the byline stated that Shenkman was a member of Julian Assange's legal team. Shenkman replied he was not responsible for the byline. He was a part of the team only in the sense that he had done a limited amount of work in a very junior capacity for Michael Ratner, who represented Assange, that related to Assange. He was "plankton" in Ratner's firm.

Dobbin said that the article had claimed that the UK was illegally detaining Assange in the Ecuadorean Embassy. Shenkman replied that was the view of the UN Working Group on Arbitrary Detention, with which he concurred. Dobbin asked if he stood by that opinion. Shenkman stated that he did, but it bore no relationship to his research on the history of the Espionage Act on which he was giving evidence.

Dobbin asked whether, having written that article, he really believed he could give objective evidence as an expert witness. Shenkman said yes he could, on the history of use of the Espionage Act. It was five years since he had left the Ratner firm. Lawyers had all kinds of clients that very loosely related in one way or another to other work they did. They had to learn to put aside and be objective.

Dobbin said that the 2013 article stated that Assange's extradition to the United States was almost certain. What was the basis of this claim? Shenkman replied that he had not been the main author of that article, with which three people were credited. He simply could not recall that phrase at this time or the thought behind it. He wished to testify on the history of the Espionage Act, of which he had just written the first historical study.

Dobbin asked Shenkman if he was giving evidence *pro bono*? He replied no, he was appearing as a paid expert witness to speak about the Espionage Act.

Dobbin said that the defence claimed that the Obama administration had taken the decision not to prosecute Assange. But successive court statements showed that an

investigation was still ongoing (Dobbin took him through several of these, very slowly). If Assange had really believed the Obama administration had dropped the idea of prosecution, then why would he have stayed in the Embassy?

Shenkman replied that he was very confused why Dobbin would think he had any idea what Assange knew or thought at any moment in time. Why did she keep asking him questions about matters with which he had no connection at all and was not giving evidence?

But if she wanted his personal view, there had of course been ongoing investigations since 2010. It was standard Justice Department practice not to close off the possibility of future charges. But if Holder and Obama had wanted to prosecute, wouldn't they have brought charges before they left office and got the kudos, rather than leave it for Trump?

Dobbin then asked a three-part question that rather sapped my will to live. Shenkman sensibly ignored it and asked his own question instead. "Did I anticipate this indictment? No, I never thought we would see something as political as this. It is quite extraordinary. A lot of scholars are shocked."

Dobbin now shifted ground to the meat of the government position. She invited Shenkman to agree with a variety of sentences cherry-picked from US court judgements over the years, all of which she purported to show an untrammelled right to put journalists in jail under the Espionage Act. She started with the Morison Case in the fourth appellate circuit and a quote to the effect that "a government employee who steals information is not entitled to use the First Amendment as a shield". She invited Shenkman to agree. He declined to do so, stating that particular circumstances of each case must be taken into consideration and whistleblowing could not simply be characterised as stealing. Contrary opinions exist, including a recent 9th appellate circuit judgement over Snowden. So no, he did not agree. Besides Morison was not about a publisher. The Obama prosecutions showed the historic pattern of prosecuting the leaker not the publisher.

Dobbin then quoted a Supreme Court decision with a name I did not catch, and a quote to the effect that "the First Amendment cannot cover criminal conduct". She then fired another case at him and another quote. She challenged him to disagree with the Supreme Court. Shenkman said the exercise she was engaged in was not valid. She was picking individual sentences from judgements in complex cases, which involved very different allegations. This present case was not about illegal wiretapping by the media like one she quoted, for example.

Dobbin then asked Shenkman whether unauthorised access to government databases is protected under the First Amendment. He replied that this was a highly contentious issue. There were, for example, a number of conflicting judgements in different appellate circuits about what constituted unauthorised access.

Dobbin asked if hacking a password hash would be unauthorised access. Shenkman replied this was not a simple question. In the present case, the evidence was the password was not needed to obtain documents. And could she define "hacking" in law? Dobbin said she was speaking in layman's terms. Shenkman replied that she should not do that. We were in a court of law and he was expected to show extreme precision in his answers. She should meet the same standard in her questions.

Finally Dobbin unveiled her key point. Surely all these contentious points were therefore matters to be decided in the US courts after extradition? No, replied

Shenkman. Political offences were a bar to extradition from the UK under UK law, and his evidence went to show that the decision to prosecute Assange under the Espionage Act was entirely political.

Mrs Dobbin will resume her cross examination of Mr Shenkman tomorrow.

## COMMENT

I have two main points to make. The first is that Shenkman was sent a 180 page evidence bundle from the prosecution on the morning of his testimony, at 3 am his time, before giving evidence at 9 am. A proportion of this was entirely new material to him. He is then questioned on it. This keeps happening to every witness. On top of which, like almost every witness, his submitted statement addressed the first superseding indictment not the last minute second superseding indictment which introduces some entirely new offences. This is a ridiculous procedure.

My second is that, having been very critical of Judge Baraitser, it would be churlish of me not to note that there seems to be some definite change in her attitude to the case as the prosecution makes a complete horlicks of it. Whether this makes any long term difference I doubt. But it is pleasant to witness.

It is also fair to note that Baraitser has so far resisted strong US pressure to prevent the defence witnesses being heard at all. She has decided to hear all the evidence before deciding what is and is not admissible, against the prosecution desire that almost all the defence witnesses are excluded as irrelevant or unqualified. As she will make that decision when considering her judgement, that is why the prosecution spend so much time attacking the witnesses *ad hominem* rather than addressing their actual evidence. That may well be a mistake.

<https://www.craigmurray.org.uk/archives/2020/09/your-man-in-the-public-gallery-assange-hearing-day-12/>

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## **Mainstream US reporters silent about being spied on by apparent CIA contractor that targeted Assange**

*The Grayzone*  
2020-09-18

Despite being spied on and having their privacy invaded by the UC Global firm that targeted Assange, reporters from major US news outlets have said nothing in protest. Meanwhile, new evidence of that firm's CIA links has emerged.

A Spanish security firm apparently contracted by US intelligence to carry out a campaign of black operations against Julian Assange and his associates spied on several US reporters including Ellen Nakashima, the top national security reporter of the *Washington Post*, and Lowell Bergman, a *New York Times* and PBS veteran.

To date, Nakashima and her employers at the *Washington Post* have said nothing about the flagrant assault on their constitutional rights by UC Global, the security company in charge of Ecuadorian embassy in London, which seemingly operated under the watch of the CIA's then-director, Mike Pompeo. PBS, the *New York Times*,

and other mainstream US outlets have also remained silent about the US government intrusion into reporters' personal devices and private records.

*The Grayzone* has learned that several correspondents from a major US newspaper rebuffed appeals by Wikileaks to report on the illegal spying campaign by UC Global, privately justifying the contractor's actions on national security grounds.

UC Global spied on numerous journalists with the aim of sending their information to US intelligence through an FTP server placed at the company headquarters and through hand-delivered hard drives.

Nearly all of those reporters have so far ignored or refused invitations to join a criminal complaint to be filed in Spanish court by Stefania Maurizi, an Italian journalist whose devices were invaded and compromised during a visit to Assange.

Proof of UC Global's illegal spying campaign and the firm's relationship with the CIA emerged following the September 2019 arrest of the company's CEO, David Morales. Spanish police had enacted a secret operation called "Operation Tabanco" under a criminal case managed by the same National Court that orchestrated the arrest of former Chilean military dictator Augusto Pinochet years before.

Morales was charged in October 2019 by the Spanish court with violating the privacy of Assange and abusing his attorney-client privileges, as well as money laundering and bribery. A mercenary former Spanish special forces officer, Morales also stood accused of illegal weapons possession after two guns with the serial numbers filed off were found during a search of his property.

The documents and testimony revealed in court have exposed shocking details of UC Global's campaign against Assange, his lawyers, friends, and reporters. Evidence of crimes ranging from spying to robberies to kidnapping and even a proposed plot to eliminate Assange by poisoning has emerged from the ongoing trial.

In an investigation for *The Grayzone* this May, this reporter detailed how the Las Vegas Sands corporation of Trump mega-donor Sheldon Adelson functioned as an apparent liaison between UC Global and Pompeo's CIA, presumably contracting the former on behalf of the latter. It was the second time Adelson's company had been identified as a CIA asset. (The first was in 2010, when a private intelligence report sponsored by gambling competitors alleged that his casino in Macau was sending footage of Chinese officials gambling so they could be blackmailed into serving as CIA informants).

The story placed the Trump organization at the center of a global campaign of surveillance and sabotage that ruthlessly targeted journalists, including Assange and virtually every reporter he came into contact with since 2017.

For the past four years, the Washington press corps has howled about Trump's angry browbeating of the White House press pool, treating his resentful outbursts as a grave threat to press freedom. At the same time, it has reacted with a collective shrug to revelations that a firm that was, by all indications, contracted by the Trump administration's CIA to destroy Assange had spied on prominent American national security reporters.

More revealingly, some of the reporters who had their personal information and notes stolen by UC Global, the apparent CIA contractor, have not said a word about it.

Maurizi, the Italian reporter who is filing a lawsuit against UC Global and serving as a witness in the current case before the Spanish judge, told this reporter she was stunned by the mainstream US media's passive attitude. "Imagine if Putin had done anything like this. Just imagine what a scandal this would be," she remarked to *the Grayzone*. "It would be a giant scandal all around the world. But instead, [US media] is saying nothing."

Randy Credico, a comedian, social justice activist, and longtime advocate for Assange's freedom, also attempted to generate media interest in the spying scandal when he learned that UC Global had snooped on him in the embassy. "I went to everybody, I went to *MSNBC*, to the *Wall Street Journal*, *CNN*, to journalists I knew, and I couldn't get anyone interested," Credico complained to *The Grayzone*.

In his first public address as CIA director, Mike Pompeo branded Assange's Wikileaks as "a non-state hostile intelligence service often abetted by state actors like Russia" and outlined a "long term" campaign of counter-measures against the crusading media organization. At the time, Assange was trapped in the Ecuadorian embassy in London and hosting regular visits there from his legal team, friends, and an array of reporters.

Throughout 2017, UC Global's Morales traveled frequently from Spain to the US to orchestrate the campaign against Assange. At several points, he issued spying directives from inside the Venetian hotel belonging to Adelson's Sands. He boasted to his employees that he was working for "the dark side," and referred to the forces that had contracted his services as his "American friends."

"Sometimes, when I insistently asked him who his 'American friends' were, on some occasions David Morales answered that they were 'the US intelligence,'" a former UC Global business partner testified before the Spanish court.

During a January 2017 visit to Adelson's Las Vegas-based Venetian hotel, Morales and an employee exchanged several texts on Telegram about an important trial run for UC Global's new client. "I want you to be alert because according to what they tell me they may be controlling us so that everything that is confidential so make it encrypted," Morales said.

"Everything is related to the London issue..." he continued, making reference to the Ecuadorian embassy that housed Assange. "Those who control [it] are the friends of the USA."

In May 2017, Telegram messages by Morales show him making further references to his apparent work for the US government: "I am on a subject in which I foresee that they are going to start monitoring us..." he remarked to an employee. "How are we protected for that?" After his worker outlined UC Global's systems, Morales replied that he did not expect any problems "for those who want to see us."

"We can do that if the agency of the stars and stripes wants to see us," the UC Global CEO continued.

"I imagined I was going to go there," the employee replied.

That July, Morales was in Miami, on a mission to provide "the agency of the stars and stripes" with a budget for the hidden microphones UC Global planned to place inside the CCTV system at the Ecuadorian embassy in London.

In his Telegram chats, Morales responded with Trump badges to several messages from a UC Global employee — a seeming reference to the US administration that had contracted his services. As this reporter revealed in May, Morales not only oversaw the secret installation of microphones in the embassy's CCTV system and hidden microphones under a fire extinguisher in its conference room, he attempted to establish a feed to a separate, exterior storage server managed from the US, doing his best to keep the operation hidden from Ecuador's intelligence services. He referred to the entity on the receiving end of the CCTV footage and audio as "the American client."

In a December 2017 email sent from Adelson's Venetian hotel, Morales ordered his employees at the embassy to inform him if any visitors "carry mobile phones, pen drives, computers, or any electronic equipment," and to "make sure the protocol is maintained and they leave their electronics at the entrance."

El 10/12/17 a las 19:12, David Morales - UC-Global escribió:

Hola Mosqueteros:

Describo resumidamente los objetivos que debemos de conseguir.

\* \*Hay tres (3) perfiles de máxima prioridad que debemos de tener controladas en todo momento:\*

- FIX
- MULLER
- (Ciudadanos Rusos)

Es necesario que los operadores que estén allí presten atención a ellos, que nos avisen con tiempo si pasan por la embajada y de cuando programen una visita.

Igualmente deben de prestar atención y comunicarnos si llevan, teléfonos móviles, pen drives, ordenadores o cualquier equipo electrónico, entiendo que el protocolo se mantiene y dejan sus equipos electrónicos en la entrada.

By this point, UC Global's spying dragnet had ensnared practically everyone who entered the embassy to visit Assange. Among the most prominent victims was then-US Rep. Dana Rohrabacher, who was allegedly dispatched by Trump in August 2017 to offer a presidential pardon in exchange for Assange providing concrete evidence the Russian government did not hack the DNC's email server. Assange, who has never revealed a source, refused the offer.


Pamela Anderson, the Canadian-American actress and close friend of Assange, had her email hacked into by UC Global when a guard took advantage of a moment when she left the room to photograph a Gmail password she had written on a notepad. UC Global not only spied on Assange's legal team, violating attorney-client privilege, it hounded Stella Morris, a member of the Wikileaks legal team who became Assange's romantic partner, hatching a failed plot to steal her infant son's diapers from a trash bin in a bid to obtain his DNA and prove his genetic link to Assange.

In December 2017, UC Global learned that Assange and his legal team were formulating a plan for him to exit the embassy under the protections granted to diplomats under the Vienna Convention on Diplomatic Relations. Morales ordered his employees to act aggressively to sabotage it, demanding copies of all video recordings, presumably for delivery to US intelligence.

Ellen Nakashima, a national security reporter for the *Washington Post*, visited the Ecuadorian embassy to interview Assange on December 15. According to notes by a UC Global guard named Jose Antonio Torre, Nakashima arrived with Souad Mekhennet, a colleague at the *Post* who was not allowed inside because she did not have her passport. The two reporters were working on a profile of Andy Müller-Maguhn, a German cyber expert and one of Assange's closest confidants, who escorted them to London. (UC Global employees photographed the contents of Müller-Maguhn's backpack and the secret number inside his encrypted phone.)

When Nakashima entered the meeting with Assange, Torre held her voice recorder and cellphone. He recounted in notes to Morales how he removed the battery from the phone, then photographed her device.

Those notes contained a remarkable admission: as Nakashima left the embassy, Torre said, "I tried to keep her tape recorder but the woman remembered it at the exit."



Fecha 15/12/2017 JOSE ANTONIO

Hoyas

- 9:00 - EL HUESPED SE LEVANTA PARA EL MITIN A LAS 9:15
- 9:28 → 13:17
- SENIFER ROBINSON - AUSTRALIA ABOGADA EQUIPO STAFF
- 9:30 → ELLEN MICHIKO NAKASHIMA - SE PRESENTA EN LA PUERTA YA QUE TIENE UN MEETING CON OTRA MUJER LA CUAL NO PUEDE ENTRAR NO TIENE APPOINTMENT PERO LE TOMO EL PASAPORTE, ELLA ES: → SOUAD MEKHENNET. - ALEMANIA
- 10:00 - SALIDA DE HOTEL 12:47

ENTRADA A HOTEL DE 2055 (Compujuras)

ELLEN MICHIKO NAKASHIMA, LA CUAL EN EL CONTROL DE SEGURIDAD

PORTA UN TLF APPEL, UNA GRABADORA, TRES BOLIGRAFOS, DOS CUADERNOS DE NOTAS.

LE RETIRO EL TLF, LA GRABADORA Y LE QUITO LA PILA, INTENTO QUEDARME LA GRABADORA PERO LA MUJER SE ACUGRA A LA SALIDA.

SE LE RETIENE TAMBIEN EL TLF, SE LE EFECTUA A ELLA EL CONTROL DE SEGURIDAD Y NO PORTA NADA DE METAL.

- 10:20 - 12:44 - SALIDA DE LA SALA

ELLEN MICHIKO NAKASHIMA, ENTRADA A LA SALA DE REUNIONES.

Visitas

- 10:25 - SALIDA DE LA SALA - 12:44

EL HUESPED ENTRA EN LA SALA DE REUNIONES.

- 10:28 - SALIDA DE LA SALA - 12:44

SENIFER ROBISON ENTRA EN LA SALA DE REUNIONES.

ELLEN MICHIKO: DESDE QUE ENTRA YA OBSERVANDO TODO EN LA SALA DE REUNIONES OBSERVA Y TOMA NOTA DE TODO LO QUE EL HUESPED LE VA DICIENDO - A LAS 11:30 SALE PARA IR AL TOILET CON EL BLOC DE NOTAS Y LA PILLO MIRANDO LO TODO Y A INTENTAR TOMAR APUNTES LO CUAL LE LLAMO LA ATENCION Y LE DIGO QUE SI TOMA APUNTES DEL ENTORNO LA HECHO FUERA →

Notes by UC Global employee "Jose Antonio" detailing Ellen Nakashima's visit and his attempt to steal the Washington Post reporter's voice recorder



In her January 17, 2018 report on her visit to the embassy, Nakashima made reference to a warning by Assange about spy cameras and his use of a white noise machine to foil hidden surveillance devices like the hidden microphone that was later revealed under the fire extinguisher in the room. The *Washington Post* reporter made no mention, however, of the UC Global guard's attempt to pocket her voice recorder.

Nakashima did not respond to a request for comment sent to her publicly listed *Washington Post* email by *The Grayzone*.

She was not the only reporter illegally snooped on by UC Global spies posing as embassy guards. Lowell Bergman, the award-winning investigative reporter and *New York Times* and *PBS* veteran, had his phone opened and SIM card removed without his permission by a UC Global employee when he met with Assange on October 6, 2017.

*The Grayzone* obtained footage and audio of Bergman's meeting with Assange that was captured by UC Global's spy cameras and likely delivered to the CIA.



Left: A UC Global spy pats Lowell Bergman down at the entrance to Ecuador's embassy in London. Right: Footage secretly recorded by UC Global of Bergman's meeting with Assange.

*Intercept* senior correspondent Glenn Greenwald and his husband, David Miranda, were secretly videotaped by UC Global spies, during a September 16, 2017 meeting with Assange.

While Greenwald was in the conference room with Assange, a UC Global employee opened his passport and photographed a visa showing he had visited Russia, a flagrant violation of his privacy carried out under orders from Morales. (*The Grayzone* has viewed a UC Global photograph taken of Greenwald's visa that was sent to company headquarters).

Over two years later, when Greenwald learned of the violation of his constitutional rights, he protested on Twitter, "This is the US Government/CIA spying on its own citizens, including our phones, with no warrants."

Unlike Greenwald, Bergman has said nothing in public about being spied on by an alleged CIA contractor. However, he has agreed to serve as a witness in the trial of UC Global's Morales, according to a member of Wikileaks' legal team. He did not respond to an emailed request for comment.





*UC Global footage of Greenwald and Miranda's meeting with Assange, who is seen in the upper right-hand corner activating a white noise machine.*

### ***US reporters justify CIA spying on Assange***

Throughout 2019 and during the first several months of this year, Wikileaks and its allies worked phone lines and raced across timezones to generate media interest in the CIA spying scandal they had uncovered through the Spanish prosecution of UC Global's Morales.

Correspondents from a major US newspaper were presented with detailed evidence of UC Global spying on Assange and his associates, and documentation of the firm's relationship with the CIA and Sheldon Adelson, a Wikileaks source told *The Grayzone*.

Not only were the reporters initially uninterested in the spying scandal, the Wikileaks source said one correspondent justified the CIA's surveillance on national security grounds. "He said, well, that's what an intelligence service is supposed to," the source recalled, describing the experience as "crazy."

In December 2019, the *New York Times* covered the CIA operation against Assange in a single article by Raphael Minder. Framing the case in terms of "conflicting interpretations," Minder claimed "it remains unclear whether it was the Americans who were behind bugging the embassy."

Omitted in Minder's article were all the obvious signs of UC Global's collaboration with US intelligence, from Morales' comment that "the agency of the stars and stripes will see us" to witness testimony that explicitly stated the company had been contracted by the CIA.

"The *New York Times* was basically saying there was no evidence that US intelligence was involved," Maurizi commented to *The Grayzone*. "What do they want? A text message from the CIA saying, 'we did it?'"

### *One reporter's lonely fight for justice*

Maurizi was among the reporters who produced the most critical coverage of the political persecution of Assange and Wikileaks over the years. While reporting for Italy's *La Repubblica*, Maurizi visited Assange frequently at the Ecuadorian embassy. When she met him there in December 2017, UC Global guards invaded her personal devices after seizing them at the entrance of the diplomatic facility.

"They took my two telephones, one which was encrypted; my iPod, and many USB sticks," Maurizi told *The Grayzone* this May. "There was no way to get my backpack back. The guard told me, 'Don't worry, everything will be fine, no one will access your materials or open your backpack.' I was very suspicious. I wasn't even allowed to bring a pen inside to take notes."

The reporter learned later that UC Global employees photographed the unique International Mobile Equipment Identity number and the SIM card number inside her phone. This seemed to be what they needed to hack into the device.

Maurizi later found that calls, emails, and texts from her editors, then at the Italian daily *La Repubblica*, were failing to go through. "No one could explain this disruption," Maurizi said. "I wonder if it had anything to do with these espionage activities. To this day I cannot say."

Maurizi plans to file a criminal complaint against UC Global in Spain's National Court this October on behalf of journalists victimized by the security firm. So far, she has been unable to find any reporters willing to sign on to her complaint.

She said she asked the *Washington Post*'s Nakashima to join, but never received a reply. Bergman, for his part, told her he was not interested in participating.

"I couldn't get anybody interested" in the CIA spying on US journalists

Like Maurizi, Randy Credico was spied on by UC Global during a visit to Assange at the Ecuadorian embassy. When he learned his meeting had been secretly videotaped, he embarked on a frenetic campaign to generate media coverage of the violation of his constitutional rights by the CIA.

Credico is a comedian, award-winning criminal justice reformer, and advocate for Assange's freedom who emerged as a player in the Russiagate saga when Robert Mueller's investigative team called him as a witness.

After being falsely accused of serving as a "backchannel" between Wikileaks and former Trump advisor Roger Stone, Credico made numerous high-profile appearances on *MSNBC* and *CNN*, and rubbed shoulders with Beltway media honchos as a guest at the White House Press Correspondents Dinner.

Credico told *The Grayzone* he attempted to convince his contacts in mainstream media to cover the UC Global-CIA spying scandal. But in every instance, he was met with a cold shoulder.

"I went to everybody," he recalled. "I went to *MSNBC*, to the *Wall Street Journal*, *CNN*, to journalists I knew, and I couldn't get anyone interested. I mean, all these reporters hate Trump, and here you had Pompeo and Sheldon Adelson, the guy who finances Trump, breaking the law. You would think this would be a big deal to these lean forward progressives. And they haven't said shit. It's appalling that they haven't come forward and said something about this."

To be sure, *CNN Español* published a lengthy December 2019 report on the UC Global spying ring. But it relied heavily on the perspective of the firm's disgraced former CEO, Morales. "No, I am not a double agent and it is absurd [to say] that I traveled to the US to personally hand over information to the CIA," Morales claimed to CNN.

The article was co-authored by Arturo Torres, a right-wing Ecuadorian journalist who was hostile to both Assange and his country's leftist former president, Raphael Correa. His work has been sponsored by Transparency International, a supposed anti-corruption NGO funded by the US State Department and British government.

Months earlier, in June 2019, CNN's Torres used material illegally gathered by UC Global to publish a malicious attack on Assange asserting that "there was 'no doubt that there is evidence' that Assange had ties to Russian intelligence agencies."

The article provided no such evidence, however, while falsely claiming that UC Global's surveillance reports were "compiled for the Ecuadorian government" — not the CIA.

In reality, UC Global's Morales was desperate to elude Ecuador's SENAIN intelligence agency, instructing his employees in an email from Adelson's Venetian hotel, "Nobody can know about my trips, mainly my trips to the USA, because SENAIN is onto us."

### ***Post owners "look forward to a successful relationship with the CIA"***

The hysteria triggered by Trump's victory in 2016 goes a long way toward explaining US mainstream media's hostility towards Assange. Immediately after conceding defeat, Hillary Clinton blamed "Russian Wikileaks," deepening the hostility among partisan Democrats toward a dissident journalist then-Vice President Joseph Biden had already branded as a "high-tech terrorist." Mainstream US media followed in lockstep.

On April 11, 2019, the day Assange was arrested by British police in the Ecuadorian embassy, the *New York Times* editorial board celebrated with two cheers: "The [Trump] administration has begun well by charging Mr. Assange with an indisputable crime."

The *Washington Post* editorial board was more enthused by the publisher's arrest, proclaiming, "Mr. Assange's case could conclude as a victory for the rule of law, not the defeat for civil liberties of which his defenders mistakenly warn." The *Post* even demanded Assange's extradition to the US, hoping that he could be coerced into becoming a "cooperating witness" and potentially provide information about "Russian intelligence's efforts to undermine democracy in the West."

While the loathing of Assange in Trump-era Washington helps explain mainstream media's shunning of the jailed journalist, the increasingly cozy relationship papers like the *New York Times* and *Washington Post* enjoy with the US intelligence apparatus offers a more substantial basis for understanding the media's silence on the UC Global scandal.

Throughout the Trump-Russia investigation and the various intrigues that comprised Russiagate, the legacy publications of US media fed audiences with an endless stream of stories based on "high confidence" assessments and often dubious narratives furnished by anonymous US intelligence agents. In the Trump era, the corporate news media became a *de facto* bulletin board for the intelligence apparatus. The *New York Times*

even admitted it sent a June 2019 story on US cyber-attacks against Russia's electric grid to the government for approval before publishing.

The *Washington Post*, where Nakashima covers national security issues, is owned by the big tech corporation, Amazon. In 2014, Amazon signed a \$600 million contract with the CIA to host its cloud server. "We look forward to a successful relationship with the CIA," Amazon declared in an official statement. Four years later, Amazon was awarded a \$10 billion contract from the Pentagon to oversee its Joint Enterprise Defense Infrastructure program.

Notably, when Nakashima sought a meeting inside the Ecuadorian embassy in 2017, her request form listed her company not as the *Washington Post*, but as Amazon.

While Assange's lawyers fought his extradition in a London courtroom this Sept. 15, Nakashima was live-tweeting coverage of ThreatCon 2020, a conference of top US intelligence officials and private spies gathered on a private island off the coast of Georgia. Her colleague, *Washington Post* assistant editor David Ignatius, and *New York Times* national security correspondent David Sanger, participated directly in the exclusive spook-fest. Among the sponsors of the conference was InQTel, the CIA-sponsored research and development firm.



Max Blumenthal  
@MaxBlumenthal



The NY Times' top national security reporter, David Sanger, and WaPo columnist David Ignatius, are on a private island hobnobbing with the leading spooks of the US & UK, at the [#ThreatCon2020](#) conference sponsored by private spies & the CIA's InQTel [tcbconference.com](http://tcbconference.com)

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This September, the US Department of Justice issued a letter to the Spanish judge overseeing the UC Global trial that obstructed any possibility of cooperation. Like much of the US media, the government in Washington wants nothing to do with the devastating evidence tumbling out of a courtroom in Madrid.

<https://thegrayzone.com/2020/09/18/mainstream-us-reporters-silent-spied-cia-contractor-assange/>

## Your Man in the Public Gallery — Assange Hearing, Day 13

Craig Murray  
September 20, 2020

Friday gave us the most emotionally charged moments yet at the Assange hearing, showed that strange and sharp twists in the story are still arriving at the Old Bailey, and brought into sharp focus some questions about the handling and validity of evidence, which I will address in comment.

### NICKY HAGER

The first witness of the day was Nicky Hager, the veteran New Zealand investigative journalist. Hager's co-authored book "Hit and Run" detailed a disastrous New Zealand SAS raid in Afghanistan, "Operation Burnham", that achieved nothing but the deaths of civilians, including a child.

Hager was the object of much calumny and insult, and even of police raids on his home, but in July an official government report found that all the major facts of his book were correct, and the New Zealand military had run dangerously out of control: "Ministers were not able to exercise the democratic control of the military. The military do not exist for their own purpose, they are meant to be controlled by their minister who is accountable to Parliament."

Edward Fitzgerald took Hager through his evidence. Hager stated that journalists had a duty to serve the public, and that they could not do this without access to secret sources of classified information. This was even more necessary for the public good in time of war. Claims of harm are always made by governments against any such disclosures. It is always stated. Such claims had been frequently made against him throughout his career. No evidence had ever emerged to back up any of these claims that anybody had been harmed as a result of his journalism.

When Wikileaks had released the *Afghan War Logs*, they had been an invaluable source to journalists. They showed details of regular patrols, CIA financed local forces, aid and reconstruction ops, technical intelligence ops, special ops and psychological ops, among others. They had contributed much to his books on Afghanistan. Information marked as confidential is essential to public understanding of the war. He frequently used leaked material. You had to judge whether it was in the higher public interest to inform the public. Decisions of war and peace were of the very highest public interest. If the public were being misled about the conduct and course of the war, how could democratic choices be made?

Edward Fitzgerald then asked about the *Collateral Murder* video and what they revealed about the rules of engagement. Hager said that the *Collateral Murder* video had "the most profound effect throughout the world". The publication of that video and the words "Look at those dead bastards" had changed world opinion on the subject of civilian casualties. In fact, the Rules of Engagement had been changed to put more emphasis on avoiding civilian casualties, as a direct result.

In November 2010 Hager had traveled to the UK to join the Wikileaks team and had become involved in redacting and printing stories from the cables relating to Australasia. He was one of the local partners Wikileaks had brought in for the cables, expanding from the original media consortium that handled the Afghan and Iraqi war logs.

Wikileaks' idea was a rigorous process of redaction and publication. They were going through the cables country by country. It was a careful and diligent process. Wikileaks were very serious and responsible about what they were doing. His abiding memory was sitting in a room with Wikileaks staff and other journalists, with everyone working for hours and hours in total silence, concentrated on going through the cables. Hager had been very pleased to see the level of care that was taken.

Edward Fitzgerald asked him about Julian Assange. Hager said he found him completely different to the media presentation of him. He was thoughtful, humorous and energetic. He dedicated himself to trying to make the world a better place, particularly in the post 9/11 climate of a reduction of citizen freedoms in the world. Assange had a vision that the digital age would enable a new kind of whistleblower which could correct the information imbalance between government and citizen. This was against a background of torture, rendition and war crimes being widely committed by western governments.

James Lewis QC then rose to cross-examine on behalf of the US government.

*Lewis* Have you read the indictment and the extradition request?

*Hager* Yes.

*Lewis* What charges do you see there?

*Hager* I see a mish-mash. Some charges of publication, some of possession then other stuff added.

*Lewis* Assange is not charged with publishing the collateral murder video your evidence says so much about.

*Hager* You can't look at the effect the Wikileaks revelations had on the world in that kind of neat and compartmentalised way. The cables, logs and all the rest affected the world as a whole.

*Lewis* Is Assange charged with publication of any of the documents you have relied on in your works?

*Hager* That would take me some research to find out, which he is charged with publishing and which with possession.

*Lewis* Have you ever paid a government official to give you secret information?

*Hager* No.

*Lewis* Have you ever hacked?

*Hager* No, probably. That depends how you define "hack".

*Lewis* You have as a journalist merely been the passive recipient of official information. Presumably you have never done anything criminal to obtain government information?

*Hager* You said "passive". That is not the way we work. Journalists not only actively work our sources. We go out and find our sources. The information might come in documents. It might come on a memory stick. In most cases our sources are breaking the law. Our duty is to help protect them from being caught. We actively help them cover their backs sometimes.

*Lewis* In your report on Operation Burnham you protected your sources. Would you knowingly put a source in danger?

*Hager* No, of course not. However...

*Lewis* No. Stop. You answered.

Edward Fitzgerald QC rose to object but found no support from the judge.

*Lewis* On 2 September 2011 *the Guardian* published an editorial article abhorring Wikileaks' publishing of unredacted cables and stating that hundreds of lives had been put in danger. Do you agree with those statements?

*Hager* My information is that Wikileaks did not release the cables until others had published.

*Lewis* We say your understanding is wrong. On 25 August Wikileaks published 134,000 cables including some marked "strictly protect". What is your opinion on that?

*Hager* I am not going to comment on a disputed fact. I do not personally know.

*Lewis* The book "Wikileaks: the Inside Story" by David Leigh and Luke Harding of the *Guardian* newspaper states that Assange "wished to release the whole lot sooner". It also states that at a dinner at El Moro restaurant, Assange stated that if informants were killed, they had it coming to them. Would you care to comment?

*Hager* I know that there was great animosity between David Leigh and Julian Assange by the point that book was written. I would not regard that as a reliable source. I do not want to dignify that book by answering it.

*Lewis* Are you trying to assist the court or assist Assange? In a talk recorded at the Frontline Club, Assange stated that Wikileaks only had a duty to protect informants from "unjust" retribution, and that those who gave information to US forces for money or engaged in "truly traitorous" behaviour deserved their fate. Do you support that statement?

*Hager* No.

*Lewis* You say it would have been impossible to write your book without confidential material from Wikileaks. Did you need the names of informants?

*Hager* No.

*Lewis* The Operation Burnham report found at p. 8 that, contrary to your assertions "New Zealand Defence Forces were not involved in planning preparation and execution."

*Hager* What you have quoted does not relate to the main operations covered in the book. It only refers to something covered as a "minor footnote" in the book. Most of the findings of the book were confirmed.

*Lewis* The Official Report states of your book "Hit and Run was inaccurate in some respects."



*Hager* We did not get everything right. But the major points were all true. "Civilian casualties confirmed. Death of child confirmed. Prisoner beaten up confirmed. Falsified reports confirmed."

*Lewis* How many cables did you personally review?

*Hager* A few hundred. They were specifically cables relating to Australasia.

*Lewis* And what criteria did you use to make redactions?

*Hager* There were quite a few names marked "strictly protect". This was not, in the context, for reasons of safety in the countries which I was working on. It was purely to avoid political embarrassment.

*Lewis* But how long did you work in London on the cables?

*Hager* It was several days, to do several hundred cables.

*Lewis* Did you show your statement to the defence in draft?

*Hager* Yes, I have always done this when I have submitted an affidavit.

*[This is normal. Affidavits or statements from defence witnesses are normally drawn up and, if affidavits, taken under oath by the defence solicitors.]*

*Lewis* Did the defence suggest to you that you should place the section on Rules of Engagement next to the *Collateral Damage* video?

*Hager* Yes. But I was very happy to do it, it made perfect sense to me.

Edward Fitzgerald QC then rose again for the re-examination.

*Fitzgerald* You were asked if you know what Assange is charged with. Do you know he is charged with obtaining and receiving all of the diplomatic cables, the *Iraq War Logs*, the *Afghan War Logs*, the rules of engagement, and the Guantanamo detainee assessments?

*Hager* Yes.

*Fitzgerald* And he could not have published any of them without first obtaining and receiving them? So the distinction as to which he is charged for publishing makes no difference to the liability of journalists like yourself to the Espionage Act for obtaining and receiving US classified information?

*Hager* Yes.

*Fitzgerald* You work with sources. That means the person who provides you with the information or material. And do you have a duty to protect that source?

*Hager* Yes.

*Fitzgerald* You were asked about the September 2011 publication of cables. What do you know about how that came about?



*Hager* I believed the Wikileaks people and witnessed their extreme seriousness in the redaction process to which they invited me in. I do not believe they suddenly changed their mind about it. This publication came about through a series of bad luck and unfortunate events, not by Wikileaks. But that nine months redaction process was not wasted. Wikileaks had at an early stage warned the US authorities and invited them to be part of the redaction process. Assange had stressed to US authorities the danger to those named in the report. While the US authorities had not got involved in redaction, they had started a massive exercise in warning those named in the reports that they might have been in danger, and helping those the most at risk to take measures to relocate. I think this is overlooked. Julian Assange bought those people nine months. I also believe that is the major part of the explanation why in the end there were no identifiable deaths and was no wholesale damage.

*Fitzgerald* What do you believe the bad luck to have been?

*Hager* I understand it was the publication of a password in the Leigh/Harding book, but I have no direct knowledge.

*Fitzgerald* On this book, you have said there was bad blood between Luke Harding, David Leigh and Julian Assange.

*Hager* Yes, I would not put much weight on that book as a source myself

*[I hope you will forgive me for adding personal knowledge here, but the bad blood was nothing to do with redaction and everything to do with money. Julian Assange was briefly the most famous man in the world for a while and had not yet been tarnished with the allegations arranged in Sweden. Rights to an Assange book on Wikileaks and a biography were potentially worth millions to the authors. Collaboration had been discussed with Leigh but Julian had decided against. The Guardian were furious. That is what really happened. It seems a good explanation of why they instead published a money-spinning book attacking Assange. It does not really explain why they published the password to the unredacted cable cache in that book.]*

*Fitzgerald* Julian Assange stated at the Frontline Club that sources had to be protected from “unjust retribution”. Do you agree with that.

*Hager* Yes.

*Fitzgerald* He was trying to draw a distinction with categories who do not deserve protection. Informants who give false information for money, agents provocateurs, those who turn in innocents for personal motives. We have seen the press in the UK, for example, name certain informants in Northern Ireland who had played a bad part. What do you think of naming informants in those kind of circumstances?

*Hager* I don’t want to comment on Northern Ireland. It is all a very difficult topic.

*Fitzgerald* Could you comment further on the *Collateral Murder* video and the rules of engagement?

*Hager* The RoEs simply govern when soldiers can and cannot use force. They raise important questions. Are they correct? Do they minimise civilian casualties? Are they consistent with the laws of armed conflict?

*Fitzgerald* One charge related to receiving and obtaining the RoEs. Is that why you mentioned them?

*Hager* Yes. The soldiers always retain the base right of self defence. There is no basis for claiming their publication poses a dire risk for the troops. It arguably leads to less conflict if people know when force will and will not be used.

*Fitzgerald* You affirm that when the defence asked you to put together the collateral murder video with the rules of engagement, you agreed purely on the basis that was correct and right in your own opinion?

*Hager* Yes.

## **JENNIFER ROBINSON**

The court then moved to its first witness with “read evidence”. It has been agreed that some witnesses who the prosecution does not wish to cross examine will have their evidence “read” into the record without having to appear. After substantial discussions and disagreements between the lawyers this has been resolved to be a short summary or “gist” of their evidence. My reports then for this group of witnesses are the gist of a gist; in this case of the evidence of Jennifer Robinson.

Jennifer Robinson is a lawyer who has advised Julian Assange since 2010. She represented him in his Swedish legal issues. On 15 August 2017 he asked her to join him for a meeting in the Ecuadorean Embassy in London with US Congressman Dana Rohrbacher and an aide Charles Johnson. Rohrbacher had stated he was acting on behalf of President Donald Trump and would report back to Trump on his return to Washington.

Rohrbacher said that the “Russiagate” story was politically damaging to President Trump, was damaging to US interests and to US/Russian relations. It would therefore be very helpful if Julian would reveal the real source of the DNC leaks. This would be in the public interest.

Julian Assange had put the case for a full pardon for Chelsea Manning and for any indictment against himself as a publisher to be dropped on First Amendment grounds. Rohrbacher had said there was an obvious “win win solution” here and he would investigate “what might be possible to get him out.” Assange could reveal the DNC source in return for a “pardon, deal or arrangement”. Assange had however not named any source to him.

## **KHALED EL-MASRI**

There had been three days of intense discussion between the counsel and the judge, with the United States government objecting bitterly to Mr El-Masri being heard. A compromise had been reached that he could give evidence provided he did not allege he was tortured by the US Government. However, when he came to give evidence, Mr El-Masri was strangely unable to connect by videolink, even though the defence team had been able to speak to him by video a few hours earlier. Technical staff in the court having been unable to resolve the (ahem) technical issue, rather than simply postpone his evidence until a videolink had been established — as had happened already with two other witnesses when quality issues arose — Judge Baraitser suddenly decided to raise again the issue of whether el-Masri’s evidence should be heard at all.

James Lewis QC for the US Government stated that they did not merely oppose his evidence of being tortured. They opposed the making of any claim that a Wikileaks released cable showed that they had put pressure on the government of Germany

not to arrest those allegedly concerned in his alleged extradition. The US Government had not pressurised the Government of Germany, Lewis said. Mark Summers QC for the defence said that the Supreme Chamber of the European Court in Strasbourg had already judged his claims to be true, and that the Wikileaks cable plainly and inarguably showed the US Government exerting pressure on Germany.

1. (S/NF) In a February 6 discussion with German Deputy National Security Adviser Rolf Nikel, the DCM reiterated our strong concerns about the possible issuance of international arrest warrants in the al-Masri case. The DCM noted that the reports in the German media of the discussion on the issue between the Secretary and FM Steinmeier in Washington were not accurate, in that the media reports suggest the USG was not troubled by developments in the al-Masri case. The DCM emphasized that this was not the case and that issuance of international arrest warrants would have a negative impact on our bilateral relationship. He reminded Nikel of the repercussions to U.S.-Italian bilateral relations in the wake of a similar move by Italian authorities last year.

2. (S/NF) The DCM pointed out that our intention was not to threaten Germany, but rather to urge that the German Government weigh carefully at every step of the way the implications for relations with the U.S. We of course recognized the independence of the German judiciary, but noted that a decision to issue international arrest warrants or extradition requests would require the concurrence of the German Federal Government, specifically the MFA and the Ministry of Justice (MOJ). The DCM said our initial indications had been that the German federal authorities would not allow the warrants to be issued, but that subsequent contacts led us to believe this was not the case.

3. (S/NF) Nikel also underscored the independence of the German judiciary, but confirmed that the MFA and MOJ would have a procedural role to play. He said the case was subject to political, as well as judicial, scrutiny. From a judicial standpoint, the facts are clear, and the Munich prosecutor has acted correctly. Politically speaking, said Nikel, Germany would have to examine the implications for relations with the U.S. At the same time, he noted our political differences about how the global war on terrorism should be waged, for example on the appropriateness of the Guantanamo facility and the alleged use of renditions.

4. (S/NF) Nikel also cited intense pressure from the Bundestag and the German media. The German federal Government must consider the "entire political context," said Nikel. He assured the DCM that the Chancellery is well aware of the bilateral political implications of the case, but added that this case "will not be easy." The Chancellery would nonetheless try to be as constructive as possible.

Judge Baraitser said she was not going to determine if the US had pressurised Germany or if el-Masri had been tortured. Those were not the questions before her. Mark Summers QC said that it went to the question of whether Wikileaks had performed a necessary act to prevent criminality by the US Government and enable justice. Lewis responded that it was unacceptable to the US government that allegations of torture should be made.

At this point, Julian Assange became very agitated. He stood up and declared very loudly: "I will not permit the testimony of a torture victim to be censored by this court"

A great commotion broke out. Baraitser threatened to have Julian removed and have the hearing held in his absence. There was a break following which it was announced that el-Masri would not appear, but that the gist of his evidence would be read out, excluding detail of US torture or of US pressure on the government of Germany. Mark Summers QC started to read the evidence.

Khaled el-Masri, of Lebanese origin, had come to Germany in 1989 and was a German citizen. On 1 January 2004 after a holiday in Skopje he had been removed from a coach on the Macedonian border. He had been held incommunicado by Macedonian officials, ill-treated and beaten. On 23 July he had been taken to Skopje airport and handed over to CIA operatives. They had beaten, shackled, hooded and sodomised him. His clothes had been ripped off, he had been dressed in a diaper, shackled to the floor of an aircraft in a cruciform position, and rendered unconscious by an anaesthetic injection.

He awoke in what he eventually learned was Afghanistan. He was held incommunicado in a bare concrete cell with a bucket for a toilet. He was held for six months and interrogated throughout this period [details of torture excluded by the judge]. Eventually in June he was flown to Albania, driven blindfold up a remote mountain road and dumped. When he eventually got back to Germany, his home was deserted and his wife and children had left.

When he made his story public he was subject to vicious attacks on his character and his credibility and it was claimed he was inventing it. He believes the government sought to silence him. He sought a local lawyer and persisted, eventually getting in touch with Mr Goetz of public TV, who had proven his story to be true, traced the CIA agents involved to North Carolina and even interviewed some of them. As a result, Munich state prosecutors released arrest warrants for his CIA kidnappers, but these were never executed. When Wikileaks issued the cables the pressure that had been brought on the German government not to prosecute became plain. [The judge did not prevent Summers from saying this]. We therefore know the US blocked judicial investigation of a crime. The European Court of Human Rights had explicitly relied on the Wikileaks cables for part of its judgement in the case. The Grand Chamber confirmed that he had been beaten, hooded, shackled and sodomised.

There had been no accountability in the USA. The CIA Inspector-General had declined to take action over the case. The ECHR judgement and supporting documentation had been sent to the office of the US Attorney in the Eastern District of Virginia — precisely the same office that was now attempting to extradite Assange — and that office had declined to prosecute the CIA officers concerned.

A complaint had been made to the International Criminal Court including the ECHR judgement and the Wikileaks material. In March 2020 the ICC had announced it was opening an investigation. In response US Secretary of State Mike Pompeo had declared any non-US citizen who cooperated with that ICC investigation, including officers of the ICC, would be subject to financial and other sanctions.

Finally, el-Masri testified that Wikileaks' publication had been essential to him in gaining acceptance of the truth of the crime and of the cover-up.

In fact, the impact of Mark Summers' reading of el-Masri's statement on the court was enormous. Summers has a real gift for conveying moral force and constrained righteous anger in his tone. I thought the testimony had a definite impression on Judge Baraitser; she showed signs not of discomfort or embarrassment, but of real

emotional distress while she was listening intently. Subsequently, two different witnesses, each situated in separate sections of the court from me, both in separate and unprompted conversations with me, told me that they thought that el-Masri's testimony had really gotten through to the judge. Vanessa Baraitser is after all only human, and this is the first time she has been forced to deal with what this case is actually about.

## DEAN YATES

The United States had objected that Mr Yates' evidence should not include description of the actual content of the *Collateral Murder* video. I could not hear or understand any rationale why Baraitser agreed to this, but she did so rule, and four times she interrupted Edward Fitzgerald QC while he was reading the "gist" of Yates' statement, to tell him he must not mention the content of the video.

Edward Fitzgerald read out that Mr Yates was a highly experienced journalist who had been Bureau Chief for *Reuters* in Baghdad. Early on 12 July 2007 "loud wailing" broke out in their office and he learnt that Namir, a photographer, and Saeed, a driver, had been killed. Namir had left early to cover a reported conflict with militants. Yates could not work out what had happened. A minivan nearby had its front shattered; the US military had taken Namir's two cameras and refused to release them. The report was thirteen killed and nine injured. There did not appear to be any evidence of a fire at the scene.

Yates had attended a US military HQ briefing where he was told that a hostile group had been deploying Improvised Explosive Devices in the road. He was shown photographs of machine guns and rpg's allegedly collected from the scene. He was shown three minutes of the video. It showed [Here Baraitser cut Fitzgerald off]. Yates had subsequently submitted a request to the US military to view the whole video, which had been denied. So had requests for the rules of engagement.

When Wikileaks released the *Collateral Murder* video, in the video Saeed was shown for three minutes crawling and trying to get up, while the Americans watching him remotely were saying "come on buddy, all you've got to do is pick up a weapon" so they could shoot him again. The Good Samaritan pulled up to help and the shots were seen destroying his windscreen and car. Edward Fitzgerald kept doggedly reading out bits of Yates' testimony as Baraitser continually asked him to stop in a manner that was almost pleading.

Yates said that when he saw the video he immediately realised the US had lied to them about what happened. He also immediately wondered how much of that meeting at USHQ had been choreographed.

Something struck Yates very hard later. He had always blamed Namir for peering round the corner with his camera, which had been mistaken for a weapon and therefore caused him to be shot. It was Julian Assange who subsequently made the point that the order to kill Namir had been given before he had peered round the corner. He vividly recalled Assange saying "and if that's within the RoEs, then the RoEs are wrong." Yates was glad to absolve Namir but felt a terrible burden of guilt for having blamed him all the while for his own death.

Yates concluded that had it not been for Chelsea Manning and Julian Assange, the truth of what had happened to Namir and Saeed would never have been known. Thanks to Wikileaks, their deaths had a profound effect on public opinion.

James Lewis QC stated the American government had no questions but this did not imply the evidence was accepted.

## CAREY SHENKMAN

Finally, we turned to the second half of Claire Dobbins cross-examination of Carey Shenkman on his testimony on the history of the Espionage Act. This may seem dull, but it has actually been extremely revealing in terms of revealing US government claims of the right to use the Espionage Act (1917) against any journalist, anywhere in the world, who obtains US classified information.

Dobbins opened part 2 by asking Shenkman whether he was seriously arguing that there existed any law that precluded the publication of a journalist under the Espionage Act for revealing national security information. Shenkman replied that the law had components; legislation, common law and the constitution, and that these interact. There is a very strong argument that the First Amendment does preclude such prosecution.

Dobbins asked whether any case established this beyond doubt. Shenkman replied that there had never been such a prosecution, so it had never come before the Supreme Court. Dobbins asked whether he accepted that in the *New York Times* case, the Supreme Court had said such an Espionage Act case could be brought. Dobbins [*Shenkman?*] replied that some of the judges had mentioned the possibility in their dicta, but that is not what they were ruling on and they had not heard any arguments before them on the issue.

Dobbins said that the judge in the Rosen case had stated that the *New York Times* case might have had a different outcome if pursued under the espionage act 79/3/e and such future prosecution was not precluded. Shenkman said the Rosen judgement was an outlier and did not refer to media publication. The Justice Department had decided no further action on Rosen. Shenkman referred her to a 2007 *Harvard Law Review* article on Rosen. It had been dropped because of First Amendment concerns.

Dobbins tried again and asked Shenkman whether he accepted that the judgement in Rosen found the interpretation of dicta in the *New York Post* case did not preclude prosecution. Shenkman, who seemed to be enjoying this, said the issue had not been briefed before the Supreme Court. And the Rosen judgement had not been carried through. Dobbins suggested this meant it was arguable both ways. Shenkman replied the Supreme Court judgement in NYT was about prior restraint.

Dobbins then asked Shenkman whether he accepted the fact that the vagueness objection to the Espionage Act had been rejected by the courts in whistleblower cases. Shenkman said there were many and sometimes contradictory cases in different appellate jurisdictions. But these were all cases involving government insiders not journalists.

Dobbins then asked why Shenkman's witness statement did not make clear that the Espionage Act had been subject to judicial refinement. Shenkman replied that was because he did not think most academics would agree with that. It had been interpreted but not refined. Dobbins said that the effect of the interpretation had been to narrow its scope. She quoted the Rosen judgement again and the Morison judgement. They narrowed the scope to leak of official information that was damaging to the interests of the United States. This was an important new test. The Rosen judgement said this was "a clear safeguard against arbitrary enforcement."

Shenkman replied that addresses only one particular aspect of the Espionage Act, the definition of national security information, and there had been whole books written

on that. Quoting one line of one judgement really did not help. Other aspects were extremely broad. The main problem with the Act was the same legal standard is applied to all categories of recipient — the whistleblower, the publisher, the journalist, the newspaper seller and the reader could all be equally liable.

Dobbins then suggested the prosecution could not be political because it was the court that decides the definition of national security information. Shenkman replied that on the other hand it is the executive that decides what material is classified, who is prosecuted and on what charges. It was not just a matter of prosecution. The Espionage Act could be shown historically to have a chilling effect on important journalism.

Dobbins then asked Shenkman whether he agreed that the provisions under which Assange were tried had never been intended to apply to “classic espionage”. Shenkman said most authorities would reject the idea of a clear and singular intent. Dobbins said that in the Morison case the judgement had rejected the argument that the provision was limited to classic espionage. Shenkman rather wickedly agreed that yes, that judgement had indeed broadened the application of the act — as opposed to refining it. But other judgements were available. Besides, she had asked him about intent. What Congress intended in 1917 and what the Morison court decided were two different things. There had been numerous successful prosecutions of whistleblowers under Obama. Plainly the courts generally accepted that these provisions apply to government insiders. There had never been a prosecution of a journalist or publisher.

Dobbins, who is nothing if not persistent, asked Shenkman if he accepted that the Morison judgement says that only provision 79/4 applies to classic espionage. Shenkman replied that the Morison judgement was a single star in the night sky among myriad points of navigation through these laws. They then got in to discussion of the views of various professors on the subject.

Now I cede to very few in my interest in the details of this case, and certainly I absolutely appreciate the fundamental threat posed by the insistence on the general application of the Espionage Act against journalists as outlined by the prosecution, above all in the current political climate; but it was now late Friday afternoon after a very hard week and I have my limits. I decided to see how many verses of Shelley’s *The Masque of Anarchy* I could recall instead.

When my consciousness groped its way back to the courtroom, Dobbins was putting to Shenkman that the fact that numerous potential prosecutions had been dropped, just proved the act was used responsibly and properly. Shenkman said that was to ignore the chilling effect both in general and in specific threats to prosecute. Chilling caused papers costs, delays and even bankruptcies. President Roosevelt had used the threat of the Espionage Act to suppress independent black newspapers.

Dobbins suggested that in the instances where it had been decided not to prosecute due to the First Amendment, these cases had related to responsible major media titles. Shenkman replied that this was not true at all. Beacon Press, for example, which published the full *Pentagon Papers*, was a small religious organisation.

Dobbins said none of the past examples resembles Wikileaks. Shenkman again disagreed. There were many striking points of similarity in different cases. Dobbins replied that Wikileaks’ sole purpose and design was to source material from those entitled to receive it and give it to those not entitled to see it. It was solicitation on a mass scale. Shenkman said she was reaching for a distinction. Similarities to the Beacon Press and Amerasia cases were obvious.



Dobbins concluded that Shenkman's opinion and evidence was "frivolous and nonsensical"

Mark Summers then re-examined Shenkman. He referred to the Jack Anderson case. Anderson had published entire Top Secret documents, unredacted, in time of war. He had not been prosecuted under the Espionage Act on First Amendment grounds. Shenkman replied yes, and the documents he had published were particularly sensitive communications intelligence (intercepts).

Summers referred to sentences from judgements which Dobbins had invited Shenkman to accept as "uncontrovertible statements of the law" but which were anything but. In the Morison case he pointed out that the two other judges in the case had explicitly contradicted the very sentence Dobbins had quoted. Judge Wilkerson had stated "the First Amendment interest in informed national debate does not simply vanish at the mention of the words "national security"".

Summers said above all the US government now relied on the Rosen judgement. He asked what level of court that had been. Shenkman replied that it was a district court, the lowest level of US court. And the Justice Department had decided against proceeding with it.

Finally Summers said that Shenkman had stated there had never been a prosecution, but there had been threats resulting in a chilling effect. What types of people had been threatened with prosecution under the Espionage Act for publishing? Shenkman stated that in every case it was political; opponents of the Presidency, minority groups, pacifists and dissidents.

That concluded the week.

## COMMENT

There are numerous serious questions relating to the handling of evidence in this case. I should start by saying that the government of the United States had objected to almost all of the defence evidence. They want the defence witnesses ruled as either not expert (hence the sustained rudeness and attacks) or not relevant. Judge Baraitser had ruled that she will hear all the evidence, and decide only when she comes to judgement, what is and is not admissible.

Against that we then have her decision that the witnesses can only have half an hour of going through their statements before cross-examination. That is against a US government request that witness statements should not be heard before cross-examination at all. Theoretically Baraitser agreed to this, but she let in half an hour to "orient the witness", which gets the basic facts out there. Baraitser rejected the defence arguments that statements should be read or explained at length by the witness in court, for the benefit of the public, on the basis that the statements are published. But they are not published. The Court does not publish them. It gives copies to journalists registered to cover the trial, but those journalists have no interest in publishing them. The first two days' witness statements were published here, but for several days they stopped. They seem to have started again on Friday, but this is not satisfactory for the public.



Next we have the specific pieces of evidence that are banned on US objection, like the details of el-Masri's torture or of the content of the *Collateral Murder* video. I can understand that it is true that this court is not judging if el-Masri was tortured — in fact that is now established by the ECHR. But plainly his story is relevant to WikiLeaks' defence of necessary publication to prevent crime and enable judicial process. The fact is that the USA wants to avoid the political embarrassment and media publicity of el-Masri's torture and the events of the *Collateral Murder* video being detailed in court. Why an English court is complying in this censorship is beyond me.

I am deeply suspicious of the "breakdown" of the videolink making el-Masri's evidence in person "technically impossible" after days in which the US government tried to block that evidence. I am also deeply suspicious of the strange fact that unlike other witnesses with video problems, there was no rescheduling. Video and sound quality has been deplorable for several defence witnesses. In a world where we have all got used to videocalls this last few months, the extraordinary failure of the court to operate everyday technology is a level of incompetence it is difficult quite to believe in.

Finally and more importantly, what constitutes evidence?

Lewis consistently and repeatedly quotes the words of Luke Harding and David Leigh to witnesses, more or less every day, yet Leigh and Harding are not in the witness box to be cross-examined on their words. As you know, I am absolutely furious that Lewis has been allowed to repeat Harding's words about the conversation in the El Moro restaurant to witness after witness, but that John Goetz, who was actually part of the conversation and an eyewitness, was not permitted by the court to testify on the subject. That is absolutely ludicrous.

Finally, we have the affidavits submitted by Kromberg and Dwyer on behalf of the US government. These are apparently treated as "evidence". Lewis specifically categorised Dwyer's proof free assertion in Dwyer's affidavit that informants had been harmed, as "evidence" this had happened. But how can these affidavits be evidence if the authors cannot be cross-examined on them? One of the defence counsel told me on Friday that Kromberg will not be made available for cross-examination, as though they had just been told of that. It is not right that an affidavit full of highly dodgy statements and propositions should be accepted as evidence if the author cannot be challenged. The whole question of "evidence" in this case needs a fundamental rethink.

On another point, I was very pleased Nicky Hager testified under oath that in the cables he redacted "strictly protect" designation of names was used to prevent political embarrassment, as the prosecution has repeatedly claimed that the 134,000 unclassified and/or redacted cables in the original limited mass cable release by Wikileaks included names marked "strictly protect". This is not a security classification. As someone who operated the near identical UK system for over 20 years and held the very highest levels of security clearance, and frequently in that period read American material, let me explain to you. Any material which contained the name of someone who would be at risk of death if published, or which would create real and acute danger to the national interest, would by very definition have been classified "Secret" or "Top Secret", the latter generally relating to intelligence material. All of the Chelsea Manning material was at a level of classification below that.

Furthermore as Daniel Ellsberg pointed out, and I was very well used to, there exists separately to the classification a distribution system which limits who actually gets the material. The Manning material was unlimited in distribution and therefore available literally to tens of thousands of people. That again could not have happened if it contained the dangers now claimed.

“Strictly protect” is nothing to do with security classification, which is what protects national security information. As Andrew Hager said, its normal use is to prevent political embarrassment. As in Australasia, it is a term largely used to protect their secret political assets. Here is an example from a Wikileaks cable which I believe is one of those in the specific release which the prosecution is citing.

5. (C/NF) Perhaps most damaging of all, however, Smeargate effectively ended what may have been Brown's plan to call a general election this spring, based on the rise in the polls he received following his solid performance at the G-20. Labour Prospective Parliamentary Candidate for Burton Ruth Smeeth (strictly protect) told us April 20 that Brown had intended to announce the elections on May 12, and hold them after a very short (matter of weeks) campaign season. Labour

As you can see, nothing whatsoever to do with the safety of informants in Afghanistan. Much more to do with other objectives.

I am very glad Hager did raise the real use of “strictly protect”, because I have been waiting for the right moment to explain all that.

So that is my account of Friday, published on Monday. It is perhaps fortunate that normally I don't have the luxury of time in publishing the reports. Otherwise they might all ramble on at this length.

<https://www.craigmurray.org.uk/archives/2020/09/your-man-in-the-public-gallery-assange-hearing-day-13/>

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## **They Call for Assange's Immediate Release: Lula, Rouseff, Morales, Zapatero, Corbyn, Correa, Paul, Galloway, Gravel, Varoufakis...**

*Heads of state, prime ministers, parliamentarians, members of Congress, ministers and other politicians demand Assange be set free. Thirteen Former Presidents Urge United Kingdom Government to Immediately Free Julian Assange*

*Consortium News  
September 20, 2020*

As Julian Assange fights U.S. extradition at the Old Bailey in London, over one hundred eminent political figures, including 13 past and present heads of state, numerous ministers, members of parliament and diplomats, have today denounced the illegality of the proceedings and appealed for Assange's immediate release.

The politicians from 27 different countries and from across the political spectrum have joined 189 independent international lawyers, judges, legal academics and lawyers' associations by endorsing their open letter to the UK Government warning that the U.S. extradition request and extradition proceedings violate national and international law, breach fair trial rights and other human rights, and threaten press freedom and democracy.

Politicians endorsing the call to free Julian Assange include Jeremy Corbyn, former Prime Minister of Spain, Luis Zapatero, several members of the European Parliament, former presidents of Brazil, Lula da Silva and Dilma Rousseff, and Australian parliamentarians from the cross-party parliamentary group to free Assange.

Kenneth MacAskill, Member of UK Parliament, former Justice Secretary of Scotland, and lawyer, commented, "This is a political crucifixion not legal process and is about seeking to bury truth and those exposing it."

The unprecedented appeal to the UK government by the international political community follows concerns raised by Amnesty International, the Council of Europe, The American Civil Liberties Union, Reporters Without Borders, Human Rights Watch, and numerous other rights organisations regarding the chilling effect Assange's prosecution will have on press freedom. Amnesty International's petition calling for the U.S. Government to drop its charges against Assange has garnered over 400,000 signatures.

Today marks the beginning of the third week of the extradition hearings, which have drawn wide criticism for failing to uphold the principle of open justice by preventing independent observers including from Amnesty International, PEN Norway and others from monitoring the trial.

The Trump administration is seeking Mr Assange's extradition from the UK to prosecute him under the Espionage Act for his work as a journalist and publisher. The 2010 publications, on which the U.S. government's attempted prosecution is based, brought to light a range of public interest information, including evidence of U.S. war crimes in Iraq and Afghanistan.

Last week during the hearing the court heard that Julian Assange and WikiLeaks undertook careful redaction processes to protect informants, that no informants are known to have been harmed by their publications, and that Julian Assange and WikiLeaks were not responsible for publishing un-redacted cables. Nevertheless, the prosecution asserted the right of the U.S. to prosecute all journalists and all media who publish classified information.

## Quotes

Luiz Inácio Lula da Silva, President of Brazil (2003-2010), Honorary citizen of the City of Paris (2020), Nobel Prize Nominee (2018): "If the democrats of the planet Earth, including all journalists, all lawyers, all unionists and all politicians, have no courage to express themselves in defence of Assange, so that he is not extradited, it means we have a lot of democrats out there who are liars. Assange should be perceived as a hero of democracy. He does not deserve to be punished. I hope the people of the UK, the people of France, the people of the United States will not allow this atrocity. As was the knee of a policeman killing a black man, this will be the knees of millions of governors from around the world suffocating Assange so that he dies. And we do not have the right to allow that."

Andrew Wilkie MP, Independent Member for Clark and Co-Chair of the Bring Julian Assange Home Parliamentary Group: "Julian Assange is being politically persecuted for publishing information that was in the public interest, including hard evidence of U.S. war crimes. That the perpetrator of those war crimes, America, is now seeking to extradite Mr Assange is unjust in the extreme and arguably illegal under British law."

If it goes ahead, not only would Mr Assange face 175 years in prison, but the precedent would be set for all Australians, and particularly journalists, that they are at risk of being extradited to any country they offend.”

Mikuláš Peksa, Member of European Parliament, Member of the Committee on Industry, Research and Energy: “Freedom of speech remains a crucial value in the beginning of the 21st century. Despite it sometimes revealing inconvenient truths, we shall do our best to protect it.”

*Open Letter:* <http://www.lawyersforassange.org/en/open-letter.html>

*Political endorsements:* <http://www.lawyersforassange.org/en/endorsements.html>

*Legal signatories:* <https://www.lawyersforassange.org/en/signatories-all.html>

*Contact:* [lawyers4assange@protonmail.com](mailto:lawyers4assange@protonmail.com)

## **FULL LIST OF POLITICAL ENDORSEMENTS:**

### **Heads of State**

1. Alberto Fernández, President of Argentina (2019), lawyer, Professor of Criminal Law (University of Buenos Aires), former Chief of the Cabinet of Ministers, adviser to Deliberative Council of Buenos Aires and the Argentine Chamber of Deputies, deputy director of Legal Affairs of the Economy Ministry, Argentina
2. Cristina Fernández de Kirchner, Vice President of Argentina (2019), President of Argentina (2007-2015), lawyer, Argentina
3. Dilma Rousseff, President of Brazil (2011-2016), economist, former Minister of Energy and former Chief of Staff of the Presidency of the Republic, Brazil
4. Ernesto Samper, President of Colombia (1994-1998), lawyer, economist, former Secretary General of UNASUR, Senator of the Republic and Minister of Economic Development, Ambassador of Colombia in Spain, Colombia
5. Evo Morales Ayma, President of Bolivia (2006-2019), trade unionist, activist and Bolivian leader of Aymara descent, President of the Six Federations of the Tropic of Cochabamba, Former President pro tempore of UNASUR and CELAC, Bolivia
6. Fernando Lugo, President of Paraguay (2008-2012) Senator, Roman Catholic priest and bishop, Paraguay
7. José Luis Zapatero, Prime Minister of Spain (2004-2011), lawyer, Professor of Constitutional Law at the Faculty of Law of the University of León, former Deputy in General Courts by Madrid, deputy in General Courts of Spain, president of the Council of the European Union, Spain
8. José (Pepe) Mujica, President of Uruguay (2010-2015) Former Deputy, Senator and Minister of Livestock Agriculture and Fisheries, Uruguay
9. Leonel Fernandez, President of the Dominican Republic (1996-2012), lawyer, president of the EU-LAC Foundation, president of the World Federation of United Nations Associations, Professor at Facultad Latinoamericana de Ciencias Sociales (FLACSO) and Universidad Autónoma de Santo Domingo, Dominican Republic
10. Luiz Inácio Lula da Silva, President of Brazil (2003-2010), Honorary citizen of the City of Paris (2020), Nobel Prize Nominee (2018), Brazil

11. Martín Torrijos, President of the Republic of Panama (2004-2009), political scientist and economist, Panama
12. Nicolas Maduro Moros, President of the Bolivarian Republic of Venezuela
13. Rafael Correa, President of Ecuador (2007-2017), former Minister for the Economy, Professor of Economics, Ecuador

### **Ministers, Diplomats and Politicians**

14. Álvaro García Linera, Vice President of Bolivia (2006-2019), mathematician, academic, Bolivia
15. Jeremy Corbyn, Labour Member of Parliament (since 1983), Leader of the Labour Party and Leader of the Opposition (2015-2020), United Kingdom
16. John McDonnell, Member of Parliament (since 1997), Shadow Chancellor of the Exchequer (2015-2020), United Kingdom
17. Andrew Wilkie, MP, Independent Federal Member for Clark, Australia
18. Gregor Golobic, philosopher, former Minister of Higher Education, Science and Technology, former Secretary General of Liberal Democracy party, former president of Zares party, advisor to former President of the Republic of Slovenia, Dr. Janez Drnovšek, Slovenia
19. Arthur Chesterfield-Evans M.B., B.S., F.R.C.S.(Eng.), M.Appl.Sci. (OHS), M.Pol.Sci. Ex-Member of Legislative Council New South Wales Parliament, Australia
20. Ögmundur Jónasson, former Icelandic Minister of Interior, Iceland
21. Ron Paul, Former U.S. Congressman from Texas, USA
22. Peter Whish-Wilson, Australian Greens, Senator for Tasmania, Australia
23. Jožef Škol, political scientist, former Minister of Culture, former State Secretary for Culture, first president of the Liberal Democratic Party (LDS), former head of Liberal Democracy, former President of the National Assembly, Slovenia
24. Prof. Slavoj Žižek, philosopher, sociologist, psychologist, psychoanalyst, theologian, politician and cultural critic, author, former member of the Liberal Democratic Party and its candidate for the presidency of the Socialist Republic of Slovenia (1990), Slovenia
25. Carlo Sommaruga, lawyer, Member of Swiss Parliament, Conseiller aux Etats, Switzerland
26. Patrick Breyer, Member of the European Parliament, Member of the Committee on Civil Liberties, Justice and Home Affairs, Germany
27. Marketa Gregorova, Member of the European Parliament, Vice-Chair of the delegation to the Euronest Parliamentary Assembly, Czech Republic
28. Mikuláš Peksa, Member of the European Parliament, Member of the Committee on Industry, Research and Energy, biophysicist, Czech Republic
29. Yanis Varoufakis, Member of the Hellenic Parliament for Athens B, Minister of Finance (2015), former Secretary-General of MeRA25, economist, academic, philosopher, Greece

30. Spomenka Hribar, author, philosopher, sociologist, politician, columnist, public intellectual, co-founder of the Slovenian Democratic Union (1989), former prominent member of the Democratic opposition of Slovenia (Demos), and key figure in the efforts for the independence and democratization of Slovenia, Slovenia
31. Cédric Wermuth, Congressman of the Nationalrat des Schweizerischen Parlaments, Vice President of the Social Democratic Party of Switzerland, Switzerland
32. Enrique Fernando Santiago Romero, Congressman, Secretary-General of the Communist Party of Spain (PCE), lawyer, Spain
33. Clare Daly, Member of the European Parliament, Republic of Ireland
34. Kenneth Wright MacAskill, Member of Parliament, Shadow SNP Spokesperson, Cabinet Secretary for Justice (2007-2014), United Kingdom
35. Eleonora Evi, Member of the European Parliament, Italy
36. Francesca Businarolo, Member of Parliament of Italy, lawyer, Italy
37. Idoia Villanueva Ruiz, Member of the European Parliament, former Senator, Spain
38. Eric Bertinat, Conseiller municipal et chef de groupe UDC Ville de Genève, Président de la commission du logement, Ancien président du Conseil municipal, Switzerland
39. Ignazio Corrao, Member of the European Parliament, member of the European Parliament Committee on Development and the European Parliament Committee on Civil Liberties, Justice and Home Affairs, lawyer, Italy
40. Joti Brar, Deputy Leader of the Workers Party of Britain, United Kingdom
41. Gregor Gysi, Member of Parliament of the German Bundestag, lawyer, author, moderator, Germany
42. Guillaume Long, former Permanent Representative of Ecuador to the United Nations Organization, former Minister of Foreign Affairs, Minister of Culture and Heritage, Coordinating Minister of Knowledge and Human Talent, former advisor to the National Secretariat of Planning and Development of Ecuador, France / Ecuador
43. Matthew Robson, former Minister for Courts, Minister of Corrections and Disarmament, Minister for Land Information, Associate Minister of Foreign Affairs, International Assoc. Of Lawyers Against Nuclear Arms (IALANA), New Zealand
44. Michel Larive, Member of the French National Assembly, Member of the Committee for Cultural Affairs and Education, France
45. Mike Gravel, United States Senator (1969-1981), who officially released the *Pentagon Papers*, former Speaker of the Alaska House of Representatives, presidential candidate (2008 & 2020), United States of America
46. Mirella Liuzzi, Member of Parliament of Italy, Italy
47. Piernicola Pedicini, Member of the European Parliament, Italy
48. Rosa D'Amato, Member of the European Parliament, Italy
49. Txema Guijarro García, Member of the Congress of Deputies, Chair of the Congress' Committee on Budget, economist, Spain

50. George Galloway, leader of the Workers Party of Britain, former Member of Parliament (1987-2009 and 2013-2015), former general secretary of War on Want, writer, broadcaster, United Kingdom
51. Prof. Jadranka Šturm Kocjan, retired Professor of pedagogy and psychology, Member of Parliament (1992-1996), Ambassador in Bucharest (2010-2015), Ambassador in Argentina, Chile, Paraguay, Peru, Uruguay (2015-2019), Slovenia
52. Franco Juri, geographer, journalist, publicist, author, Member of Parliament (1990-93, 2008-11), vice-president of the Zares Party (2011), Ambassador in Spain and Cuba (1993-1997), state secretary at the Ministry of Foreign Affairs (1997-2000), Slovenia
53. Scott Ludlam, Senator (2008-2017), former deputy Leader of the Australian Greens, Australia
54. Adriana Salvatierra, Senator and President of the Senate of Bolivia, Bolivia
55. Alberto Rodríguez Saá, Governor of San Luis Province, lawyer, Argentina
56. Alejandro Navarro, Senator, Professor of Philosophy, Chile
57. Alexandre Padilha, Senator, Minister of Institutional Relations in the Lula administration and Minister of Health under Dilma Rousseff, physician, Brazil
58. Alicia Castro, Argentina's Ambassador in Russia, former Argentina's Ambassador to the United Kingdom (2012- 2016), former Bolivarian Republic of Venezuela's Ambassador to the United Kingdom, Argentina / Venezuela
59. Aloizio Mercadante, former Minister of Science, Technology and Innovation Minister of Education, former Chief of Staff of the Presidency of the Republic, former Deputy and Senator, Brazil
60. Andréia de Jesus Silva, State Congresswoman of Minas Gerais State, lawyer, Brazil
61. Áurea Carolina, Fed. Congressman of Minas Gerais State, political scientist, Brazil
62. Beatriz Paredes, Senator, former Ambassador of Mexico in Cuba and in Brazil, former Congresswoman and former Governor of the state of Tlaxcala, former President of the Congress of the Union, the Chamber of Deputies and Senate, Mexico
63. Camilo Lagos, National President of the Progressive Party of Chile and of the Progresía Foundation, Chile
64. Carlos Alfonso Tomada, Legislator of the City of Buenos Aires, lawyer, former Minister of Labor, Employment and Social Security, Director of the Centre for Labour and Development Studies of the National University of San Martín, Argentina
65. Carlos Ominami, former Minister of Economy, former Senator, economist, Order of the Rising Sun award-winner (Japan), Chile
66. Carlos Sotelo García, former Senator, former Undersecretary of Political Development, Secretary of Image and Propaganda Organization, Government Exercise and Electoral Action, Mexico
67. Celso Nunez Amorim, former Brazilian Ambassador to the United Kingdom, former Minister of Foreign Relations and former Minister of Defence, Professor of Political Science and International Relations, Brazil

68. Clara López Obregón, former Minister of Labour, former Mayor of Bogotá and former Auditor General of the Republic, lawyer, economist, Professor at the Universidad del Rosario and Universidad de los Andes, Colombia
69. Cuauhtémoc Cárdenas, former Senator for the state of Michoacán and former Head of Government of Mexico City Mexico
70. Daniel Martinez, former Senator of the Republic and Mayor of Montevideo, former Minister of Industry, Energy and Mining, Uruguay
71. David Choquehuanca, former Foreign Minister of Bolivia, Bolivia
72. David Miranda, Federal Congressman of Rio de Janeiro State, named by *Time* magazine one of the world's next generation of new leaders (2019), Brazil
73. Edmilson Rodrigues, Federal Congressman of Pará State, former Mayor of Belém, architect, Brazil
74. Elizabeth Gómez Alcorta, Minister of Women, Genders and Diversity, lawyer, Professor, Member of Consejo de la Internacional Progresista, Argentina
75. Esperanza Martínez, Senator, former Minister of Public Health and Social Welfare, Paraguay
76. Fabiana Rios, Congresswoman, former Governor of the province of Tierra del Fuego, Argentina
77. Felipe Solá, Congressman, former Minister of Foreign Affairs, former Governor of the Province of Buenos Aires, Argentina
78. Fernanda Melchionna, Federal Congressman of Rio Grande do Sul State, Leader of PSOL in the Federal Chamber of Deputies, Brazil
79. Fernanda Vallejos, Congresswoman, economist, Argentina
80. Fernando Haddad, former Minister of Education, former Mayor of São Paulo, former Chief of staff to the Finance and Economic Development Secretary of the Municipality of São Paulo and Special advisor to the Ministry of Planning, Budget and Management, presidential candidate (2018), lawyer, academic, Professor of Political Science, department of the University of São Paulo, Brazil
81. Ivan Valente, Federal Congressman of São Paulo State, engineer, Brazil
82. Fernando Solanas, Argentine Ambassador to UNESCO, former National Senator, film director, screenwriter, special Honorary Golden Bear at Berlin Film Festival prize winner, Argentina
83. Fidel Ernesto Naváez, former Ecuadorian Consul and First Secretary in the United Kingdom, Ecuador
84. Florencia Juana Saintout, Congresswoman of Buenos Aires Province, former dean of the Facultad de Periodismo y Comunicación Social (UNLP) (2010-2018), Argentina
85. Francisco Durañona, Senator, former Mayor of San Antonio de Areco, Argentina
86. Gabriel Mariotto, former vice Buenos Aires Governor, journalist, Argentina



87. Gabriela Rivadeneira, former President of the National Assembly of Ecuador, former Governor of Imbabura, Ecuador
88. Glauber Braga, Federal Congressman of Rio de Janeiro State, lawyer, Brazil
89. Horacio Chique, Councillor of Moreno FDT, Buenos Aires district, Argentina
90. Jorge Arreaza, Minister of Foreign Affairs of the Bolivarian Republic of Venezuela, Venezuela
91. Jorge Enrique Taiana, Congressman, former Ambassador of Argentina in Guatemala, former Minister of Foreign Affairs, International Trade and Worship, Legislator of the Autonomous City of Buenos Aires, Argentina
92. José Eduardo Cardozo, former Minister of Justice, former Attorney General and Federal Deputy, lawyer, Brazil
93. José Miguel Insulza, Senator, former Secretary General of the Organization of American States, Minister of Foreign Affairs, former Home office Secretary, former Secretary General of the Presidency, former Minister of the Interior, lawyer and Professor of Political Theory at the University of Chile and of Political Science at the Catholic University, Chile
94. Julian Hill, Member of Federal Parliament, Commonwealth of Australia, Australia
95. Karol Cariola, Congresswoman, doctor in medicine, Chile
96. Luiza Erundina, Federal Congresswoman of São Paulo State, former Mayor of São Paulo, sociologist, Brazil
97. Marcelo Brignoni, Chief of Staff of Advisors to the Presidency of MERCOSUR Parliament, former Congressman, Argentina
98. Marcelo Freixo, Federal Congresswoman of Rio de Janeiro State, Chairman of the Defence of Human Rights and Citizenship Commission on the Rio de Janeiro Legislative Assembly, broadcaster and Professor, Brazil
99. Marco Enríquez-Ominami, former Congressman, founder and former president of Fundación Progres, filmmaker, France / Chile
100. María Cristina Perceval, former Senator, Permanent Representative of Argentina to the United Nations (2012), Professor of Advanced Epistemology at UNCuyo, Argentina
101. María José Lubertino, former National Congresswoman, President of the Asociación Ciudadana por los Derechos humanos, lawyer, Argentina
102. María Rachid, Congresswoman for the constituency of Buenos Aires, Head of the Instituto contra la Discriminación de la Defensoría del Pueblo de Ciudad Autónoma de Buenos Aires (CABA), vice-president of the National Institute Against Discrimination, Xenophobia and Racism, Argentina.
103. Maximiliano Reyes, Undersecretary for Latin America and Caribbean of the Ministry of Foreign Affairs, former Congressman, Mexico
104. Mónica Xavier, Senator, doctor in medicine, Uruguay

105. Oscar Alberto Laborde, Congressman, President of Mercosur Parliament (Palasur), Argentina
106. Pablo Bergel, former Congressman for the constituency of Buenos Aires, environmentalist, Argentina
107. Paulo Pimenta, State Congressman of Rio Grande do Sul State, journalist, Brazil
108. Sâmia Bomfim, Federal Congresswoman of Rio de Janeiro State, Brazil
109. Talíria Petrone, Federal Congresswoman of Rio de Janeiro State, Brazil
110. Tarso Genro, former Minister for Justice, International Relations and Education political adviser to Luiz Inácio Lula da Silva, former President of Brazil, former Governor of Rio Grande do Sul, former mayor of Porto Alegre, lawyer, Brazil
111. Tereza Campello, former Minister of Social Development and Fight against Hunger, economist, international consultant on social development and social protection, visiting fellow at University of Nottingham (UK), Professor and research associate at the Oswaldo Cruz Foundation (FIOCRUZ), Brazil
112. Verónica Mendoza, former Congresswoman, former Vice Presidency of the Committee on Culture and Cultural Heritage, Member of the Commission of Andean, Amazonian and Afro-Peruvian Peoples, Environment and Ecology, shift coordinator of the Parliamentary Representation of Cusco, president of the Decentralization Commission, Peru
113. Wadhi Damous, Congressman, former President of the Ordem dos Advogados do Brasil (OAB) in Rio de Janeiro, lawyer, Brazil
114. Zoé Robledo Aburto, former Secretary of Human Rights, former Senator and Deputy, Director of the Mexican Social Security Institute, Mexico

### **Additionally**

Kevin Rudd, statement by former prime minister of Australia, 2007-2010; 2013, Australia

Chris Williamson, former British member of parliament, 2010-2015; 2017-2019, U.K.

### **Political Parties**

Pirate Party Slovenia, Slovenia

Check [here](#) for the latest update to this list.

<https://consortiumnews.com/2020/09/20/they-cal-for-assanges-immediate-release-lula-rouseff-zapatero-corbyn-correa-paul-galloway-gravel-varoufakis/>

## **CN Live! 'Extradition— Extra Edition' with Daniel Ellsberg & John Pilger**

*Consortium News*  
September 20, 2020

*Pentagon Papers* whistleblower Dan Ellsberg, who testified at Julian Assange's hearing, and legendary journalist and filmmaker John Pilger, who was in the courtroom, join us LIVE at 9 am Pacific, 12 pm Eastern and 5 pm BST on Saturday.

The second week of Julian Assange's resumed extradition hearing has ended and we bring you our weekly wrap-up of the case. Our guests this week are one of the defense witnesses, Daniel Ellsberg, and a courtroom observer, John Pilger. They will be interviewed by CN Live! co-host Elizabeth Vos; British legal analyst Alexander Mercouris and Consortium News Editor Joe Lauria.

Watch it here live: <https://youtu.be/VBR0MGCKKHI>

<https://consortiumnews.com/2020/09/20/watch-cn-live-new-episode-extradition-extra-edition-with-daniel-ellsberg-john-pilger/>

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## **Your Man in the Public Gallery — Assange Hearing**

*Former British diplomat Craig Murray was in the public gallery at Old Bailey for Julian Assange's hearing and here is his report on Monday's events.*

*Craig Murray*  
September 21, 2020

Monday was a frustrating day as the Julian Assange hearing drifted deep into a fantasy land where nobody knows or is allowed to say that people were tortured in Guantanamo Bay and under extraordinary rendition.

The willingness of Judge Vanessa Baraitser to accept American red lines on what witnesses can and cannot say has combined with a joint and openly stated desire by both judge and prosecution to close this case down quickly by limiting the number of witnesses, the length of their evidence and the time allowed for closing arguments.

For the first time, I am openly critical of the defence legal team who seem to be missing the moment to stop being railroaded and say no, this is wrong, forcing Baraitser to make rulings against them. Instead, most of the day was lost to negotiations between prosecution and defence as to what defence evidence could be edited out or omitted. More of which later.

### ***First Witness: Christian Grothoff***

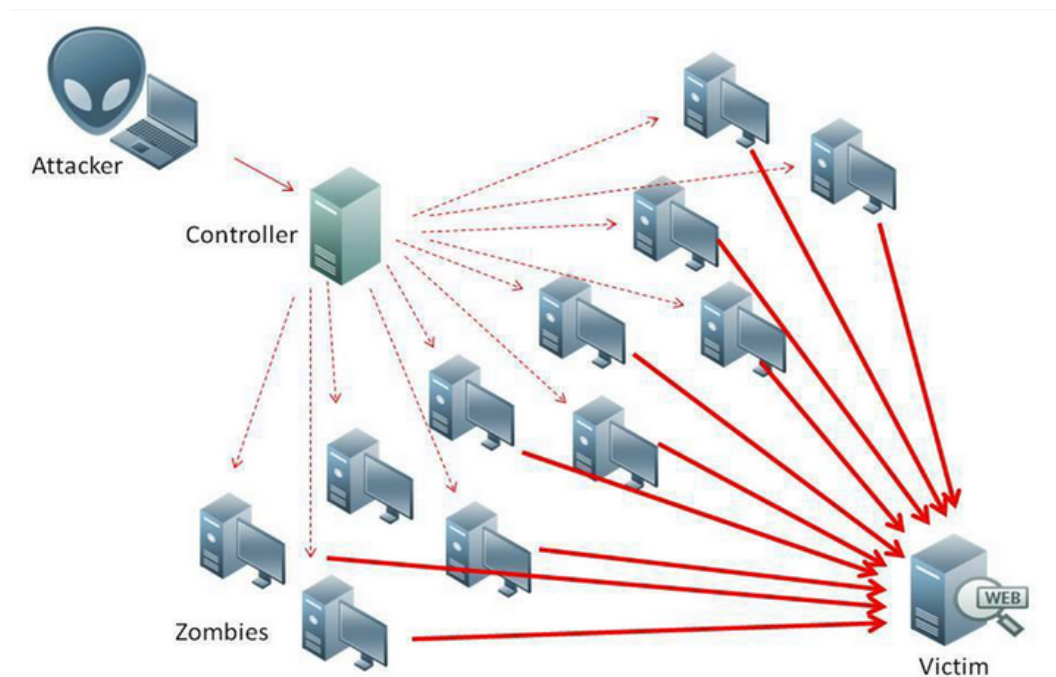
The first witness was Professor Christian Grothoff, a computer scientist based at the University of Berne Institute of Applied Sciences. Grothoff had prepared an analysis of how and when the un-redacted cables first came to be released on the internet.

Grothoff was taken through his evidence in chief by Mark Summers QC for the defence. Grothoff testified that WikiLeaks had shared the cable cache with David Leigh of *The Guardian*. This had been done in encrypted form. It had a very strong encryption key; without the long, strong password there would be no way to access it. It was useless without the key.

In reply to questions from Summers, Grothoff confirmed that it was standard practice for information to be shared by an online cache with strong encryption. It was standard practice, and not in any way irresponsible. Banking or medical records might be securely communicated in this way. Once the file is encrypted, it cannot be read without the key, and nor can the key be changed. New copies can of course be made from the unencrypted original with different keys.

Summers then led Grothoff to November 2010 when cables started to be published, initially by partners from the media consortium after redaction. Grothoff said that the next event was a “distributed denial of service” attack on the WikiLeaks site.

He explained how a DDOS attack works, hijacking multiple computers to overload the target website with demand. WikiLeaks’ reaction was to encourage people to put up mirrors to maintain the availability of content. He explained this was quite a normal response to a DDOS attack.



*Diagram of “distributed denial of service” attack. (Wikimedia Commons)*

Grothoff produced a large list of mirrors created all over the world as a result. WikiLeaks had posted instructions on how to set up a mirror. Mirrors set up using these instructions did not contain a copy of the cache of unredacted cables. But at some point, some mirrors started to contain the file with the unredacted cables. These appeared to be few and special sites with mirrors created in other ways than by the WikiLeaks instructions.

There was some discussion between Grothoff and Summers as to how the cached file may have been hidden in an archive on the WikiLeaks site, for example not listed in the directory, and how a created mirror could sweep it up.

Summers then asked Grothoff whether David Leigh released the password.

Grothoff replied that yes, Luke Harding and David Leigh had revealed the encryption key in their book on WikiLeaks published February 2011. They had used it as a chapter heading, and the text explicitly set out what it was. The copies of the encrypted file on some mirrors were useless until David Leigh posted that key.

*Summers* So once David Leigh released the encryption key, was it in WikiLeaks' power to take down the mirrors?

*Grothoff* No.

*Summers* Could they change the encryption key on those copies?

*Grothoff* No.

*Summers* Was there anything they could do?

*Grothoff* Nothing but distract and delay.

Grothoff continued to explain that on Aug. 25, 2011, the magazine *Der Freitag* had published the story explaining what had happened. It did not itself give out the password or location of the cache, but it made plain to people that it could be done, particularly to those who had already identified either the key or a copy of the file.

The next link in the chain of events was that nigelparry.com published a blog article which identified the location of a copy of the encrypted file. With the key being in David Leigh's book, the material was now effectively out. This resulted within hours in the creation of torrents and then publication of the full archive, unencrypted and unredacted, on Cryptome.org.

Summers asked whether Cryptome was a minor website.

Grothoff replied not at all, it was a long-established platform for leaked or confidential material and was especially used by journalists.

At this stage Judge Baraitser gave Mark Summers a five-minute warning on Grothoff's evidence. He therefore started to speed through events.

The next thing that happened, still on Aug. 31, 2011, is that a website MRKVA had made a searchable copy. Torrents also started appearing including on Pirate Bay, a very popular service. On Sept. 1, according to classified material from the prosecution supplied to Grothoff, the U.S. government had first accessed the unredacted cache. The document showed this had been via a torrent from Pirate Bay.

WikiLeaks had made the unredacted cables available on Sept. 2, after they were already widely available. They had already passed the point where "they could not be stopped".

Neither Pirate Bay nor Cryptome had been prosecuted for the publication. Cryptome is U.S.-based.

Joel Smith then rose to cross-examine for the prosecution. He started by addressing the professor's credentials. He suggested that the professor was expert in computer analysis, but in putting together a chronology of events he was not expert.

Grothoff replied that it had required specialist forensic skills to track the precise chain of events.

Joel Smith then suggested that his chronology of events was dependent on material provided by the defence.

Grothoff said that indeed the defence had supplied key evidence, but he had searched extensively for other material and evidence online of the course of events and tested the defence evidence.

Smith then asked Grothoff whether he had withheld any information he should have given as a declaration of interest.

Grothoff said he had not, and could not think what Smith was talking about. He had conducted his research fairly and taken great care to test the assertions of the defence against the evidence.

Smith then read out an open letter from 2017 to President Donald Trump calling for the prosecution of Assange to be dropped.

Grothoff said it was possible, but he had no recollection of having signed it or seeing it. The defence had told him about it on Saturday, but he still did not remember it. The content of the letter seemed reasonable to him, and had a friend asked him to sign then he would probably have done so. But he had no memory of it.

Smith noted that Grothoff was listed as an initial signatory not an online added signatory.

Grothoff replied that nevertheless he had no recollection of it.

Smith then asked him incredulously “and you cannot remember signing a letter to the president of the United States?”

Grothoff again confirmed he could not remember.

Quoting the letter, Smith then asked him “Do you think the prosecution is “a step into the darkness?”

Grothoff replied that he thought it had strong negative ramifications for press freedom worldwide.

Lewis then put to Grothoff that he had strong views, and thus was evidently “biased, partial”.

Grothoff said he was a computer scientist and had been asked to research and give testimony on matters of fact as to what had occurred. He had tested the facts properly and his personal opinions were irrelevant.

Smith continued to ask several more questions about the letter and Grothoff’s partiality. Altogether Smith asked 14 different questions related to the open letter Grothoff had allegedly signed. He then moved on:

*Smith* Did you download the cables file yourself during your research?

*Grothoff* Yes, I did.

*Smith* Did you download it from the WikiLeaks site?

*Grothoff* No, I believe from Cryptome.

*Smith* So in summer 2010 David Leigh was given a password and the cache was put up on a public website?

*Grothoff* No, it was put on a website but not public. It was in a hidden directory.

*Smith* So how did it end up on mirror sites if not public?

*Grothoff* It depends how the specific mirror is created. On the WikiLeaks site the encrypted cache was not an available field. Different mirroring techniques might sweep up archive files.

*Smith* WikiLeaks had asked for the creation of mirrors?

*Grothoff* Yes.

*Smith* The strength of a password is irrelevant if you cannot control the people who have it.

*Grothoff* That is true. The human is always the weakest link in the system. It is difficult to guard against a bad faith actor, like David Leigh.

*Smith* How many people did WikiLeaks give the key in the summer of 2010?

*Grothoff* It appears from his book only to David Leigh. He then gave it to the hundreds of thousands who had access to his book.

*Smith* Is it true that 50 media organizations and NGOs were eventually involved in the process of redaction?

*Grothoff* Yes, but they were not each given access to the entire cache.

*Smith* How do you know that?

*Grothoff* It is in David Leigh's book.

*Smith* How many people in total had access to the cache from those 50 organizations?

*Grothoff* Only Mr. Leigh was given access to the full set. Only Mr. Leigh had the encryption key. Julian Assange had been very reluctant to give him that access.

*Smith* What is your evidence for that statement?

*Grothoff* It is in David Leigh's book.

*Smith* That is not what it says.

*Smith then read out two long separate passages from Luke Harding and David Leigh's book, both of which indeed made very plain that Assange had given Leigh access to the full cache only with extreme reluctance, and had been cajoled into it, including by David Leigh asking Assange what would happen if he were bundled off to Guantanamo Bay and nobody else but Assange held the password.*

*Grothoff* That is what I said. Harding and Leigh write that it had been a hard struggle to prise the password out of Assange's hand.

*Lewis* How do you know that the 250,000 cables were not all available to others?

*Grothoff* In February 2011 David Leigh published his book. Before that I do not have proof WikiLeaks gave the password to nobody else. But if so, they have kept entirely quiet about it.

*Smith* You say that after the DDOS attack WikiLeaks requested people to mirror the site globally. They published instructions on how to do it.

*Grothoff* Yes, but mirrors created using the WikiLeaks instructions did not include the encrypted file. In fact, this was helpful. They were trying to build a haystack. The existence of so many mirrors without the unencrypted file made it harder to find.

*Smith* But in 2010 the password had not been released. Why would WikiLeaks want to build a haystack then?

*Grothoff* The effect was to build a haystack. I agree that was probably not the initial motive. It may have been when this mirror creation continued later.

*Smith* As of December 2010 what WikiLeaks are saying is they wish to proliferate the site as they are under attack?

*Grothoff* Yes.

*Smith* On 23 August 2011 WikiLeaks start a mass release of cables?

*Grothoff* Yes. This is a release of unclassified cables and also ongoing release of redacted classified cables by media partners.

*Smith* They were releasing cables by country, and putting out tweets saying which countries they were releasing cables for both then and next? (Smith reads from tweets.)

*Grothoff* Yes. I have verified that these were unclassified cables by searching through these cables on the classification field.

*Smith* Were some classified secret?

*Grothoff* No, they were unclassified. I checked this.

*Smith* Were some marked "strictly protect?"

*Grothoff* That is not a classification in the classification field. I did not check for that.

*Smith* WikiLeaks boast that they make the files available in a searchable form.

*Grothoff* Yes, but their search facility was not very good. Much easier to search them in other ways.

*Smith* You said *Der Freitag* stated that the encrypted file was available on mirrors. The article does not say that.

*Grothoff* No, but it says that it was widely circulating on the internet. That is done by mirroring. They did not use that word, I agree.

*Smith* The 29 August *Der Spiegel* article does not publish the password. Then WikiLeaks publishes an article claiming these stories are "substantially incorrect."

*Grothoff* It points to the password.

*Smith* Some cables were published classified "Secret."

*Grothoff* These were cables that had been redacted fully by the consortium of media experts.

*Smith* Why do you call them "experts?"

*Grothoff* They knew the subject matter and the localities.

*Smith* Why do you call them "experts?"

*Grothoff* They were experienced journalists who knew what was and was not safe and right to publish. So, experts in journalism. You need to distinguish between three types of cable published at this time: 1) classified and redacted; 2) unclassified; 3) the classified and unredacted cache.



*Smith* Are you aware that some cables were marked “strictly protect?”

*Grothoff* That is not a designation of a cable. It is applied to individuals. But it does not indicate that they are in danger, merely that for political reasons they do not want to be known as giving evidence to the U.S. government.

*Smith* How do you know that?

*Grothoff* It is in the bundle I was sent, and the evidence of other defence witnesses.

*Smith* You don’t know.

*Grothoff* I do know the “strictly protect” names you are referring to were in safe countries.

*Smith* Before 31 August you find no evidence of full publication of the entire cache?

*Grothoff* Yes.

We then went through an excruciatingly long process of Smith querying the evidence for the timing of every publication prior to WikiLeaks own publication, and trying to shift back the latest possible time of publication online of various copies, including Cryptome, MRKVA, Pirate Bay and various other torrents. He managed to establish that, depending which time zone you were in, some of this could be attributed to possibly very early on Sept. 1 rather than Aug. 31 and that it was not possible to put an exact time within a window of a few hours on Cryptome’s unredacted publication early in the morning on Sept. 1.

[This exercise could cut both ways. The timing of a tweet saying a copy or torrent is up and giving a link, must be sent out after the material is put up, which could be some time before sending the tweet.]

Grothoff concluded that at the end of the day we do not know to the minute timings for every publication, but what we can say for certain is that all of the publications discussed, including Cryptome, were before WikiLeaks.

Smith then noted that Parry wrote in his blog “This is a bad day for David Leigh and *the Guardian*. I ran the password from David Leigh’s book in an old W/L file...” but did not give the location of the file. This was at 10 p.m. on Aug. 31. Within 20 minutes WikiLeaks was issuing a press release “statement of the betrayal of WikiLeaks passwords by *The Guardian*” and 80 minutes later an editorial. [I think that Smith here was trying to say WikiLeaks had published Parry’s breakthrough.]

Smith then invited Grothoff to agree that when WikiLeaks themselves published the full documents later on Sept. 2, it was more comprehensible and visible than earlier publications.

Grothoff replied it was not more comprehensive, it was the same. It was more visible but by that time the cat was well out of the bag and the unredacted cables were spreading rapidly all over the internet. There was no way to stop them.

## Re-Examination

Mark Summers then re-examined Grothoff and established that the evidence was that the encryption key for the full cache was given to David Leigh and to nobody else. The storage method was secure — Grothoff pointed out that precisely the same method was used to send around the court bundles in this case. Only David Leigh had revealed the password.

On mirror sites, Grothoff confirmed that the WikiLeaks instructions created mirrors without the encrypted cache. All the copies of the encrypted cache he could find on other mirrors, were on sites which plainly were created using other methods, for example other software systems.

Summers then got Grothoff to explain the methodology he had used to verify the cables published by WikiLeaks before the Leigh crash were all unclassified. Apart from dip sampling, this included a correlation of the number published for each country with the number listed as unclassified for each country in the U.S. government directory. These matched in every case.

Summers then attempted to take Grothoff back over the timeline evidence which Joel Smith had put so much effort into muddying, but was prevented from doing so by Baraitser. She had interrupted Summers four times during his re-examination, on the extraordinary basis that this ground was gone over before; extraordinary because that is the point of a re-examination. Baraitser had permitted Smith to ask 14 successive questions of Grothoff on the subject of why he had signed an open letter. The double standard was very obvious.

### **Next Witness Blocked: Andy Worthington**

Which brings us to a very crucial point. The next witness, Andy Worthington, was at court and ready to give evidence, but was prevented from doing so. The United States government objected to his evidence, about his work on the Guantanamo Detainee files, being heard because it contained allegations of inmates being tortured at Guantanamo.

Baraitser said her ruling was not going to consider whether torture took place at Guantanamo, or if extraordinary rendition had happened. She did not need to hear evidence on these points.

Mark Summers replied that the ECHR had ruled on these as facts, but that it was necessary they be stated by witnesses as appropriate as it went to the Article 10 European Court of Human Rights defence.

James Lewis QC maintained the objection from the U.S. government.

Baraitser said she wanted the prosecution and defence to produce a witness schedule that would get the case finished by the end of next week, including closing statements. She wanted them to agree what evidence could and could not be heard. Where possible she wanted evidence in uncontested statements with the defence just reading out the gist.

She also said that she did not want to hear closing arguments in court, but she would have them in writing and the defence and prosecution could just summarize them briefly orally.

What the defence should have said at this moment is "Madam, the dogs in the street know that people were tortured in Guantanamo Bay. In the real world, it is not a disputed fact. If Mr. Lewis' instructions were to deny that the earth is round, would our witnesses have to accommodate that? The truth of these matters plainly goes to the Article 10 Defence, and by pandering to the denial of a notorious and plain fact, this court will be held up to mockery. We will not discuss such ludicrous censorship with Mr. Lewis. If you wish to rule that there must be no mention of torture in evidence, then so be it."

The defence did not say any of that, but as instructed entered a process with the prosecution lawyers of agreeing the shortening and editing of evidence, a process which took all day and with which Julian showed plain signs of being uncomfortable.

Andy Worthington did not get to give his evidence.

### **Cassandra Fairbanks' Evidence**

The only further evidence heard was the reading of the gist of a statement from Cassandra Fairbanks. I did not hear most of this because, having adjourned to 4:30 p.m., the court re-adjourned earlier than advertised, while Julian's dad John Shipton, the musician MIA and I were away having a coffee.

I commend [the following] account by Kevin Gosztola of Fairbanks' startling evidence. It was read quickly by Edward Fitzgerald in "gist," agreed as an uncontested account, and speaks strongly of the political motivation apparent in this prosecution.

I am very concerned about the obvious collusion of the prosecution and the judge to close this case down.

The extraordinary conflation of "time management" and excluding evidence which the U.S. government does not want heard in public is plainly illegitimate. The continual chivvying and interruption of defence counsel in examination when prosecution counsel are allowed endless repetition amounting to harassment and bullying is illegitimate. Some extraordinarily long prosecution cross-examinations, such as that of Carey Shenkman the lawyer, have every appearance of deliberate time wasting and distraction.

Tuesday's witness is Professor Michael Kopelman, the eminent psychiatrist, and the prosecution have indicated they wish to cross-examine him for an extraordinary four hours, which Baraitser agreed against defence objections. Her obsession with time management is distinctly subjective.

Obviously there is a moral question for me in how much of this medical evidence I publish. The decision will be taken in strict accordance with the views of Julian or, if we cannot ascertain that, his family.

<https://consortiumnews.com/2020/09/21/assange-extradition-craig-murray-your-man-in-the-public-gallery-assange-hearing-day-10/>

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### **TRUMP JR. FIXER:**

### **"EVERYONE IN WIKILEAKS DESERVES THE DEATH PENALTY"**

*Kevin Gosztola  
Shadowproof  
21 Sept. 2020*

When Richard Grenell, one of President Donald Trump's closest envoys in Europe, was the ambassador to Germany, Grenell reportedly brokered a deal with the Ecuador government for WikiLeaks founder Julian Assange's arrest and expulsion from the London embassy.

A wealthy Republican donor named Arthur Schwartz, who handled communications for Grenell while he was ambassador and has close ties with Donald Trump Jr., was apparently aware of the plans months before they were carried out.

He retaliated against political activist Cassandra Fairbanks, who writes for the conservative publication known as the *Gateway Pundit*, after she informed Assange of the Trump administration's plans.

Schwartz also apparently shared his view that WikiLeaks staff "deserved the death penalty."

Assange is accused of 17 counts of violating the Espionage Act and one count of conspiracy to commit a computer crime that, as alleged in the indictment, is written like an Espionage Act offense.

The charges criminalize the act of merely receiving classified information, as well as the publication of state secrets from the United States government. It targets common practices in newsgathering, which is why the case is widely opposed by press freedom organizations throughout the world.

On the tenth day of an extradition trial against Assange, his legal team entered a statement into the record from Fairbanks that was dated June 7, 2020, and described communications with Schwartz in which she became aware of the Trump administration's pressure campaign to remove Assange from the embassy.

The prosecution did not object to the truth of the matter asserted — that Trump officials were directly involved in plans against Assange.

### ***'Pardon Isn't Going To Fucking Happen'***

Fairbanks was part of a direct message group that contained "multiple people who either worked for President Trump or were close to him in other ways." The group included Grenell and Schwartz.

After Fairbanks shared an interview in October 2018 featuring Christine Assange, Assange's mother. She hoped someone would be moved to help Assange, but Schwartz called her ten minutes later and was outraged at what she did.

"I did not agree our conversation was off record, though he did tell me not to tell anyone about the call," according to Fairbanks.

Fairbanks said Schwartz brought up her nine year-old child, which she perceived as an "intimidation tactic."

"[Schwartz] repeatedly insisted that I stop advocating for WikiLeaks and Assange, telling me that a 'pardon isn't going to fucking happen,'" Fairbanks declared. "He knew very specific details about a future prosecution against Assange that were later made public and that only those very close to the situation then would have been aware of. He told me that it would be the 'Manning' case that he would be charged with and that it would not involve the Vault 7 publication or anything to do with the DNC. He also told me that they would be going after Chelsea Manning."

As recounted by Fairbanks, Schwartz told her the U.S. government would go into the embassy to snatch Assange. She maintained entering the "embassy of a sovereign

nation and kidnapping a political refugee would be an act of war, and he responded 'not if they let us'." (Note: Fairbanks did not know about the deal Grenell brokered in March 2018 with Ecuador.)

### ***'Eerily Similar' To Visits To Federal Prisons***

Fairbanks visited Assange in the Ecuador embassy on January 7, 2019, and informed him of everything Schwartz told her.

"I know that he was concerned about being overheard or spied on, and he had a little radio to cover up the conversation."

"Assange and I had to take steps to communicate with each other to try to not be within the sight or hearing of surveillance cameras or microphones, by turning up a background of white noise and writing notes," Fairbanks noted.

Both Assange and Fairbanks survived an even worse experience on March 25, 2019, that Fairbanks reported on thoroughly for *Gateway Pundit* when it happened.

Here is what she included in her statement about the meeting:

... I described the extraordinary circumstances where I was locked in a cold meeting room for an hour while Embassy staff demanded Assange be subjected to a full body scan with a metal detector before allowing him in the room. I described it at the time as "eerily similar to visits I have made to inmates at federal penitentiaries in the U.S." I considered at the time "it seemed our government was getting what they wanted from Ecuador, as a former senior State Department official told *Buzzfeed* in January. 'As far as we're concerned, he's in jail.'" I noted "in an interview with *El Pais* in July, President Moreno said his 'ideal solution' is that Assange may "enjoy" being 'extradited' if the U.K. promises that the U.S. will not kill him. A major issue was that Assange wanted to bring a small radio into the conference room to muffle our voices so that microphones undoubtedly surveilling the room would not pick up what we were saying as easily. Only eight minutes of our two hour scheduled visit were in the end available because of the conflict with security staff at the Embassy. We were told if we wanted to talk it must be done in the conference room and only two minutes were left.

From Fairbanks' report, she heard Assange say, "Is this a prison? This is how you treat a prisoner, not a political refugee!" He accused the embassy of targeting him with illegal surveillance.

Fairbanks asked Schwartz on March 29, a few days later, if it was true that Assange would be removed soon, and Schwartz called to say there was an "investigation" into who "leaked" information about Assange in October 2018.

Schwartz did not believe he could trust Fairbanks with information related to WikiLeaks any longer. He apparently knew what would happen and why she was mistreated in the embassy but refused to talk about it.

*ABC News* reported on April 15, after Assange's arrest, that Grenell was involved in a "verbal pledge" to Ecuador that the U.S. government would not pursue the death penalty.

When Fairbanks confronted Schwartz with the *ABC News* report, he sent several messages about "how everyone involved with WikiLeaks deserved the death penalty."

"I noted in our conversation that it had been reported that Grenell only got a verbal agreement that there would be no death penalty, nothing in writing. Schwartz's response to this was to send me a shrug emoji and he continued his tirade about how Assange deserved to die," according to Fairbanks.

It did not make sense for Grenell, who had nothing to do with the U.K. or Australia, was so involved with what was happening to Assange. She tweeted the *ABC News* report, and Grenell was furious.

Fairbanks said her boss at the *Gateway Pundit* was messaged, and Grenell tried to get her fired. He demanded the tweet be deleted, which she eventually did.

Schwartz called her too and was "ranting and raving" about how he could go to jail. He claimed she had tweeted "classified information," which made no sense because she shared a news media report. He eventually indicated Grenell coordinated for Assange's removal on "orders from the President."

"I believed this connected President Trump to those who have been reported as having secured the deal to arrest Assange. I believed Schwartz's statement to be correct because his close personal ties to both President Trump and Grenell are well-known," Fairbanks concluded.

### ***Just Another Target In Trump's War On Journalism***

Fairbanks maintains the contents of her meeting with Assange were definitely fed back to U.S. authorities by Ecuador embassy staff.

By that time, Undercover Global, the private security company that targeted Assange on behalf of U.S. intelligence had long been replaced, but that doesn't mean the company was not explicitly sharing intercepted communications with intelligence officials in the Trump administration.

The involvement of Schwartz adds to the Assange legal team's argument that the prosecution is a part of the Trump administration's wider war on journalists.

In January 2019, the *Daily Beast* reported, Schwartz is known to aggressively attack "perceived enemies."

In the nearly two years since he arrived in Washington with a new wave of Trump appointees, mid-level players, and hangers-on, Schwartz has gained a reputation as a fixer, behind-the-scenes operative, and social-media agitator with a particular specialty: shopping information on enemies and doing battle with reporters.

That's helped him forge close relationships with numerous Trumpworld officials and family members like Donald Trump Jr. The two are now so close they spent last year's Super Bowl together. Schwartz has served as a gatekeeper for many journalists looking to get in touch with the president's son, and has occasionally served as his bulldog when negative stories are written about him.

On September 18, a statement from Assange attorney Jennifer Robinson was entered into the record in which the U.S. government accepted as evidence that former Congressman Dana Rohrabacher offered a pardon if Assange would reveal the source of the DNC leaks and help protect Trump from the investigation by Special Counsel Robert Mueller.

Assange, who said in November 2016 the source was not Russia, refused because it would have violated his journalistic principles. He would not let Trump use him as a political bargaining chip, which may have infuriated officials like Grenell and Schwartz.

As Fairbanks noted in her statements, both of Schwartz's dire predictions came true. By March 2019, Manning was subpoenaed to appear before a grand jury empaneled to investigate WikiLeaks. By April 2019, Assange was expelled, arrested, and jailed at the Belmarsh maximum security prison.

Grenell left his position as German ambassador on June 1, but prior to his resignation, he served as acting director for the Office of the Director for National Intelligence (ODNI). He still holds a position in the Trump administration as the special envoy for Serbia and Kosovo peace negotiations.

*Kevin Gosztola is managing editor of Shadowproof. He also produces and co-hosts the weekly podcast, "Unauthorized Disclosure."*

<https://shadowproof.com/2020/09/21/trump-schwartz-grenell-wikileaks-extradition-death-penalty/>

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## **Why are Amnesty International monitors not able to observe the Assange hearing?**

*Stefan Simanowitz  
Amnesty International  
21 September 2020*

Earlier this month, the street outside the Old Bailey criminal court in London, where Julian Assange's extradition hearing has been taking place, was transformed into a carnival.

Inside the Old Bailey, the courtroom has turned into a circus. There have been multiple technical difficulties, a COVID-19 scare which temporarily halted proceedings and numerous procedural irregularities including the decision by the presiding judge to withdraw permission for Amnesty International's fair trial observer to have access to the courtroom.

Arriving at the court each morning was an assault to the senses with the noise of samba bands, sound systems and chanting crowds and the sight of banners, balloons and billboards at every turn.

The first day of the hearing, which started on Monday 7 September, drew more than two hundred people to gather outside the court. People in fancy dress mingled with camera crews, journalists and a pack of hungry photographers who would disappear regularly to give chase to any white security van heading towards the court, pressing their long lenses against the darkened windows.

One of the vans had come from Belmarsh high security prison, Julian Assange's home for the last 16 months.

The Wikileaks founder was in court for the resumption of proceedings that will ultimately decide on the Trump administration's request for his extradition to the US.

The American prosecutors claim he conspired with whistleblowers (army intelligence analyst Chelsea Manning) to obtain classified information. They want him to stand trial on espionage charges in the US where he would face a prison sentence of up to 175 years.

Assange's lawyers began with a request that the alleged evidence in a new indictment handed down in June be excluded from consideration given that it came so late. The Judge denied this. In the afternoon session, the lawyers requested an adjournment until next year to give his lawyers time to respond to the US prosecutor's new indictment. They said they had been given insufficient time to examine the new allegations, especially since they had only "limited access" to the imprisoned Assange. Indeed, this most recent hearing was the first time in more than six months that Julian Assange had been able to meet with his lawyers. The judge rejected this request.

Reacting to the decision, Kristinn Hrafnsson the editor-in-chief of Wikileaks told me that: "the decision is an insult to the UK courts and to Julian Assange and to justice. For the court to deny the request to adjourn is denying Assange his rights."

Amnesty International had requested access to the court for a trial monitor to observe the hearings, but the court denied us a designated seat in court. Our monitor initially did get permission to access the technology to monitor remotely, but the morning the hearing started he received an email informing us that the Judge had revoked Amnesty International's remote access.

We applied again for access to the proceedings on Tuesday 8 September, setting out the importance of monitoring and Amnesty International's vast experience of observing trials in even some of the most repressive countries.

The judge wrote back expressing her "regret" at her decision and saying: "I fully recognise that justice should be administered in public". Despite her regret and her recognition that scrutiny is a vital component of open justice, the judge did not change her mind.

If Amnesty International and other observers wanted to attend the hearing, they would have to queue for one of the four seats available in a public gallery. We submitted a third application to gain direct access to the overflow room at the court where some media view the livestream, but this has also been denied.

The refusal of the judge to not to give any "special provision" to expert fair trial monitors is very disturbing. Through its refusal, the court has failed to recognize a key component of open justice: namely how international trial observers monitor a hearing for its compliance with domestic and international law. They are there to evaluate the fairness of a trial by providing an impartial record of what went on in the courtroom and to advance fair trial standards by putting all parties on notice that they are under scrutiny.

Amnesty International have monitored trials from Guantanamo Bay to Bahrain, Ecuador to Turkey. For our observer to be denied access profoundly undermines open justice.

In the court, the overflow room has experienced ongoing technical problems with sound and video quality. More than a week after the proceedings began, these basic technical difficulties have not been properly ironed out and large sections of witness evidence are inaudible. These technological difficulties were not restricted to the overflow room. In court, some witnesses trying to "call into" the court room last week, were not able to get in. These basic technical difficulties have hampered the ability of those in the courtroom to follow the proceedings.



We are still hopeful that a way can be found for our legal expert to monitor the hearing because the decision in this case is of huge importance. It goes to the heart of the fundamental tenets of media freedom that underpin the rights to freedom of expression and the public's right to access information.

The US government's unrelenting pursuit of Julian Assange for having published disclosed documents is nothing short of a full-scale assault on the right to freedom of expression. The potential chilling effect on journalists and others who expose official wrongdoing by publishing information disclosed to them by credible sources could have a profound impact on the public's right to know what their government is up to.

If Julian Assange is silenced, others will also be gagged either directly or by the fear of persecution and prosecution which will hang over a global media community already under assault in the US and in many other countries worldwide.

The US Justice Department is not only charging a publisher who has a non-disclosure obligation but a publisher who is not a US citizen and not in America. The US government is behaving as if they have jurisdiction all over the world to pursue any person who receives and publishes information of government wrongdoing.

If the UK extradites Assange, he would face prosecution in the USA on espionage charges that could send him to prison for the rest of his life — possibly in a facility reserved for the highest security detainees and subjected to the strictest of daily regimes, including prolonged solitary confinement. All for doing something news editors do the world over — publishing information provided by sources, that is in the interest of the wider public.

Outside the court, I bumped into Eric Levy, aged 92. His interest in Assange's case is personal. He was in Baghdad during the American "shock and awe" bombardment in 2003 having travelled to Iraq as part of the Human Shield Movement aiming to stop the war and — failing that — to protect the Iraqi population.

"I'm here today for the same reason I was in Iraq. Because I believe in justice and I believe in peace," he tells me. "Julian Assange is not really wanted for espionage. He is wanted for making America look like war criminals."

Indeed, it is ironic that no one responsible for possible war crimes in Iraq and Afghanistan has been prosecuted, let alone punished. And yet the publisher who exposed their crimes is the one in the dock facing a lifetime in jail.

<https://www.amnesty.org/en/latest/news/2020/09/why-are-amnesty-international-monitors-not-able-to-observe-the-assange-hearing/>

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## **The US is using the Guardian to justify jailing Assange for life. Why is the paper so silent?**

*Jonathan Cook*  
22 September 2020

Julian Assange is not on trial simply for his liberty and his life. He is fighting for the right of every journalist to do hard-hitting investigative journalism without fear of arrest and extradition to the United States. Assange faces 175 years in a US super-max prison on the basis of claims by Donald Trump's administration that his exposure of US war crimes in Iraq and Afghanistan amounts to "espionage".

The charges against Assange rewrite the meaning of “espionage” in unmistakably dangerous ways. Publishing evidence of state crimes, as Assange’s Wikileaks organisation has done, is covered by both free speech and public interest defences. Publishing evidence furnished by whistleblowers is at the heart of any journalism that aspires to hold power to account and in check. Whistleblowers typically emerge in reaction to parts of the executive turning rogue, when the state itself starts breaking its own laws. That is why journalism is protected in the US by the First Amendment. Jettison that and one can no longer claim to live in a free society.

Aware that journalists might understand this threat and rally in solidarity with Assange, US officials initially pretended that they were not seeking to prosecute the Wikileaks founder for journalism — in fact, they denied he was a journalist. That was why they preferred to charge him under the arcane, highly repressive Espionage Act of 1917. The goal was to isolate Assange and persuade other journalists that they would not share his fate.

Assange explained this US strategy way back in 2011, in a fascinating [interview](#) he gave to Australian journalist Mark Davis. (The relevant section occurs from minute 24 to 43.) This was when the Obama administration first began seeking a way to distinguish Assange from liberal media organisations, such as the *New York Times* and *Guardian* that had been working with him, so that only he would be charged with espionage.

Assange warned then that the *New York Times* and its editor Bill Keller had already set a terrible precedent on legitimising the administration’s redefinition of espionage by assuring the Justice Department — falsely, as it happens — that they had been simply passive recipients of Wikileaks’ documents. Assange noted (40.00 mins): “If I am a conspirator to commit espionage, then all these other media organisations and the principal journalists in them are also conspirators to commit espionage. What needs to be done is to have a united face in this.”

During the course of the current extradition hearings, US officials have found it much harder to make plausible this distinction principle than they may have assumed.

Journalism is an activity, and anyone who regularly engages in that activity qualifies as a journalist. It is not the same as being a doctor or a lawyer, where you need a specific professional qualification to practice. You are a journalist if you do journalism — and you are an investigative journalist if, like Assange, you publish information the powerful want concealed. Which is why in the current extradition hearings at the Old Bailey in London, the arguments made by lawyers for the US that Assange is not a journalist but rather someone engaged in espionage are coming unstuck.

My dictionary defines “espionage” as “the practice of spying or of using spies, typically by governments to obtain political and military information”. A spy is defined as someone who “secretly obtains information on an enemy or competitor”.

Very obviously the work of Wikileaks, a transparency organisation, is not secret. By publishing the Afghan and Iraq war diaries, Wikileaks exposed crimes the United States wished to keep secret.

Assange did not help a rival state to gain an advantage, he helped all of us become better informed about the crimes our own states commit in our names. He is on trial not because he traded in secrets, but because he blew up the business of secrets — the very kind of secrets that have enabled the west to pursue permanent, resource-grabbing wars and are pushing our species to the verge of extinction.

In other words, Assange was doing exactly what journalists claim to do every day in a democracy: monitor power for the public good. Which is why ultimately the Obama administration abandoned the idea of issuing an indictment against Assange. There was simply no way to charge him without also putting journalists at the *New York Times*, the *Washington Post* and the *Guardian* on trial too. And doing that would have made explicit that the press is not free but works on licence from those in power.

### *Media indifference*

For that reason alone, one might have imagined that the entire media — from rightwing to liberal-left outlets — would be up in arms about Assange's current predicament. After all, the practice of journalism as we have known it for at least 100 years is at stake.

But in fact, as Assange feared nine years ago, the media have chosen not to adopt a "united face" — or at least, not a united face with Wikileaks. They have remained all but silent. They have ignored — apart from occasionally to ridicule — Assange's terrifying ordeal, even though he has been locked up for many months in Belmarsh high-security prison awaiting efforts to extradite him as a spy. Assange's very visible and prolonged physical and mental abuse — both in Belmarsh and, before that, in the Ecuadorian embassy, where he was given political asylum — have already served part of their purpose: to deter young journalists from contemplating following in his footsteps.



Even more astounding is the fact that the media have taken no more than a cursory interest in the events of the extradition hearing itself. What reporting there has been has given no sense of the gravity of the proceedings or the threat they pose to the public's right to know what crimes are being committed in their name. Instead, serious, detailed coverage has been restricted to a handful of independent outlets and bloggers.

Most troubling of all, the media have not reported the fact that during the hearing lawyers for the US have abandoned the implausible premise of their main argument that Assange's work did not constitute journalism. Now they appear to accept that Assange did indeed do journalism, and that other journalists could suffer his fate. What was once implicit has become explicit, as Assange warned: any journalist who exposes serious state crimes now risks the threat of being locked away for the rest of their lives under the draconian Espionage Act.



Jonathan Cook  
@Jonathan\_K\_Cook



The BBC's Kuenssberg and ITV's Peston haven't mentioned Assange for years, even as his extradition hearing - our generation's Dreyfus Trial - is under way.

It should be proof, if more were needed, that these people aren't journalists, they are courtiers of the British state



FiveFilters.org @fivefilters

Replying to @medialens @Peston and @bbclaurak

Twitter search shows last time BBC's political editor Laura Kuenssberg @bbclaurak mentioned Assange was this tweet from 2014! [twitter.com/bbclaurak/stat...](https://twitter.com/bbclaurak/status/1111111111)

2:23 PM · Sep 8, 2020



This glaring indifference to the case and its outcome is extremely revealing about what we usually refer to as the "mainstream" media. In truth, there is nothing mainstream or popular about this kind of media. It is in reality a media elite, a corporate media, owned by and answerable to billionaire owners — or in the case of the *BBC*, ultimately to the state — whose interests it really serves.

The corporate media's indifference to Assange's trial hints at the fact that it is actually doing very little of the sort of journalism that threatens corporate and state interests and that challenges real power. It won't suffer Assange's fate because, as we shall see, it doesn't attempt to do the kind of journalism Assange and his Wikileaks organisation specialise in.

The indifference suggests rather starkly that the primary role of the corporate media — aside from its roles in selling us advertising and keeping us pacified through entertainment and consumerism — is to serve as an arena in which rival centres of power within the establishment fight for their narrow interests, settling scores with each other, reinforcing narratives that benefit them, and spreading disinformation against their competitors. On this battlefield, the public are mostly spectators, with our interests only marginally affected by the outcome.

### *Gauntlet thrown down*

The corporate media in the US and UK is no more diverse and pluralistic than the major corporate-funded political parties they identify with. This kind of media mirrors the same flaws as the Republican and Democratic parties in the US: they





**Jonathan Cook**  
@Jonathan\_K\_Cook



A journalist due to testify at Julian Assange's extradition hearing makes a very pertinent point. This is the biggest attack on press freedom in our lifetimes. Why are UK editors not demanding to be heard at the Old Bailey? Where are they? Where is the Guardian?



**Iain Overton** ✓ @iainoverton

Replying to @iainoverton

And, I might be wrong, but I think I am the only editor who is giving evidence in his trial.

I do not know where those who worked with him at the Guardian are.

And frankly, some of them should be ashamed of themselves for that.

11:17 AM · Sep 8, 2020



cheerlead consumption-based, globalised capitalism; they favour a policy of unsustainable, infinite growth on a finite planet; and they invariably support colonial, profit-driven, resource-grabbing wars, nowadays often dressed up as humanitarian intervention. The corporate media and the corporate political parties serve the interests of the same power establishment because they are equally embedded in that establishment.

(In this context, it was revealing that when Assange's lawyers argued earlier this year that he could not be extradited to the US because extradition for political work is barred under its treaty with the UK, the US insisted that Assange be denied this defence. They argued that "political" referred narrowly to "party political" — that is, politics that served the interests of a recognised party.)

From the outset, the work of Assange and Wikileaks threatened to disrupt the cosy relationship between the media elite and the political elite. Assange threw down a gauntlet to journalists, especially those in the liberal parts of the media, who present themselves as fearless muckrakers and watchdogs on power.

Unlike the corporate media, Wikileaks doesn't depend on access to those in power for its revelations, or on the subsidies of billionaires, or on income from corporate advertisers. Wikileaks receives secret documents direct from whistleblowers, giving the public an unvarnished, unmediated perspective on what the powerful are doing — and what they want us to think they are doing.

Wikileaks has allowed us to see raw, naked power before it puts on a suit and tie, slicks back its hair and conceals the knife. But as much as this has been an empowering development for the general public, it is at best a very mixed blessing for the corporate media.



In early 2010, the fledgling Wikileaks organisation received its first tranche of documents from US army whistleblower Chelsea Manning: hundreds of thousands of classified files exposing US crimes in Iraq and Afghanistan. Assange and “liberal” elements of the corporate media were briefly and uncomfortably thrown into each others’ arms.

On the one hand, Assange needed the manpower and expertise provided by big-hitting newspapers like the *New York Times*, the *Guardian* and *Der Spiegel* to help Wikileaks sift through vast trove to find important, hidden disclosures. He also needed the mass audiences those papers could secure for the revelations, as well as those outlets’ ability to set the news agenda in other media.

Liberal media, on the other hand, needed to court Assange and Wikileaks to avoid being left behind in the media war for big, Pulitzer Prize-winning stories, for audience share and for revenues. Each worried that, were it not to do a deal with Wikileaks, a rival would publish those world-shattering exclusives instead and erode its market share.

### ***Gatekeeper role under threat***

For a brief while, this mutual dependency just about worked. But only for a short time. In truth, the liberal corporate media is far from committed to a model of unmediated, whole-truth journalism. The Wikileaks model undermined the corporate media’s relationship to the power establishment and threatened its access. It introduced a tension and division between the functions of the political elite and the media elite.

Those intimate and self-serving ties are illustrated in the most famous example of corporate media working with a “whistleblower”: the use of a source, known as Deep Throat, who exposed the crimes of President Richard Nixon to *Washington Post*

reporters Woodward and Bernstein back in the early 1970s, in what became known as Watergate. That source, it emerged much later, was actually the associate director of the FBI, Mark Felt.

Far from being driven to bring down Nixon out of principle, Felt wished to settle a score with the administration after he was passed over for promotion. Later, and quite separately, Felt was convicted of authorising his own Watergate-style crimes on behalf of the FBI. In the period before it was known that Felt had been Deep Throat, President Ronald Reagan pardoned him for those crimes. It is perhaps not surprising that this less than glorious context is never mentioned in the self-congratulatory coverage of Watergate by the corporate media.

But worse than the potential rupture between the media elite and the political elite, the Wikileaks model implied an imminent redundancy for the corporate media. In publishing Wikileaks' revelations, the corporate media feared it was being reduced to the role of a platform — one that could be discarded later — for the publication of truths sourced elsewhere.

The undeclared role of the corporate media, dependent on corporate owners and corporate advertising, is to serve as gatekeeper, deciding which truths should be revealed in the “public interest”, and which whistleblowers will be allowed to disseminate which secrets in their possession. The Wikileaks model threatened to expose that gatekeeping role, and make clearer that the criterion used by corporate media for publication was less “public interest” than “corporate interest”.

In other words, from the start the relationship between Assange and “liberal” elements of the corporate media was fraught with instability and antagonism.

The corporate media had two possible responses to the promised Wikileaks revolution.

One was to get behind it. But that was not straightforward. As we have noted, Wikileaks' goal of transparency was fundamentally at odds both with the corporate media's need for access to members of the power elite and with its embedded role, representing one side in the “competition” between rival power centres.



The corporate media's other possible response was to get behind the political elite's efforts to destroy Wikileaks. Once Wikileaks and Assange were disabled, there could be a return to media business as usual. Outlets would once again chase tidbits of information from the corridors of power, getting “exclusives” from the power centres they were allied with.

Put in simple terms, *Fox News* would continue to get self-serving exclusives against the Democratic party, and *MSNBC* would get self-serving exclusives against Trump and the Republican Party. That way, everyone would get a slice of editorial action and

advertising revenue — and nothing significant would change. The power elite in its two flavours, Democrat and Republican, would continue to run the show unchallenged, switching chairs occasionally as elections required.

### *From dependency to hostility*

Typifying the media's fraught, early relationship with Assange and Wikileaks — sliding rapidly from initial dependency to outright hostility — was *the Guardian*. It was a major beneficiary of the Afghan and Iraq war diaries, but very quickly turned its guns on Assange. (Notably, *the Guardian* would also lead the attack in the UK on the former leader of the Labour party, Jeremy Corbyn, who was seen as threatening a "populist" political insurgency in parallel to Assange's "populist" media insurgency.)



Despite being widely viewed as a bastion of liberal-left journalism, *the Guardian* has been actively complicit in rationalising Assange's confinement and abuse over the past decade and in trivialising the threat posed to him and the future of real journalism by Washington's long-term efforts to permanently lock him away.

There is not enough space on this page to highlight all the appalling examples of *the Guardian's* ridiculing of Assange (a few illustrative tweets scattered through this post will have to suffice) and disparaging of renowned experts in international law who have tried to focus attention on his arbitrary detention and torture. But the compilation of headlines in the tweet below conveys an impression of the antipathy *the Guardian* has long harboured for Assange, most of it — such as James Ball's article — now exposed as journalistic malpractice.





*The Guardian's* failings have extended too to the current extradition hearings, which have stripped away years of media noise and character assassination to make plain why Assange has been deprived of his liberty for the past 10 years: because the US wants revenge on him for publishing evidence of its crimes and seeks to deter others from following in his footsteps.

In its pages, *the Guardian* has barely bothered to cover the case, running superficial, repackaged agency copy. This week it belatedly ran a solitary opinion piece from Luiz Inácio Lula da Silva, Brazil's former leftwing president, to mark the fact that many dozens of former world leaders have called on the UK to halt the extradition proceedings. They appear to appreciate the gravity of the case much more clearly than *the Guardian* and most other corporate media outlets.



Lawyers for Assange  
@Lawyers4Assange



167 politicians, including past & present heads of state, back our appeal to UK government to bring an end to Julian Assange's extradition proceedings & grant him his long overdue freedom:

[lawyersforassange.org/en/endorsement...](https://lawyersforassange.org/en/endorsement...)

We @Lawyers4Assange say the politico-legal show must not go on.

But among *the Guardian's* own columnists, even its supposedly leftwing ones like Gorge Monbiot and Owen Jones, there has been blanket silence about the hearings. In familiar style, the only in-house commentary on the case so far is yet another snide hit-piece — this one in the fashion section written by Hadley Freeman. It simply ignores the terrifying developments for journalism taking place at the Old Bailey, close by *the Guardian's* offices. Instead Freeman mocks the credible fears of Assange's partner, Stella Moris, that, if Assange is extradited, his two young children may not be allowed contact with their father again.

Freeman's goal, as has been typical of *the Guardian's* modus operandi, is not to raise an issue of substance about what is happening to Assange but to score hollow points in a distracting culture war the paper has become so well-versed in monetising. In her piece, entitled "Ask Hadley: 'Politicising' and 'weaponising' are becoming rather convenient arguments", Freeman exploits Assange and Moris's suffering to advance her own convenient argument that the word "politicised" is much misused — especially, it seems, when criticising *the Guardian* for its treatment of Assange and Corbyn.

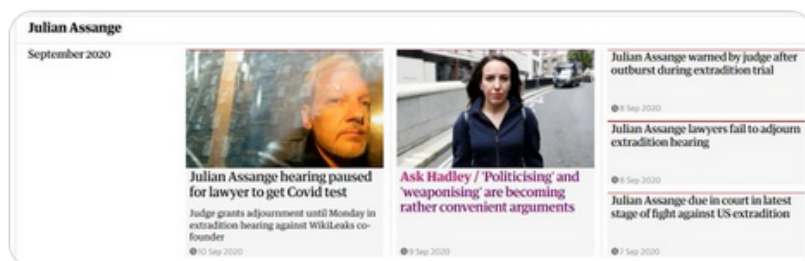
The paper could not make it any plainer. It dismisses the idea that it is a "political" act for the most militarised state on the planet to put on trial a journalist for publishing evidence of its systematic war crimes, with the aim of locking him up permanently.

*The Guardian* may be largely ignoring the hearings, but the Old Bailey is far from ignoring *the Guardian*. The paper's name has been cited over and over again in court by lawyers for the US. They have regularly quoted from a 2011 book on Assange by two *Guardian* reporters, David Leigh and Luke Harding, to bolster the Trump administration's increasingly frantic arguments for extraditing Assange.



Shameful but not surprising. This is the sum total of the @guardian's "coverage" during Julian Assange's extradition hearing. Including a hit piece.

#DumpTheGuardian #FreeAssange



4:18 AM · Sep 16, 2020



### *Password divulged*

When Leigh worked with Assange, back in 2010, he was *the Guardian's* investigations editor and, it should be noted, the brother-in-law of the then-editor, Alan Rusbridger. Harding, meanwhile, is a long-time reporter whose main talent appears to be churning out *Guardian* books at high speed that closely track the main concerns of the UK and US security services. In the interests of full disclosure, I should note that I had underwhelming experiences dealing with both of them during my years working at *the Guardian*.

Normally a newspaper would not hesitate to put on its front page reports of the most momentous trial of recent times, and especially one on which the future of journalism depends. That imperative would be all the stronger were its own reporters' testimony likely to be critical in determining the outcome of the trial. For *the Guardian*, detailed and prominent reporting of, and commentary on, the Assange extradition hearings should be a double priority.

So how to explain *the Guardian's* silence?

The book by Leigh and Harding, *WikiLeaks: Inside Julian Assange's War on Secrecy*, made a lot of money for *the Guardian* and its authors by hurriedly cashing in on the early notoriety around Assange and Wikileaks. But the problem today is that the *Guardian* has precisely no interest in drawing attention to the book outside the confines of a repressive courtroom. Indeed, were the book to be subjected to any serious scrutiny, it might now look like an embarrassing, journalistic fraud.

The two authors used the book not only to vent their personal animosity towards Assange — in part because he refused to let them write his official biography — but also to [divulge a complex password](#) entrusted to Leigh by Assange that provided access to an online cache of encrypted documents. That egregious mistake by the *Guardian* opened the door for every security service in the world to break into the file, as well as other files once they could crack Assange's sophisticated formula for devising passwords.

Much of the furore about Assange's supposed failure to protect names in the leaked documents published by Assange — now at the heart of the extradition case — stems

from Leigh's much-observed role in sabotaging Wikileaks' work. Assange was forced into a damage limitation operation because of Leigh's incompetence, forcing him to hurriedly publish files so that anyone worried they had been named in the documents could know before hostile security services identified them.



**Jonathan Cook** @Jonathan\_K\_Cook · Sep 22, 2020



Computer expert at Assange hearing calls the Guardian's David Leigh 'a bad faith actor' over his publishing a Wikileaks password that opened the door to every security service in the world being able to access 250,000 encrypted cables



Your Man in the Public Gallery: Assange Hearing Day 14  
Monday was a frustrating day as the Assange...  
[craigmurray.org.uk](https://craigmurray.org.uk)



**Jonathan Cook**  
@Jonathan\_K\_Cook

The Guardian has sought for nearly a decade to obscure David Leigh's deeply irresponsible antics in publishing that critically important Wikileaks password.

It's another reason why the Guardian has barely covered the Assange hearings. It goes way beyond 'conflict of interest'

11:56 AM · Sep 22, 2020



This week at the Assange hearings, Professor Christian Grothoff, a computer expert at Bern University, noted that Leigh had recounted in his 2011 book how he pressured a reluctant Assange into giving him the password. In his testimony, Grothoff referred to Leigh as a "bad faith actor".

### ***'Not a reliable source'***

Nearly a decade ago Leigh and Harding could not have imagined what would be at stake all these years later — for Assange and for other journalists — because of an accusation in their book that the Wikileaks founder recklessly failed to redact names before publishing the Afghan and Iraq war diaries.

The basis of the accusation rests on Leigh's highly contentious recollection of a discussion with three other journalists and Assange at a restaurant near *the Guardian's* former offices in July 2010, shortly before publication of the Afghan revelations.

According to Leigh, during a conversation about the risks of publication to those who had worked with the US, Assange said: "They're informants, they deserve to die." Lawyers for the US have repeatedly cited this line as proof that Assange was indifferent to the fate of those identified in the documents and so did not expend care

in redacting names. (Let us note, as an aside, that the US has failed to show that anyone was actually put in harm's way from publication, and in the Manning trial a US official admitted that no one had been harmed.)

The problem is that Leigh's recollection of the dinner has not been confirmed by anyone else, and is hotly disputed by another participant, John Goetz of *Der Spiegel*. He has sworn an affidavit saying Leigh is wrong. He gave testimony at the Old Bailey for the defence last week. Extraordinarily the judge, Vanessa Baraitser, refused to allow him to contest Leigh's claim, even though lawyers for the US have repeatedly cited that claim.



Caitlin Johnstone 🍷  
@caitoz



Statement from journalist John Goetz of *Der Spiegel* attesting that Assange never made the "they deserve it" comment he was accused of saying by The Guardian's David Leigh. Goetz was at the dinner Assange is alleged to have said it.

Prior to my interview, I had a visit from Patrick Forbes in my office, during which he asked me about what had happened during a dinner in London in early July 2010 a few weeks before publication of the Afghan War Diaries. I was at the dinner at the Moro restaurant in London, along with Marcel Rosenbach from *Der Spiegel*, David Leigh and Declan Walsh of the *Guardian*, and Julian Assange of WikiLeaks. Patrick Forbes asked me specifically if Julian Assange had made the remark "They're informants, they deserve to die" at that dinner, as has been alleged by David Leigh, and I told him that Julian did not say that at the dinner. I told Patrick Forbes that I would not discuss the dinner on camera, because it was a private dinner and it is the policy of *Der Spiegel* not to discuss private meetings in a public forum.

Signed:

John Goetz

Dated:

Berlin,  
May 15, 2012

Further, Goetz, as well as Nicky Hager, an investigative journalist from New Zealand, and Professor John Sloboda, of Iraq Body Count, all of whom worked with Wikileaks to redact names at different times, have testified that Assange was meticulous about the redaction process. Goetz admitted that he had been personally exasperated by the delays imposed by Assange to carry out redactions:

"At that time, I remember being very, very irritated by the constant, unending reminders by Assange that we needed to be secure, that we needed to encrypt things, that we needed to use encrypted chats. ... The amount of precautions around the safety of the material were enormous. I thought it was paranoid and crazy but it later became standard journalistic practice."

Prof Sloboda noted that, as Goetz had implied in his testimony, the pressure to cut corners on redaction came not from Assange but from Wikileaks' "media partners", who were desperate to get on with publication. One of the most prominent of those



partners, of course, was *the Guardian*. According to the account of proceedings at the Old Bailey by former UK ambassador Craig Murray:

"Goetz [of *Der Spiegel*] recalled an email from David Leigh of *The Guardian* stating that publication of some stories was delayed because of the amount of time WikiLeaks were devoting to the redaction process to get rid of the 'bad stuff'."

When confronted by US counsel with Leigh's claim in the book about the restaurant conversation, Hager observed witheringly: "I would not regard that [Leigh and Harding's book] as a reliable source." Under oath, he ascribed Leigh's account of the events of that time to "animosity".

### *Scoop exposed as fabrication*

Harding is hardly a dispassionate observer either. His most recent "scoop" on Assange, published in *the Guardian* two years ago, has been exposed as an entirely fabricated smear. It claimed that Assange secretly met a Trump aide, Paul Manafort, and unnamed "Russians" while he was confined to the Ecuadorian embassy in 2016.

## Manafort held secret talks with Assange in Ecuadorian embassy, sources say

**Trump ally met WikiLeaks founder months before emails hacked by Russia were published**

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**Luke Harding and Dan Collyns in Quito**

Tue 27 Nov 2018 14.23 GMT



23,615

Harding's transparent aim in making this false claim was to revive a so-called "Russiagate" smear suggesting that, in the run-up to the 2016 US presidential election, Assange conspired with the Trump camp and Russian president Vladimir Putin to help get Trump elected. These allegations proved pivotal in alienating Democrats who might otherwise have rallied to Assange's side, and have helped forge bipartisan support for Trump's current efforts to extradite Assange and jail him.

The now forgotten context for these claims was Wikileaks' publication shortly before the election of a stash of internal Democratic party emails. They exposed corruption, including efforts by Democratic officials to sabotage the party's primaries to undermine Bernie Sanders, Hillary Clinton's rival for the party's presidential nomination.

Those closest to the release of the emails have maintained that they were leaked by a Democratic party insider. But the Democratic leadership had a pressing need to deflect attention from what the emails revealed. Instead they actively sought to warm up a Cold War-style narrative that the emails had been hacked by Russia to foil the US democratic process and get Trump into power.

No evidence was ever produced for this allegation. Harding, however, was one of the leading proponents of the Russiagate narrative, producing another of his famously fast turnaround books on the subject, *Collusion*. The complete absence of any supporting evidence for Harding's claims was exposed in dramatic fashion when he was questioned by journalist Aaron Mate. [<https://youtu.be/9Ikf1uZli4g>]

Harding's 2018 story about Manafort was meant to add another layer of confusing mischief to an already tawdry smear campaign. But problematically for Harding, the Ecuadorian embassy at the time of Manafort's supposed visit was probably the most heavily surveilled building in London. The CIA, as we would later learn, had even illegally installed cameras inside Assange's quarters to spy on him. There was no way that Manafort and various "Russians" could have visited Assange without leaving a trail of video evidence. And yet none exists. Rather than retract the story, *the Guardian* [has gone to ground](#), simply refusing to engage with critics.

Most likely, either Harding or a source were fed the story by a security service in a further bid to damage Assange. Harding made not even the most cursory checks to ensure that his "exclusive" was true.

### ***Unwilling to speak in court***

Despite both Leigh and Harding's dismal track record in their dealings with Assange, one might imagine that at this critical point — as Assange faces extradition and jail for doing journalism — the pair would want to have their voices heard directly in court rather than allow lawyers to speak for them or allow other journalists to suggest unchallenged that they are "unreliable" or "bad faith" actors.

Leigh could testify at the Old Bailey that he stands by his claims that Assange was indifferent to the dangers posed to informants; or he could concede that his recollection of events may have been mistaken; or clarify that, whatever Assange said at the infamous dinner, he did in fact work scrupulously to redact names — as other witnesses have testified.

Given the grave stakes, for Assange and for journalism, that would be the only honourable thing for Leigh to do: to give his testimony and submit to cross-examination. Instead he shelters behind the US counsel's interpretation of his words and Judge Baraitser's refusal to allow anyone else to challenge it, as though Leigh brought his claim down from the mountain top.

*The Guardian* too, given its central role in the Assange saga, might have been expected to insist on appearing in court, or at the very least to be publishing editorials furiously defending Assange from the concerted legal assault on his rights and journalism's future. *The Guardian's* "star" leftwing columnists, figures like George Monbiot and Owen Jones, might similarly be expected to be rallying readers' concerns, both in the paper's pages and on their own social media accounts. Instead they have barely raised their voices above a whisper, as though fearful for their jobs.

These failings are not about the behaviour of any single journalist. They reflect a culture at *the Guardian*, and by extension in the wider corporate media, that abhors the kind of journalism Assange promoted: a journalism that is open, genuinely truth-seeking, non-aligned and collaborative rather than competitive. *The Guardian* wants journalism as a closed club, one where journalists are once again treated as high priests by their flock of readers, who know only what the corporate media is willing to disclose to them.

Assange understood the problem back in 2011, as he explained in his interview with Mark Davis (38.00mins): "There is a point I want to make about perceived moral institutions, such as the *Guardian* and *New York Times*. *The Guardian* has good people in it. It also has a coterie of people at the top who have other interests.... What drives a paper like the *Guardian* or *New York Times* is not their inner moral values. It is simply

that they have a market. In the UK, there is a market called 'educated liberals'. Educated liberals want to buy a newspaper like *the Guardian* and therefore an institution arises to fulfil that market. ... What is in the newspaper is not a reflection of the values of the people in that institution, it is a reflection of the market demand."

That market demand, in turn, is shaped not by moral values but by economic forces — forces that need a media elite, just as they do a political elite, to shore up an ideological worldview that keeps those elites in power. Assange threatened to bring that whole edifice crashing down. That is why the institutions of *the Guardian* and the *New York Times* will shed no more tears than Donald Trump and Joe Biden if Assange ends up spending the rest of his life behind bars.

<https://www.jonathan-cook.net/blog/2020-09-22/guardian-silent-assange-trial/>

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## Your Man in the Public Gallery — Assange Hearing, Day 15

Craig Murray  
September 23, 2020

When Daniel Ellsberg released the *Pentagon Papers*, the US Government burgled the office of his psychiatrist to look for medical evidence to discredit him. Julian Assange has been obliged to submit himself, while in a mentally and physically weakened state and in conditions of the harshest incarceration, to examination by psychiatrists appointed by the US government. He has found the experience intrusive and traumatising. It is a burglary of the mind.

Julian is profoundly worried that his medical history will be used to discredit him and all that he has worked for, to paint the achievements of Wikileaks in promoting open government and citizen knowledge as the fantasy of a deranged mind. I have no doubt this will be tried, but fortunately there has been a real change in public understanding and acknowledgement of mental illness. I do not think Julian's periodic and infrequent episodes of very serious depression will be successfully portrayed in a bad light, despite the incredibly crass and insensitive attitude displayed today in court by the US Government, who have apparently been bypassed by the change in attitudes of the last few decades.

I discuss this before coming to Tuesday's evidence because for once my account will be less detailed than others, because I have decided to censor much of what was said. I do this on the grounds that, when it comes to his medical history, Julian's right to privacy ought not to be abolished by these proceedings. I have discussed this in some detail with Stella Morris. I have of course weighed this against my duty as a journalist to you the reader, and have decided the right to medical privacy is greater, irrespective of what others are publishing. I have therefore given as full an account as I can while omitting all mention of behaviours, of symptoms, and of more personal detail.

I also believe I would take that view irrespective of the identity of the defendant. I am not just being partial to a friend. In all my reporting of these proceedings, of course my friendship with Julian has been something of which I am mindful. But I have invented nothing, nor have I omitted anything maliciously.

I will state firmly and resolutely that my account has been truthful. I do not claim it has been impartial. Because in a case of extreme injustice, truth is not impartial.

The following account tries to give you a fair impression of today's courtroom events, while omitting the substance and detail of much of the discussion. The single witness all day was the eminent psychiatrist Prof Michael Kopelman, who will be familiar to readers of *Murder in Samarkand*. Emeritus Professor of Psychiatry at Kings College London and formerly head of psychiatry at Guy's and St Thomas's, Prof Kopelman was appointed by the defence (he is not one of the psychiatrists of whom Julian complains, who will give evidence later) and had visited Julian Assange 19 times in Belmarsh Prison. His detailed report concluded that:

"I reiterate again that I am as certain as a psychiatrist ever can be that, in the event of imminent extradition, Mr. Assange would indeed find a way to commit suicide," Kopelman's evidence was that his report was based not just on his many consultations with Assange, but on detailed research of his medical records back to childhood, including direct contact with other doctors who had treated Assange including in Australia, and multiple interviews with family and long-term friends. His diagnosis of severe depression was backed by a medical history of such episodes and a startling family history of suicide, possibly indicating genetic disposition.

Prof Kopelman was firm in stating that he did not find Assange to be delusional. Assange's concerns with being spied upon and plotted against were perfectly rational in the circumstances.

Kopelman had no doubt that Julian was liable to commit suicide if extradited. "It is the disorder which brings the suicide risk. Extradition is the trigger."

James Lewis QC cross-examined Professor Kopelman for four hours. As ever, he started by disparaging the witness's qualifications; Prof Kopelman was a cognitive psychiatrist not a forensic psychiatrist and had not worked in prisons. Prof Kopelman pointed out that he had been practising forensic psychiatry and testifying in numerous courts for over thirty years. When Lewis persisted again and again in querying his credentials, Kopelman had enough and decided to burst out of the bubble of court etiquette:

"I have been doing this for over thirty years and on five or six occasions London solicitors have phoned me up and said that James Lewis QC is acting in an extradition case and is extremely keen to get your services for a report. So I think it is a bit rich for you to stand there now questioning my qualifications." This caused really loud laughter in court, which remarkably the judge made no attempt to silence.

The other trick which the prosecution played yet again was to give Prof Kopelman two huge bundles which had, they said, been sent to him that morning and which he said he had never seen — unsurprisingly as he started testifying at 10am. These included substantial items which Prof Kopelman had never seen before but on which he was to be questioned. The first of these was an academic article on malingering which Kopelman was in effect scorned by Lewis for not having read. He said he had read a great many articles on the subject but not this particular one.

Lewis then read several sentences from the article and invited Kopelman to agree with them. These included "clinical skills alone are not sufficient to diagnose malingering" and one to the effect that the clinical team are best placed to detect malingering. Prof Kopelman refused to sign up to either of these propositions without qualification, and several times over the four hours was obliged to refute claims by Lewis that he had done so.

This is another technique continually deployed by the prosecution, seizing upon a single article and trying to give it the status of holy writ, when JStor would doubtless



bring out hundreds of contending articles. On the basis of this one article, Lewis was continually to assert and/or insinuate that it was only the prison medical staff who were in a position to judge Assange's condition. Edward Fitzgerald QC for the defence was later to assert that the article, when it referred to "the clinical team", was talking of psychiatric hospitals and not prisons. Kopelman declined to comment on the grounds he had not read the article.

Lewis now did another of his standard tricks; attempting to impugn Kopelman's expertise by insisting he state, without looking it up, what the eight possible diagnostic symptoms of a certain WHO classification of severe depression were. Kopelman simply refused to do this. He said he made a clinical diagnosis of the patient's condition and only then did he calibrate it against the WHO guidelines for court purposes; and pointed out that he was on some of the WHO committees that wrote these definitions. They were, he said, very political and some of their decisions were strange.

We then entered a very lengthy and detailed process of Lewis going through hundreds of pages of Assange's prison medical notes and pointing out phrases omitted from Kopelman's sixteen page synopsis which tended to the view Assange's mental health was good, while the Professor countered repeatedly that he had included that opinion in shortened form, or that he had also omitted other material that said the opposite. Lewis claimed the synopsis was partial and biased and Kopelman said it was not.

Lewis also pointed out that some of Assange's medical history from Australia lacked the original medical notes. Kopelman said that this was from the destruction policy of the state of Victoria. Lewis was only prepared to accept history backed by the original medical notes; Kopelman explained these notes themselves referred to earlier episodes, he had consulted Professor Mullen who had treated Julian, and while Lewis may wish to discount accounts of family and friends, to a medical professional that was standard Maudsley method for approaching mental illness history; there was furthermore an account in a book published in 1997.

After lunch Lewis asked Prof Kopelman why his first report had quoted Stella Morris but not mentioned that she was Julian's partner. Why was he concealing this knowledge from the court? Kopelman replied that Stella and Julian had been very anxious for privacy in the circumstances because of stress on her and the children. Lewis said that Kopelman's first duty was to the court and this overrode their right to privacy. Kopelman said he had made his decision. His second report mentioned it once it had become public. Lewis asked why he had not explicitly stated they had two children. Kopelman said he thought it best to leave the children out of it.

Lewis asked whether he was hiding this information because having a partner was a safeguard against suicide. Kopelman said that some studies showed suicide was more common in married people. Besides, what we were considering here was stress of separation from partner and children.

Lewis then addressed the reference in Prof Kopelman's report to the work of Prof Nils Melzer, the UN Special Rapporteur on Torture. Without specifying Professor Melzer's background or position or even making any mention of the United Nations at all, Lewis read out seven paragraphs of Prof Melzer's letter to Jeremy Hunt, then UK foreign secretary. These paragraphs addressed the circumstances of Assange's incarceration in the Embassy and of his continual persecution, including the decision of the UN Working Group on Arbitrary Detention. Lewis even managed to leave the words "United Nations" out of the name of the working group.

As he read each paragraph, Lewis characterised it as “nonsense”, “rubbish” or “absurd”, and invited Prof Kopelman to comment. Each time Prof Kopelman gave the same reply, that he had only used the work of the psychologist who had accompanied Prof Melzer and had no comment to make on the political parts, which had not appeared in his report. Baraitser — who is always so keen to rule out defence evidence as irrelevant and to save time — allowed this reading of irrelevant paragraphs to go on and on and on. The only purpose was to enter Prof Melzer’s work into the record with an unchallenged dismissive characterisation, and it was simply irrelevant to the witness in the stand. This was Baraitser’s double standard at play yet again.

Lewis then put to Prof Kopelman brief extracts of court transcript showing Julian interacting with the court, as evidence that he had no severe cognitive difficulty. Kopelman replied that a few brief exchanges really told nothing of significance, while his calling out from the dock when not allowed to might be seen as symptomatic of Asperger’s, on which other psychiatrists would testify.

Lewis again berated Kopelman for not having paid sufficient attention to malingering. Kopelman replied that not only had he used his experience and clinical judgement, but two normative tests had been applied, one of them the TOMM test. Lewis suggested those tests were not for malingering and only the Minnesota test was the standard. At this point Kopelman appeared properly annoyed. He said the Minnesota test was very little used outside the USA. The TOMM test was indeed for malingering. That was why it was called the Test of Memory Malingering. Again there was some laughter in court.

Lewis then suggested that Assange may only get a light sentence in the USA of as little as six years, and might not be held in solitary confinement. Would that change Kopelman’s prognosis? Kopelman said it would if realistic, but he had done too many extradition cases, and seen too many undertakings broken, to put much store by this. Besides, he understood no undertakings had been given.

Lewis queried Kopelman’s expertise on prison conditions in the USA and said Kopelman was biased because he had not taken into account the evidence of Kromberg and of another US witness on the subject who is to come. Kopelman replied that he had not been sent their evidence until substantially after he completed his reports. But he had read it now, and he had seen a great deal of other evidence that contradicted it, both in this case and others. Lewis suggested it was not for him to usurp the judgement of the court on this issue, and he should amend his opinion to reflect the effect of the US prison system on Assange if it were as Kromberg described it. Kopelman declined to do so, saying he doubted Kromberg’s expertise and preferred to rely on among others the Department of Justice’s own report of 2017, the Centre for Constitutional Rights report of 2017 and the Marshall report of 2018.

Lewis pressed Kopelman again, and asked that if prison conditions and healthcare in the USA were good, and if the sentence were short, would that cause an alteration to his clinical opinion. Kopelman replied that if those factors were true, then his opinion would change, but he doubted they were true.

Suddenly, Baraitser repeated out loud the part quote that if prison conditions in the US were good and the sentence were short, then Kopelman’s clinical opinion would change, and ostentatiously typed it onto her laptop, as though it were very significant indeed.

This was very ominous. As she inhabits a peculiar world where it is not proven that anybody was ever tortured in Guantanamo Bay, I understand that in Baraitser’s

internal universe prison conditions in the Colorado ADX are perfectly humane and medical care is jolly good. I could note Baraitser seeing her way suddenly clear to how to cope with Professor Kopelman in her judgement. I could not help but consider Julian was the last person in this court who needed a psychiatrist.

Lewis now asked, in his best rhetorical and sarcastic style, whether mental illness had prevented Julian Assange from obtaining and publishing hundreds of thousands of classified documents that were the property of the United States? He asked how, if he suffered from severe depression, Julian Assange had been able to lead Wikileaks, to write books, make speeches and host a TV programme?

I confess that at this stage I became very angry indeed. Lewis's failure to acknowledge the episodic nature of severe depressive illness, even after the Professor had explained it numerous times, was intellectually pathetic. It is also crass, insensitive and an old-fashioned view to suggest that having a severe depressive illness could stop you from writing a book or leading an organisation. It was plain stigmatising of those with mental health conditions.

I confess I took this personally. As long-term readers know, I have struggled with depressive illness my entire life and have never hidden the fact that I have in the past been hospitalised for it, and on suicide watch. Yet I topped the civil service exams, became Britain's youngest Ambassador, chaired a number of companies, have been Rector of a university, have written several books, and give speeches at the drop of a hat. Lewis's characterisation of depressives as permanently incapable is not just crassly insensitive, it is a form of hate speech and should not be acceptable in court.

(I am a supporter of free speech, and if Lewis wants to make a fool of himself by exhibiting ignorance of mental illness in public I have no problem. But in court, no.)

Furthermore, Lewis was not representing his own views but speaking on the direct instructions of the government of the United States of America. Throughout a full four hours, Lewis on behalf of the government of the USA not only evinced no understanding whatsoever of mental illness, he never once, not for one second, showed one single sign that mental illness is a subject taken seriously or for which there is the tiniest element of human sympathy and concern. Not just for Julian, but for any sufferer. Mental illness is malingering or if real disqualifies you from any role in society; no other view was expressed. He made plain on behalf of the US Government, for example, that Julian's past history of mental illness in Australia will not be taken into account because the medical records have been destroyed.

The only possible conclusion from yesterday's testimony is that the performance of the representative of the United States Government was, in and of itself, full and sufficient evidence that there is no possibility that Julian Assange will receive fair consideration and treatment of his mental health issues within the United States system. The US government has just demonstrated that to us, in open court, to perfection.

<https://www.craigmurray.org.uk/archives/2020/09/your-man-in-the-public-gallery-assange-hearing-day-15/>

## Your Man in the Public Gallery — Assange Hearing, Day 16

*Craig Murray*  
*September 24, 2020*

On Wednesday the trap sprang shut, as Judge Baraitser insisted the witnesses must finish next week, and that no time would be permitted for preparation of closing arguments, which must be heard the immediate following Monday. This brought the closest the defence have come to a protest, with the defence pointing out they have still not addressed the new superseding indictment, and that the judge refused their request for an adjournment before witness hearings started, to give them time to do so.

Edward Fitzgerald QC for the defence also pointed out that there had been numerous witnesses whose evidence had to be taken into account, and the written closing submissions had to be physically prepared with reference to the transcripts and other supporting evidence from the trial. Baraitser countered that the defence had given her 200 pages of opening argument and she did not see that much more could be needed. Fitzgerald, who is an old fashioned gentleman in the very nicest sense of those words, struggled to express his puzzlement that all of the evidence since opening arguments could be dismissed as unnecessary and of no effect.

I fear that all over London a very hard rain is now falling on those who for a lifetime have worked within institutions of liberal democracy that at least broadly and usually used to operate within the governance of their own professed principles. It has been clear to me from Day 1 that I am watching a charade unfold. It is not in the least a shock to me that Baraitser does not think anything beyond the written opening arguments has any effect. I have again and again reported to you that, where rulings have to be made, she has brought them into court pre-written, before hearing the arguments before her.

I strongly expect the final decision was made in this case even before opening arguments were received.

The plan of the US Government throughout has been to limit the information available to the public and limit the effective access to a wider public of what information is available. Thus we have seen the extreme restrictions on both physical and video access. A complicit mainstream media has ensured those of us who know what is happening are very few in the wider population.

Even my blog has never been so systematically subject to shadowbanning from Twitter and Facebook as now. Normally about 50% of my blog readers arrive from Twitter and 40% from Facebook. During the trial it has been 3% from Twitter and 9% from Facebook. That is a fall from 90% to 12%. In the February hearings Facebook and Twitter were between them sending me over 200,000 readers a day. Now they are between them sending me 3,000 readers a day. To be plain that is very much less than my normal daily traffic from them just in ordinary times. It is the insidious nature of this censorship that is especially sinister — people believe they have successfully shared my articles on Twitter and Facebook, while those corporations hide from them that in fact it went into nobody's timeline. My own family have not been getting their notifications of my posts on either platform.

The US Government responded to Baraitser's pronouncement enthusiastically with the suggestion that closing arguments did not ought to be heard AT ALL. They ought merely to be submitted in writing, perhaps a week after final witnesses. Baraitser appeared eager to agree with this. A ruling is expected today. Let me add that two days ago I noticed the defence really had missed an important moment to stand up to

her, when the direction of her railroading became evident. It appears that because of the ground the defence already conceded at that stage, Noam Chomsky is one of the witnesses from whom we now will not hear.

I am afraid I am not going to give you a substantive account of Wednesday's witnesses. I have decided that the intimate details of Julian's medical history and condition ought not to be subject to further public curiosity. I know I cannot call back what others have published — and the court is going to consider press requests for the entire medical records before it. But I have to do what I believe is right.

I will say that for the defence, Dr Quinton Deeley appeared. Dr Deeley is Senior Lecturer in Social Behaviour and Neurodevelopment at the Institute of Psychiatry, Psychology, and Neuroscience (IOPPN), King's College London and Consultant Neuropsychiatrist in the National Autism Unit. He is co-author of the *Royal College Report on the Management of Autism*.

Dr Deeley after overseeing the standard test and extensive consultation with Julian Assange and tracing of history, had made a clear diagnosis which encompassed Asperger's. He described Julian as high-functioning autistic. There followed the usual disgraceful display by James Lewis QC, attempting to pick apart the diagnosis trait by trait, and employing such tactics as "well, you are not looking me in the eye, so does that make you autistic?". He really did. I am not making this up.

I should say more about Lewis, who is a strange character. Privately very affable, he adopts a tasteless and impolite aggression in cross-examination that looks very unusual indeed. He adopts peculiar postures. After asking aggressive questions, he strikes poses of theatrical pugilism. For example he puts arms akimbo, thrusts out his chin, and bounces himself up on his feet to the extent that his heels actually leave the floor, while looking round at the courtroom in apparent triumph, his gaze pausing to fix that of the judge occasionally. These gestures almost always involve throwing back one or both front panels of his jacket.

I think this is some kind of unconscious alpha male signalling in progress, and all these psychiatrists around might link it to his lack of height. It is display behaviour but not really very successful. Lewis has grown a full set during lockdown and he appears strikingly like a chorus matelot in a small town production of HMS Pinafore.

There is a large part of me that wants to give details of the cross-examination because Deeley handled Lewis superbly, giving calm and reasoned replies and not conceding anything to Lewis's clumsy attempts to dismantle his diagnosis. Lewis effectively argued Julian's achievements would be impossible with autism while Deeley differed. But there is no way to retell it without going into the discussion of medical detail I do not wish to give. I will however tell you that Julian's father John told me that Julian has long known he has Asperger's and will cheerfully say so.

The second psychiatrist on Wednesday, Dr Seena Fazel, Professor of Forensic Psychiatry at the University of Oxford, was the first prosecution witness we have heard from. He struck me as an honest and conscientious man and made reasonable points, well. There was a great deal of common ground between Prof Fazel and the defence psychiatrists, and I think it is fair to say that his major point was that Julian's future medical state would depend greatly on the conditions he was held in with regard to isolation, and on hope or despair dependent on his future prospects.

Here Lewis was keen to paint an Elysian picture. As ever, he fell back on the affidavit of US Assistant attorney Gordon Kromberg, who described the holiday camp that is the ADX maximum security prison in Florence, Colorado, where the prosecution say Julian will probably be incarcerated on conviction.

34. Contrary to the assertions in Mr. Sickler's affidavit, there is no contradiction between close controls and the provision of basic amenities and life-enhancing programs. Inmates housed at the ADX may subscribe to periodicals; may borrow leisure reading materials from the institution's library; may take GED, Adult Continuing Education, and correspondence classes;

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may paint, draw, or crochet; may participate in a weekly bingo game; and may participate in art, essay, and poetry contests. Inmates may make purchases from the commissary, including food items, toiletries, pens, paper, and religious items.

35. From February 1, 2020, through August 15, 2020, 222 inmates at the ADX participated in some type of group or individual programming. The following are examples of the group programs available at the ADX:

- 7 Habits for Highly Effective People (taught in English and Spanish)
- Threshold
- How to Draw
- Managing Diabetes
- Five Love Languages
- GED Testing, Tutoring, Lectures
- Wellness Recovery Action Planning
- Positive Psychology for the Long Term Incarcerated
- Release Preparation Programming
- Money Smart
- Victim Impact

36. The ADX also has a robust creative arts program, which is known as "CAP." The CAP is designed to expose participants to a variety of different artistic methods, ideologies, and entrepreneurial techniques that can better prepare them for re-entry. The CAP also centers on teaching inmates to develop a stronger work ethic through channeling their "artist spirit." There are three unique phases to the program—CAP History, a CAP Exploratory phase, and CAP

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You will recall this is the jail that was described as a “living hell” and a “fate worse than death” by its own warden. Lewis invited Prof Fazel to agree this regime would not cause medical problems for Julian, and to his credit Prof Fazel, despite being a prosecution witness, declined to be used in this way, saying that it would be necessary to find out how many of Kromberg’s claims were true in practice, and what was the quality of this provision. Fazel was unwilling to buy in to lies about this notorious facility.

Lewis was disingenuous because he knows, and the prosecution have conceded, that if convicted Julian would most likely be kept in H block at the ADX under “Special Administrative Measures.” If he had read on a few paragraphs in Kromberg’s affidavit he would have come to the regime Julian would actually be held under:

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**2. Special Security Unit (“SSU”) Program**

44. The Special Security Unit Program is designed for inmates who are subject to SAMs, which are restrictions on communications imposed by the Attorney General. *See* 28 C.F.R. §§ 501.2, 501.3. Inmates with SAMs are placed in the Special Security Unit (H Unit). As detailed in my First Declaration, see ¶¶ 95-99, a SAM may be imposed to prevent the disclosure of classified information that would pose a threat to national security if disclosed or to protect against acts of terrorism and violence. A SAM may include placing an inmate in administrative detention and restricting social visits, mail privileges, phone calls, and access to other inmates and to the

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media. Inmates housed in the SSU are reviewed annually by the Attorney General to determine if the SAM status should be renewed or modified. The Attorney General’s review includes an assessment of information provided by the prosecuting United States Attorney’s Office and federal law enforcement officials.

(Cont.)



45. The inmates incarcerated in H Unit have the opportunity to participate in a three-phase Special Security Unit Program (SSU Program), designed especially for SAM inmates. The purpose of the SSU Program is to confine inmates with SAMs under close controls, while providing them opportunities to demonstrate progressively responsible behavior and participate in programs in a safe, secure environment. The SSU Program balances the interests of providing inmates with programming opportunities and increased privileges with the interests of ensuring institutional and national security. The success of the inmate's participation in the SSU Program provides information that can be considered in the evaluation of whether SAMs continue to be necessary, or whether the inmate's communications can be monitored in a manner that will not compromise national or institutional security interests.

46. The inmates housed in the SSU receive a minimum of 10 hours of out-of-cell exercise per week. Generally, the inmates recreate individually in secure single recreation areas. The inmates consume their meals in their cells. The inmates receive up to four monthly social telephone calls and may receive up to five social visits.

- Phase 1. During the baseline phase of the program, an inmate may be permitted two non-legal telephone calls per month, access to a commissary list and art and

hobby craft items, and escorted shower time on the inmate's range—the common area outside of a cell—three times each week.

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- Phase 2. Depending upon the inmate's adjustment, he can move into Phase 2 after approximately 12 months. In Phase 2 of the Program, an inmate may be permitted three non-legal telephone calls per month and access to an expanded commissary list and additional art and hobby craft items. The inmate is allowed to be out of his cell without an escort five times each week.



- **Phase 3.** Placement into Phase 3 typically requires a modification of the SAMs to allow inmates to have physical contact with one another. Inmates in Phase 3 are allowed to be out on the range together in groups of up to four. An inmate in Phase 3 gains the ability to be in physical contact with other inmates in the range area outside his cell, seven days a week. Phase 3 inmates spend one-and-a-half hours per day on the range with up to three other inmates, none of whom are escorted by BOP staff. The inmates in Phase 3 eat one meal together and engage in recreational activities, including watching television, reading and playing cards. Phase 3 inmates may shower at any time they are on the range. In addition, Phase 3 inmates continue to have access to the expanded art and hobby craft list and a further expanded commissary list.

So let us be clear about this. William Barr decides who is subjected to this regime and when it may be ameliorated. For at least the first twelve months you are in solitary confinement locked in your cell, and allowed out only three times a week just to shower. You are permitted no visits and two phone calls a month. After twelve months this can be ameliorated — and we will hear evidence this is rare — to allow three phone calls a month, and brief release from the cell five times a week to exercise, still in absolute isolation. We have heard evidence this exercise period is usually around 3am. After an indeterminate number of years you may, or may not, be allowed to meet another human being.

Behind Baraitser's chilly disdain, behind Lewis's theatrical postures, this hell on Earth is what these people are planning to do to Julian. They are calmly discussing how definitely it will kill him, in full knowledge that it is death in life in any event. I sit in the public gallery, perched eight feet above them all, watching the interaction of the characters in this masque, as the lawyers pile up their bundles of papers or stare into their laptops, as Lewis and Fitzgerald exchange pleasantries, as the friendly clerks try to make the IT systems work, and my mind swims in horrified disbelief. They are discussing a fate for my friend as horrible as that of the thousands who over 500 years were dragged from this very spot and strung up outside. They are all chatting and working away as though we were a normal part of civilised society.

Then I go back to my hotel room, type it all up and post it. The governments who are destroying Julian have through their agencies pushed the huge corporations who now control the major internet traffic gateways, to ensure my pained and grieving account is seen by very few. My screams of pain and horror are deadened by thick padded walls. We are all locked in.

<https://www.craigmurray.org.uk/archives/2020/09/your-man-in-the-public-gallery-assange-hearing-day-16/>

## **US has never asked WikiLeaks rival to remove leaked cables, court told**

*Cryptome also published documents that are at centre of Julian Assange extradition case*

Ben Quinn  
The Guardian  
25 Sept. 2020

US authorities have never asked a WikiLeaks rival to take down unredacted cables that have been among those at the centre of the legal battle to send Julian Assange to the US, his extradition hearing has been told.

The evidence was given by a veteran internet activist whose website, Cryptome, published more than 250,000 classified documents a day before WikiLeaks began placing them online.

In a short statement submitted by Assange's team at the Old Bailey, John Young said he had published unredacted diplomatic cables on 1 September 2011 after obtaining an encrypted file, and that they remained online.

Young, who founded Cryptome in 1996, added: "Since my publication on Cryptome.org of the unredacted diplomatic cables, no US law enforcement authority has notified me that this publication of the cables is illegal, consists or contributes to a crime in any way, nor have they asked for them to be removed."

Assange, 49, is fighting extradition to the US, where he is facing an 18-count indictment alleging a plot to hack computers and conspiracy to obtain and disclose national defence information.

Medical experts have also given evidence to the Old Bailey this week. On Tuesday, a psychiatrist called by Assange's team who has visited him in Belmarsh prison said the WikiLeaks founder would be at a "high risk" of taking his own life if extradited.

Michael Kopelman, an emeritus professor of neuropsychiatry at King's College London, who has visited Assange 20 times in prison, added: "The risk of suicide arises out of clinical factors ... but it is the imminence of extradition and/or an actual extradition that would trigger the attempt, in my opinion."

However, a psychiatrist giving evidence for the US government on Thursday said Assange's suicide risk was "manageable".

Dr Nigel Blackwood, an NHS doctor, described Assange as a "resilient" and "resourceful" man who had defied predictions over his mental health.

Assange has been held on remand in prison in south-east London since last September after serving a 50-week jail sentence for breaching bail conditions while he was in the Ecuadorian embassy in London for almost seven years.

The hearing also heard from a Swiss computer science expert that unredacted US diplomatic cables came into the public domain following the publication of a passcode in a book by *Guardian* journalists in February 2011.

Prof Christian Grothoff, of the Bern University of Applied Sciences in Switzerland, said it had later been discovered the code could be used to decrypt a "mirrored" version of WikiLeaks' online encrypted store of cables. The full cache — including classified documents — was made available through Cryptome and another website on 1 September, he said.

*The Guardian* denied the claim, which has also been made by Assange's legal team.

"*The Guardian* has made clear it is opposed to the extradition of Julian Assange. However, it is entirely wrong to say *the Guardian's* 2011 WikiLeaks book led to the publication of unredacted US government files," a spokesman said.

"The book contained a password which the authors had been told by Julian Assange was temporary and would expire and be deleted in a matter of hours. The book also contained no details about the whereabouts of the files. No concerns were expressed by Assange or WikiLeaks about security being compromised when the book was published in February 2011. WikiLeaks published the unredacted files in September 2011."

<https://www.theguardian.com/media/2020/sep/24/us-never-asked-wikileaks-rival-cryptome-remove-leaked-cables-court-told-assange>

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## Your Man in the Public Gallery — Assange Hearing, Day 17

*Craig Murray*  
September 25, 2020

During the hearing of medical evidence the last three days, the British government has been caught twice directly telling important lies about events in Belmarsh prison, each lie proven by documentary evidence. The common factor has been the medical records kept by Dr Daly, head of the jail's medical services. There has also been, to put it at its very lightest, one apparent misrepresentation by Dr Daly. Personally, I am wary of the kind of person who impresses Ross Kemp.



This is Mr Kemp's description of the medical wing at Belmarsh: "Security is on another level here with six times more staff per inmate than the rest of the jail."

While in the medical wing or "healthcare", Julian Assange was in effect in solitary confinement, and three psychiatrists and a physician with extensive experience of treating trauma have all testified in court that Assange's mental and physical condition deteriorated while he was in "healthcare" for several months. They also said he improved after he left "healthcare". That says something profound about the "healthcare" being provided. The same doctors testified that Assange has a poor relationship with Dr Daly and will not confide his symptoms or feelings to her, and this has also been asserted by defence council.

That is all essential background to the lies. Now let me come to the lies. Unfortunately to do so I must reveal details of Julian's medical condition which I had withheld, but I think the situation is so serious I must now do that.

I did not report that Professor Michael Kopelman gave evidence that, among other preparations for suicide, Julian Assange had hidden a razor blade in his folded underwear, but this had been discovered in a search of his cell. As I did report, Kopelman was subjected to an extremely aggressive cross-examination by James Lewis, which in the morning had focused on the notion that Julian Assange's mental illness was simply malingering, and that Kopelman had failed to detect this. The razor blade was a key factor in Lewis's browbeating of Kopelman, and he attacked him on it again and again and again.

Lewis stated that Kopelman "relied on" the razor blade story for his diagnosis. He then proceeded to portray it as a fantasy concocted by Assange to support his malingering. Lewis asked Kopelman repeatedly why, if the story were true, it was not in Dr Daly's clinical notes? Surely if a prisoner, known to be depressive, had a razor blade found in his cell, it would be in the prison medical records? Why had Prof Kopelman failed to note in his report that there was no evidence for the razor blade in Dr Daly's medical records? Was he hiding that information? Was it not very strange that this incident would not be in the medical notes?

In an attempt to humiliate Kopelman, Lewis said, "You say you do not rely on the razor blade for your diagnosis. But you do rely on it. Let us then look at your report. You rely on the razor blade at paragraph 8. You mention it again at paragraph 11a. Then 11c. Then paragraph 14, paragraph 16, 17b, 18a. Then we come to the next section and the razor blade is there at paragraph 27 and 28. Then again in the summary it is at paragraphs 36 and again at paragraph 38. So tell me Professor, how can you say that you do not rely on the razor blade?" [I do not give the actual paragraph numbers; these are illustrative].

Lewis then went on to invite Kopelman to change his diagnosis. He asked him more than once if his diagnosis would be different if there was no razor blade and it were an invention by Assange. Kopelman was plainly unnerved by this attack. He agreed it was "very odd indeed" it was not mentioned in the medical notes if it were true. The plain attack that he had naively believed an obvious lie disconcerted Kopelman.

Except it was Lewis who was not telling the truth. There really was a concealed razor blade, and what Assange had told Kopelman, and what Kopelman had believed, was true in every single detail. In a scene straight out of a TV legal drama, during Kopelman's testimony, the defence had managed to obtain the charge sheet from Belmarsh Prison — Assange had been charged with the offence of the razor blade. The charge sheet is dated 09.00 on 7 May 2019, and this is what it reads:

Governor,

On the 05/05/19 at approximately 15.30, myself and Officer Carroll were conducting a routine matrix search in 2-1-37 solely occupied by Mr Assange A9379AY. He was asked before we began the search if everything in the cell belonged to him, to which he replied "To my knowledge yes". During the process of this search I lifted a pair of his personal underwear up whilst searching the cupboard. When I lifted them I heard a metal object drop inside the cupboard. When I investigated what it was I saw half of a razor blade which had been concealed in his personal underwear. This had now been placed in evidence bag number M0001094.

This concludes my report

Signed  
Off Locke

I was later shown a copy and got a quick shot:

CHARGE SHEET

Contrary to ☒ (A) ANY UNAUTHORISED ARTICLE, OR (B) A GREATER QUANTITY OF ANY ARTICLE THAN HE IS AUTHORISED TO HAVE

Details of alleged offence

Governor,  
On the 05/05/19 at approximately 15.30, Myself and Officer Carroll were conducting a routine matrix search in 2-1-37 cell occupied by Mr Assange A9379AY. He was asked before we began the search if everything in the cell belonged to him, to which he replied "To my knowledge yes". During the process of this search I lifted a pair of his personal underwear up whilst searching the cupboard. When I lifted them I heard a metal object drop inside the cupboard. When I investigated what it was I saw half of a razor blade which has been concealed in his personal underwear. This has now been placed in evidence bag number M0001094.

This concludes my report.

Signature of Reporting Officer Name (BLOCK CAPITALS)

*[Signature]* OFF LOCKE

Your case will not be heard before Hours 09:00 On 07 05 2019

When on Tuesday Edward Fitzgerald QC produced this charge sheet in court, it did not appear to be news to the prosecution. James Lewis QC panicked. Rather too quickly, Lewis leapt to his feet and asked the judge that it should be noted that he had never said that there was no razor blade. Fitzgerald responded that was not the impression that had been given. From the witness box and under oath, Kopelman stated that was not the impression he had been given either.

And it was most certainly not the impression I had been given in the public gallery. In repeatedly asserting that, if the razor blade existed, it would be in the medical notes, Lewis had, at the very least, misled the witness on a material question of fact, that had actually affected his evidence. And Lewis had done so precisely in order to affect the evidence.

Panicking, Lewis then gave the game away further by making the desperate assertion that the charge against Mr Assange had been dismissed by the Governor. So the prosecution definitely knew rather more about the events around the razor blade than the defence.

Baraitser, who was aware that this was a major car crash, grasped at the same straw Lewis was clinging to in desperation, and said that if the charge had been dismissed, then there was no proof the razor blade existed. Fitzgerald pointed out this was absurd. The charge may have been dismissed for numerous reasons. The existence of the blade was not in doubt. Julian Assange had attested to it and two prison warders had attested to it. Baraitser said that she could only base her view on the decision of the Prison Governor.

However Baraitser may try to hide it, Lewis attacked Prof Kopelman over the existence of the blade when Lewis gave every appearance afterwards of a man who knew full well all along that there was compelling evidence the blade did exist. For Baraitser to try to protect both Lewis and the prosecution by pretending the existence of the blade is dependent on the outcome of the subsequent charge, when all three people in the cell at the time of the search agreed to its existence, including Assange, is perhaps Baraitser's most remarkable abuse of legal procedure yet.

After his evidence, I went for a gin and tonic with Professor Kopelman, who is an old friend. We had no contact at all for two years, precisely because of his involvement in

the Assange case as a medical expert. Michael was very worried he had not performed strongly in his evidence session in the morning, though he had been able to answer more clearly in the afternoon. And his concern about the morning was because he had been put off by the razor blade question. He had firmly understood Lewis to be saying that there was no razor blade in prison records and Michael had therefore been deceived by Julian. If he had been deceived, it of course would have been a professional failing and Lewis had successfully caused him anxiety while in the witness box.

I should make plain I do not believe for one moment the government side were not aware all along the razor blade was real. Lewis cross-examined using detailed prepared notes on the razor blade and with all the references to it tabulated in Kopelman's report. That this was undertaken by the prosecution without asking the prison if the incident were true, defies common sense.

On Thursday Edward Fitzgerald handed the record of the prison hearing where the charge was discussed to Baraitser. It was a long document. The Governor's decision was at paragraph 19. Baraitser told Fitzgerald she could not accept the document as it was new evidence. Fitzgerald told her she had herself asked for the outcome of the charge. He said the document contained very interesting information. Baraitser said that the Governor's decision was at paragraph 19, that was all she had asked for, and she would refuse to take the rest of the document into consideration. Fitzgerald said the defence may wish to make a formal submission on that.

I have not seen this document. Based on Baraitser's earlier pronouncements, I am fairly certain she is protecting Lewis in this way. At para 19 the Governor's decision probably dismisses the charges as Lewis said. But the earlier paras, which Baraitser refuses to consider, almost certainly make plain that Assange's possession of the razor blade was undisputed, and very probably explains his intention to use it for suicide.

So, to quote Lewis himself, why would this not be in Dr Daly's medical notes?

Even that startling story I did not consider sufficiently powerful to justify publishing the alarming personal details about Julian. But then it happened again.

On Thursday morning, Dr Nigel Blackwood, Reader in Forensic Psychiatry at Kings College London, gave evidence for the prosecution. He essentially downplayed all of Julian's diagnoses of mental illness, and disputed he had Asperger's. In the course of this downplaying, he stated that when Julian had been admitted to the healthcare wing on 18 April 2019, it had not been for any medical reason. It had been purely to isolate him from other prisoners because of the video footage of him that had been taken and released by a prisoner.

Fitzgerald asked Blackwood how he knew this, and Blackwood said Dr Daly had told him for his report. The defence now produced another document from the prison that showed the government was lying. It was a report from prison staff dated 2.30pm on 18 April 2019 and specifically said that Julian was "very low" and having uncontrollable suicidal urges. It suggested moving him to the medical wing and mentioned a meeting with Dr Daly. Julian was in fact then moved that very same day.

Fitzgerald put it to Blackwood that plainly Assange was moved to the medical wing for medical reasons. His evidence was wrong. Blackwood continued to assert Assange was moved only because of the video. Dr Daly's medical notes did not say he was moved for medical reasons. The judge pulled up Fitzgerald for saying "nonsense", although she had allowed Lewis to be much harder than that on defence witnesses.



Fitzgerald asked Blackwood why Assange would be moved to the medical wing because of a video taken by another prisoner? Blackwood said the Governor had found the video “embarrassing” and was concerned about “reputational damage” to the prison.

So let us look at this. Dr Daly did not put in the medical notes that Assange had concealed a razor for suicide in his cell. Dr Daly did not put in the medical notes that, on the very day Assange was moved to the medical wing, a staff meeting had said he should be moved to the medical wing for uncontrollable suicidal urges. Then Daly gives Blackwood a cock and bull story on reasons for Assange’s removal to the medical wing, to assist him in his downplaying of Assange’s medical condition.

Or let us look at the alternative story. The official story is that Healthcare — to quote Ross Kemp where “security is on another level” — is used for solitary confinement, to hold prisoners in isolation for entirely non-medical reasons. Indeed, to avoid “embarrassment”, to avoid “reputational damage”, Assange was kept in isolation in “healthcare” for months while, according to four doctors including on this point even Blackwood, his health deteriorated because of the isolation. While under Dr Daly’s “care”. And that one is the official story. The best they can come up with is “he was not sick, we put him in “Healthcare” for entirely illegitimate reasons as a punishment.” To avoid “embarrassment” if prisoners took his photo.

I am going to write to Judge Baraitser applying for a copy of the transcript of Lewis cross-examining Professor Kopelman on the razor blade, with a view to reporting Lewis to the Bar Council. I do wonder whether the General Medical Council might not have reason to consider the practice of Dr Daly in this case.

The final witness was Dr Sondra Crosby, as the doctor who had been treating Julian since his time in the Ecuadorean Embassy. Dr Crosby seemed a wonderful person and while her evidence was very compelling, again I see no strong reason to reveal it.

At the end of Thursday’s proceedings, there were two witness statements read very quickly into the record. This was actually very important but passed almost unnoticed. John Young of cryptome.org gave evidence that Cryptome had published the unredacted cables on 1 September 2011, crucially the day before Wikileaks published them. Cryptome is US based but they had never been approached by law enforcement about these unredacted cables in any way nor asked to take them down. The cables remained online on Cryptome.

Similarly Chris Butler, Manager for Internet Archive, gave evidence of the unredacted cables and other classified documents being available on the Wayback machine. They had never been asked to take down nor been threatened with prosecution.

<https://www.craigmurray.org.uk/archives/2020/09/your-man-in-the-public-gallery-assange-hearing-day-17/>

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## **Baraitser Grants Defense 4 Weeks to Prepare for Final Argument**

*Consortium News*  
September 25, 2020

*Consortium News* is virtually “inside” the courtroom at Old Bailey, viewing the proceedings by video-link and will file updates throughout Day Fourteen of Julian Assange’s resumed extradition hearing.

5:49 am EDT: Judge Vanessa Baraitser has granted the defense four weeks to prepare its closing argument, saying that her decision would come after the Nov. 4 U.S. election one way or the other. She had been previously reluctant to give more than a week to the defense.

Baraitser set the date of final arguments for Nov. 16. Fitzgerald had told the judge that: "It seems unlikely for you to make a judgement before Nov. 3 and you would have to bear in mind that the future is uncertain. Much of what we say about Trump is because this proceeding was initiated by Trump,... and some elements of the case would be worse if Trump were there [re-elected]."

Baraitser had raised the issue of the election and how it might impact the hearing. She said: "That's one of the factors going into my decision."

"I agree that one way or the other my decision will come after an election in the United States. For that reason I find no reason not to give you the four weeks," she said.

Baraitser said she could not yet set a judgement day. "That means for your client there will be no decision until the new year, if he appreciates that."

Reacting to her decision, Kristinn Hrafnsson, editor-in-chief of WikiLeaks, said: "District Judge Vanessa Baraitser has acknowledged what has been clear since even before the first indictment against Julian Assange was unsealed — that this is a politically motivated prosecution."

5:28 am EDT: Defense attorney Mark Summers asked Judge Vanessa Baraitser to give defense witness Patrick Eller, chief executive of Metadata Forensics, an hour to read a prosecution bundle of statements sent to the defense at 11:30 pm on Thursday night.

Summers said that Eller's written testimony was submitted nine months ago. Summers said it has two propositions: "that the alleged passcode hash conspiracy was impossible, but even if it were possible, it had no utility to what is attributed to it."

The U.S. government has charged Assange with conspiracy to commit computer intrusion with Chelsea Manning, WikiLeaks' source.

Summers said that U.S. Assistant Attorney Gordon Kromberg replied in his affidavit initially only to Eller's first proposition, and only late at night on Thursday to the second.

Summers appealed for an hour for Eller to read the prosecution's last minute submissions and Baraitser granted it.

Eller is described on his LinkedIn page as a digital forensic examiner, expert witness, principal consultant, adjunct professor, disabled veteran and retired special agent.

### ***Baraitser Refuses New Defense Witness to Challenge Kromberg***

8:00 am EDT: Baraitser has refused two defense witness statements that Fitzgerald proposed as providing "the other side of the coin" to Kromberg's affidavit regarding the condition of U.S. prisons, specifically the Alexandria Detention Center, where Assange would be held pre-trial and during the trial, and ADX Florence in Colorado where he would go if convicted. Kromberg, who maintains there's no solitary confinement at the ADC, has refused to make himself available for cross examination.



“We have no right to cross examine Kromberg, who can say what ever [he] wants and we have no right to challenge him,” Fitzgerald told Baraitser. “They have no divine right to have the last word.” Fitzgerald had proposed as his witnesses a former chief psychiatrist at the U.S. Bureau of Prisons and a forensic psychiatrist who has made many visits to ADX.

Baraitser ruled against in the interests of time, she said. She said enough counter-vailing testimony from defense psychiatrists about U.S. prions had been heard.

### ***Dispute Over Attempt to Crack a Password***

10:28 am EDT: Testimony with Patrick Eller was highly complex and inaccessible to the less than computer literate. The essence of the debate between the sides appeared to be whether Chelsea Manning needed a password to access classified material and to download music videos.

Eller testified that from the Manning court-martial that she did not need a password to gain access to classified data. But using a local computer she would need a password to download music videos and computer games.

Eller said Manning wouldn't have had to use a password to remove classified files from a government computer to her own and send them to WikiLeaks because she used a Linux CD to boot her computer, permitting her to bypass Windows security features.

Lewis on cross examination tried to demonstrate that Assange could help Manning crack the password because of a vulnerability that Microsoft discovered. Lewis was leaving the impression, contrary to what Eller had testified, that the password had to be cracked to obtain the classified documents. But the indictment against Assange stated clearly that Manning had legal access to all classified matter up to Secret.

Eller came back at Lewis explaining that on the same day Microsoft released a patch that fixed the vulnerability and made it “infeasible” to hack a password. Stunned, Lewis said that Assange has “boasted” that he was an expert hacker and couldn't crack the password despite the patch. Eller said it was possible, but withdrew that statement on re-direct.

At one point Lewis asked Eller how he knew for sure, having not seen the government's evidence, that Assange had not helped Manning crack the hash passcode.

“I understand you said in examination that as a fact the password had not been cracked. How do you know that?” Lewis said.

“Based on the conversation [on jabber between Assange and Manning] I found no evidence,” Eller said.

But the indictment against Assange itself says the Manning and Assange failed to crack the password.

The U.S. extradition request also makes clear that “prior to the formation of the password-cracking agreement, Manning had already provided WikiLeaks with hundreds of thousands of documents classified up to the SECRET level that she downloaded from departments and agencies of the United States, including the Afghanistan war-related significant activity reports and Iraq war-related significant activity reports.”

It's not clear how much of the dense, technical detail Baraitser was able to understand, especially as Summers failed to lay out in laymen's terms what he was trying to establish.

During the first week of the hearing in February, the defense clearly stated that Assange was trying to help Manning crack a password so that she could hide her identity when downloading unauthorized music and video games, a point that Summers did not clearly make on Friday.

10:21 am EDT: Court has recessed early for the day. The hearing resumes on Monday.

<https://consortiumnews.com/2020/09/25/final-report-assange-hearing-day-fourteen-baraitser-grants-defense-4-weeks-to-prepare-for-final-argument-citing-us-election/>

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## **The Extradition Trial of Julian Assange: An Interview With John Pilger**

*Dennis Bernstein  
CounterPunch  
September 25, 2020*

Multi-Emmy-award-winning filmmaker John Pilger is among the most important political filmmakers and investigative reporters of the 20 and 21st century. From Vietnam to Palestine to atomic war, Pilger's work has been on the cutting edge, and his stinging critique of Western media has always been revelatory and spot on. Indeed, his biting analysis is more relevant and important now than ever. His film, "The Coming War on China" powerfully sets out the growing potential for war between the U.S. and China. And his film released last year, "The Dirty War on the NHS" of Great Britain couldn't be more timely, in the age of COVID-19.

I spoke with John Pilger in London on September 12, in response to the case of investigative reporter and Wikileaks publisher Julian Assange, a close friend of Pilger's, who was back in a British court last week. Assange is currently fighting extradition to the US, where he is facing a 175 year jail sentence for alleged espionage.

*Dennis J Bernstein: It is good of you to join us John Pilger. American prosecutors have indicted Julian Assange on 18 counts of espionage. They want him to serve 175 years in a US prison. He's 50 years old, so that means they want him to die in jail. What is so dangerous to the Americans about Julian Assange?*

*John Pilger:* Well, he's very dangerous. He exposes what governments — the crimes of governments, the crimes that we the people know very little about. And in this case, he has revealed the unerring, relentless war crimes of the U.S. government, especially in the post-9/11 period. That's his crime. There are so many ironies to this, Dennis. Assange is more than a whistleblower. He's a truth teller and as the so-called corporate media is now committed almost entirely to propaganda, the truth that he tells is simply intolerable, unforgivable. He — for example, he — Wikileaks exposed something those of us who have reported America's wars already know about, and that is the homicidal nature of these wars, the way the United States has exported the homicide that so consumes much of U.S. society, the way that it's exported it to other countries, the relentless killing of civilians.

The video, “Collateral Murder”, in which an Apache helicopter crew guns down civilians, including journalists, in Baghdad, with the crew laughing and mocking the suffering and death beneath them was not something that will be unique. All of us who have reported — let’s say America’s colonial wars had stories of that kind of thing happening. But Assange had evidence, and that’s — and that was his other crime. His evidence is authentic. All the disclosures of Wikileaks are authentic. That makes it very different from other kinds of journalism, which — some are authentic, but some are not. That’s just the way it goes. But all of Wikileaks disclosures are authentic. They are coming from within a system and all of that has really shaken, I think, the inner core of the national security establishment in the United States. And nothing is being spared, to get hold of Assange and put him away.

*Bernstein: And that is very troubling to those of us who really consider ourselves journalists. We know that U.S. authorities allege that Assange conspired with U.S. Army Intelligence Analyst Chelsea Manning. Manning spent a lot of time in jail, in solitary and she is back in jail again. They’re going’ after her and him. Really, the point that you make about collateral murder, some would say he released important secrets of the United States. Others would say he told the truth about a country called the United States, engaged in mass murder.*

*Pilger: Well, these revelations give us more than a glimpse of the sociopathic nature of the way the United States conducts itself around the world. You know, many people are shocked by the behavior of Donald Trump, but they really wouldn’t — shouldn’t be shocked. Well, yes, they should be shocked. They — but they shouldn’t be surprised, because Trump’s behavior has been the behavior of his predecessors over many years. The difference is that Trump is a caricature of the system. And so, he’s much easier to identify, much easier to loathe, I suppose [laughs], certainly much easier to understand. It makes it all very simple and simplistic, but it’s rather more complicated than that.*

The evidence that Wikileaks produced was long before Trump, and it’s — we now know, of course, that Afghanistan has been a killing field for the United States and its so-called allies since 2001. I mean, there was a report you may have seen, just recently, by Brown University, Professor David Vine, at the Watson Institute at Brown, I know David, where this study estimates that some 37 million people — that’s equivalent to the entire population of Canada — have been forced to flee their home country by the actions of the United States. He says this is a very conservative figure, that the numbers of these displaced people is probably in the region of between 48 and 59 million people [sic]. They estimate that 9.2 million people and 7.1 million people in Syria have been displaced.

Now, the numbers of deaths — and again, they emphasize how conservative this finding is, is something like 12 million. This carnage has been going on for a very long time, but Professor Vine and his researchers are only referring to the period since 9/11, the so-called war on terror, which, of course, has been a war of terror all that time, as his findings demonstrate. And Wikileaks’ findings really complement these facts, and we’re talking of facts here. This isn’t an opinion. These things have happened. These people have been forced out of their homes. Their societies have been destroyed. Untold numbers have been probably sent out of their mind, and many, many people are grieving the loss of loved ones because of these actions.

So, Wikileaks has given us that truth, and really, Julian Assange has performed a quite remarkable public service in letting us know — he’s let — he’s letting us know how governments lie to us, how our governments lie to us, not the official enemies, although Wikileaks, of course, has released hundreds of thousands of documents, secret documents from Russia and China and other countries. But it’s really those countries in the West that we regard as our countries that matter most. He’s forced

us — what he — he's forced us to look in the mirror. That has been his extraordinary contribution and — to true enlightenment of Western societies. And for that, he's paying a very high price...

He's told us the truth, in other words. He is shining the light on all corruption in the world... Wikileaks has given us insights. Wikileaks has allowed us to see how governments operate in secret, behind their backs. I mean, that is such an essential part of any true democracy that really there's no discussion about. It should be just part of it. But we've reached a stage in the 21st century where the formal democracies have changed character to such a degree.

I don't know, really, what they've become, but they're certainly not democracies, where almost every day they invent a new law that is designed to suppress truth or make what they do even more secretive. And that's — that's earned him the — curiously, but I suppose understandably, if you're a psychiatrist, that's earned him the animosity of many journalists, because he shamed journalism for not doing the job, for not telling us.

*Bernstein: What's your best understanding of how Julian is doing, and please talk a little bit about why he is in court now, and about the process?*

*Pilger:* Well, this is the continuation of the extradition hearing, which is going at an agonizingly slow pace. And it began in February, and it picked up again on Monday... Several of the defense witnesses have been — have been very impressive. Clive Stafford Smith, the — who has — is an American lawyer but also a British lawyer. He practice — can practice in both countries. And he founded the organization, Reprieve, and he has had a lot to do with helping people in Guantanamo.

And he was describing to the court the importance of Wikileaks' revelations about Guantanamo, how Wikileaks had shone a light on the whole dark corner that was Guantanamo. And he was describing the positive impact of that. There's been argument about — what has come through, what is clear, is that many senior Department of Justice officials did not want to carry through this prosecution. Assange was never prosecuted during Obama's time, because Obama understood very clearly that if Assange was prosecuted, then the knock-on effect would be that those media institutions, such as the *New York Times*, which had carried Wikileaks revelations, would have to be prosecuted as well. And I'm sure not for any principal reason, but for his own political reasons, he decided — the administration decided not to go that far.

It is the Trump administration that has decided to go that far, because Trump is clearly — well, he's declared that he's at war with the American media. He called them enemies of the people, and — for his own reasons. I mean, there are no argued principal reasons. There are plenty *[laughs]* — plenty of reasons to be critical of the media. But Trump's quite different from that. And undoubtedly Wikileaks has been swept up in this personal war that Trump is conducting — Trump and his cronies are conducting against the media. People like Pompeo, I mean, Pompeo has really — swore publicly that he would be going after Julian Assange, in so many words. He was rather angry when he was Director of the CIA that Wikileaks leaked files known as Vault 7, and Vault 7 was the CIA files that really told us how the CIA spy on us and can spy on us through our television sets. And so, there's no question Julian Assange has made real enemies among these people, and they're very extreme people. And their — though their indictment reflects their — almost their desperation, because most of the so-called charges are to do with espionage. So, journalism is reclassified by the Trump administration as espionage, and they're using a 1917 Espionage Act that was brought in during the First World War to silence peace activists, who didn't want the United States to join Europe in the First World War.

That's how desperate they are. They've had to reach back more than a century and defy the Constitution, which, of course, allows the publication — the free publication of leaks and documents. But they are defying that and ignoring it. And so far, they're getting away with it. The truth is, Dennis, that this ordeal that Julian Assange is going through day after day in a court where the whole atmosphere is not of due process but of due revenge and bias, he's — he's going through this because those who have political power regard a political enemy. It's a completely lawless approach. It has nothing to do with the law.

And the truth is that these so-called — these espionage charges and all the rest of these frankly ridiculous indictments would've been thrown out on the first day of any legitimate court hearing or would never have got to court, in the first place. I've sat in a number of courts over the years. I've never heard anything like these. There's a kind of — it's like Alice's tea party, you know, they're mad. But they're very serious.

*Bernstein: I think where US journalists fail most is their ignorance around foreign policy, context, and history. You know, the genius in American foreign policy is Thomas Friedman of the New York Times, who knows very little about a lot. But I want to — I mean, for instance, this fantasy story that came up about the Russians paying the Taliban to kill Americans.*

Pilger: Yeah, Dennis, and the — the Russians stole the election from Hilary Clinton and Saddam Hussein really did have weapons of mass destruction, and so on and so on. It's just fantasy. There's nothing — I find there is absolutely nothing to be believed now.... Fantasy: A Russian politician, a very unsavory character he is, too; he's not an opposition leader, is miraculously poisoned with Novichok, made in the former Soviet Union and miraculously spirited into Berlin, where the German doctors contradict the Russian doctors and say that he was poisoned. I mean, *[laughs]* you know, anything can be made up now. I mean, it always made up, in one sense. You know — I think I was self-taught that you never believed anything that — well, you never believe anything, until it was officially denied. That was the famous maxim of great Irish muckraker Claude Cockburn. But you never believed anything that had intelligent sources as its legitimacy. You dismissed it. A real journalist dismissed it.

Now, all this nonsense is — is all over front pages and spoken with such hysterical certainty on the TV news.

This is government propaganda on steroids, at the moment. I mean, they laugh at Trump, but I mean, in a way, quite separately, the media is a propaganda vehicle is well and truly past Trump, in its in the power of its fantasies.

*Bernstein: Finally, John, you know, in the current context of politics and the presidential election, you've got both sides smashing China, blaming China, sort of setting us up for that 21st-century war that you warned us about in "The Coming War on China". Your thoughts on what's coming up here.*

Pilger: Well, I'm sorry that film of four years ago seems to have been prescient. The Trump administration is so obsessed with China. And so, when I spoke of fantasies before, we now have China fantasies, day after day. Now, but what this is doing is creating a state of almost — not quite yet, but it's getting there, a state of siege in China. And they are very hurriedly putting up the ramparts, their defenses. They're developing some extremely effective maritime missiles, and they're changed their — as I understand it, they've changed their nuclear posture from low alert to high alert. They're doing all sorts of things they had no intention of doing, when I was there four years ago. Then, they were bemused *[laughs]*.

Now, I think they're genuinely worried, and they're moving quickly to prepare — to — in preparing to defend themselves. That's a situation when mistakes and accidents can happen, and these are nuclear powers.

People have to understand that propaganda has — is lethal. It's lethal in many ways, but it can be literally lethal. It can create the conditions that lead to war. And I think that's a possibility, at the moment. It hasn't — it hasn't happened yet, but the risks are now far more numerous, and they come day after day.

*Bernstein: Finally, do — what's your sense of how Julian is doing, personally? Is he hanging on? What's the situation? What do we know about the physical stuff?*

*Pilger: Well, he's certainly hanging on. He looks like he's put on a little more weight, which is good news. But he has — still has an untreated lung condition. He's managing to survive in a prison where there have been COVID cases and at least one COVID death. But the thing about Julian is his resilience, for me. I mean, there are lots of interesting sides to the man, but his resilience is probably [laughs] the most extraordinary, how he keeps going. But he is. And — but he is still only one human being, and the pressures of this show trial, this squalid show trial and all the sordid events that led up to it, he is an innocent man. His only crime is journalism.*

*Bernstein: His only crime is journalism. And what's at stake, if he loses? If Julian Assange is sent to jail for the rest of his life for committing the act of journalism. Do we lose, here in the United States, the First Amendment? What's at stake?*

*Pilger: What's at stake? Well, what's at stake, first of all, is justice for this — for this person, this one heroic individual. But on a wider sense, what is at stake is — is freedom. And I don't really say immediately. It's quite — even among those who support Julian and campaign for him, but freedom of the press is at stake.*

*Well, I don't think there is any free press. So, I'm not sure that that's at stake, because it doesn't exist, certainly not in the mainstream. But I think the freedom of those exceptional journalists, and that's — they represent the free press, those principled mavericks who have nothing to do with the *Guardian* or the *New York Times* or any of these institutions.*

*I think they're — the whole principle of their right to be free journalists is at stake. Certainly, above all that, is the right of all of us to live in free societies and to know — to call to account great power, to know what it does. They're very basic freedoms at stake, here.*

<https://www.counterpunch.org/2020/09/25/the-extradition-trial-of-julian-assange-an-interview-with-john-pilger/>

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## **Your Man in the Public Gallery — Assange Hearing, Day 18**

*Craig Murray*  
*September 28, 2020*

It is hard to believe, but Judge Baraitser on Friday ruled that there will be no closing speeches in the Assange extradition hearing. She accepted the proposal initially put forward by counsel for the US government, that closing arguments should simply be submitted in writing and without an oral hearing. This was accepted by the defence, as they need time to address the new superseding indictment in the closing arguments, and Baraitser was not willing for oral argument to take place later than

8 October. By agreeing to written arguments only, the defence gained a further three weeks to put together the closing of their case.

But this entire hearing has been conducted in effective secrecy, a comprehensive secrecy that gives sharp insight into the politico-economic structures of current western society. Physical access to the courtroom has been extremely limited, with the public gallery cut to five people. Video link access has similarly been extremely limited, with 40 NGOs having their access cut by the judge from day 1 at the Old Bailey, including Amnesty International, PEN, Reporters without Borders and observers from the European Parliament, among many others.

The state and corporate media have virtually blacked out this hearing, with a truly worrying unanimity, and despite the implications of the case for media freedom. Finally, the corporations that act as internet gatekeepers have heavily suppressed social media posts about Assange, and traffic to those few websites which are reporting.



**Kevin Gosztola** ✓ @kgosztola · 15h

Fact-checked this and it only took a few minutes to confirm #AssangeTrial



**Stephen Oldfield** 🌹 🌸 🌻 💬 @PhiSteveO · Sep 26

Replying to @kgosztola

Kevin Gosztola has reported more on the Julian Assange extradition trial than the NY Times, WaPo, BBC, ABC, CBS, NBC, FOX, CNN, MSNBC have combined.

I am reminded of the words of another friend of mine, Harold Pinter, in accepting the Nobel Prize for Literature. It seems perfectly to fit the trial of Julian Assange:

It never happened. Nothing ever happened. Even while it was happening it wasn't happening. It didn't matter. It was of no interest. The crimes of the United States have been systematic, constant, vicious, remorseless, but very few people have actually talked about them. You have to hand it to America. It has exercised a quite clinical manipulation of power worldwide while masquerading as a force for universal good. It's a brilliant, even witty, highly successful act of hypnosis.

Harold sent me a copy of that speech printed for the ceremony, with a kind dedication that I knew was by then painful for him to write as lines of ink shot uncontrollably across the page. After he died, I had it framed and it hangs on my study wall. That was a mistake. When I get back home to Edinburgh, I will break the frame and get the pamphlet out. It needs to be read, often.

The closing arguments are the part of any trial which the media is most likely to report. They sum up all the evidence heard on both sides and what might be drawn from the evidence. To have these simply submitted on paper, without the drama of the courtroom, is to ensure that the hearing will continue to be a media non-event.

The timetable which has been accepted is that the defence will lodge their closing arguments in writing on 30 October, the prosecution will reply on 13 November, with the defence able to make a further response by 20 November purely on any legal questions; Baraitser will then deliver her judgement in January. She made plain that she would not accept any further submissions based on developments in the interim, including the US Presidential election.



Friday was yet another day when the process was as important to the result as the evidence heard, if not more so. The day had started with discussion over a defence attempt to submit two new statements from two new witnesses. Both were psychiatrists with expert knowledge of the US prison system. Previous witnesses, both psychiatrists and US attorneys, who had testified for the defence had been criticised by the prosecution as not having direct knowledge of the specific prison, ADX Florence, Colorado, in which Julian would serve his sentence if convicted.

The prosecution had provided two affidavits on conditions in the prison, one from US Assistant Attorney Gordon Kromberg dated 20 August 2020 and one from a prison psychiatrist named Lukfeld (as heard) dated 3 September 2020. Now it is a very strange feature indeed of these extradition hearings that the defence have no right to cross-examine witnesses who are US federal employees. Gordon Kromberg has submitted five separate affidavits, containing much which is disputed hotly as to fact, but he cannot be cross-examined. Nor may Lukfeld be cross-examined.

Fitzgerald made the point that the defence had to respond to this prosecution evidence somehow, as it could not be cross-examined. He stated that as it had been submitted by the prosecution with the last four weeks, it had taken the defence a little time to find expert witnesses who were in a position to contradict, and then to take their evidence. The defence now had two excellent witnesses with personal knowledge of ADX Florence, and wished to enter their evidence. The defence accepted that because Baraitser had stated the trial will end next week, there would not be time to cross-examine these new witnesses. But then, the prosecution witnesses could not be cross-examined either. As Fitzgerald put it “the prosecution do not have a divine right to cross-examine our witnesses when we do not have any right to cross-examine their witnesses.”

For the US government, James Lewis QC “strongly objected” to this new evidence being submitted. He said the defence had more than a year to prepare these statements and kept trying to prolong the hearing. He said that the defence witnesses did not have the authority of the US government witnesses, and they needed to be cross-examined because many of the defence “experts” were not really expert at all. If these witnesses were called, he would insist on the right to cross-examine and that would extend the hearing.

Having heard the lawyers, Judge Baraitser yet again read out a ruling from her laptop which had been written before she heard either Lewis or Fitzgerald speak. Entirely predictably, she ruled that the defence statements were not admissible, as being too late. The defence “had had a fair opportunity to investigate”. Defence witnesses must be liable to cross-examination. These proceedings had lasted too long already and there must be an end to new evidence. “As a matter of fairness a line must be drawn”, she intoned. She seemed particularly pre-occupied with the notion of “fairness”, which apparently almost always entails ruling against the defence.

For the first time in the course of these hearings, Baraitser did look up briefly from her pre-prepared judgement to insert a reference to something Fitzgerald had said in court, that one possible approach might be that the new defence evidence could simply be cited as though it were an academic article. But only to dismiss it.

So, no closing speeches and two key witnesses not admitted.

We then moved on to the next leg of this very peculiar procedure, in which “case management” always trumps justice, with another defence evidence statement of which an agreed “gist” is simply read into the record, with no cross-examination. Under this procedure, which Baraitser expressly initiated to save time, where the

defence will agree, witness statements are whittled down simply to those facts which are uncontested, and a “gist” or edit of that edit is read out, with the whole redacted statement entered into the court record.

The defence have allowed themselves to be too easily browbeaten into submission on all of this “time saving”, which is of course pursued by the judge and the US government in the interests of having as little embarrassing information aired in public as possible, and closing down the hearing quickly. One consequence of the rather hangdog defence approach to this is that, after the first very effective reading of key passages from el-Masri’s evidence, subsequent “gists” read into the record have been raced through, as though the defence realise this evidence has been reduced to a pointless formality, with no expression or weight in the reading and at a speed that far exceeds my ability to take an accurate note.

Like Thursday’s evidence from John Young of Cryptome, the witness statement of Jakob Augstein was important evidence that went to the fact that it was not Assange or Wikileaks who first published the unredacted material, and Augstein added additional information that Assange had tried to prevent it. Before *Der Freitag* had published its article of 25 August 2011, which revealed that both the password key and the file were out there, Assange had telephoned Augstein, editor of *Der Freitag*:

consideration, I believe it to have been the knowledge, before the publication date, of our intended publication of the article, that led to a telephone call to me from Julian Assange - in the week preceding August 25th 2011. I confirm the account in the article is correct; that the purpose of the telephone call from Mr Assange was as a result of what he had learned was the imminent publication in *Der Freitag* and as the article described, “The reason for the call and its emphasis by Assange was that he “feared for the safety of informants””. I in turn, as was reported, assured Assange that *Der Freitag* would not publish any information that could be dangerous to American informants and asked him to comment publicly on the events described in the article, which invitation he declined,

This evidence negates the main thrust of the prosecution case, so much so that I cannot understand why the defence have agreed to having it slipped into the record in a manner nobody notices.

The other interesting point about Augstein’s evidence is that it pointed squarely at the possibility that it has been Daniel Domscheit-Berg who, in defecting from Wikileaks, had been responsible for the emergence of the encrypted but unredacted cache on the net.

We then came on to the only witness who was actually heard in person on Friday, Patrick Eller, by videolink from the States. He was to address the accusation that Assange conspired with Chelsea Manning to crack a hash key password and obtain the documents which Manning leaked, and/or to help Manning cover his tracks. Securing Eller was rather a coup for the defence as there could not be a better expert witness on this particular subject. Eller is CEO of Metadata Forensics and a Professor teaching forensic evidence at the US Army Law School. A 25 year veteran, he was commander of the US Army digital forensic investigations unit at US Army Criminal Investigation Command in Virginia.

I am not going to use my usual technique of reporting through Eller's evidence and cross-examination chronologically, because the subject matter does not lend itself to that, being both highly technical and delivered in a very disjointed fashion. This was partly due to the approach by James Lewis QC, counsel for the US government, who adopted a policy of asking long runs of technical questions about the operation of the computer systems, most of which were basic, irrelevant, and both required and got the simple answer "yes", and then after a run of a dozen to twenty "yeses", Lewis would throw in a more dubious proposition. This did once work when he got a "yes" to the proposition that "a great hacker can crack a great cypher" by this system of inducing impulsive repetition of "yes". Lewis went on to claim that Assange had once self-described as "a fantastic hacker".

I am not attempting to hide the fact that there were passages of Eller's testimony in court which I simply did not understand. When I get a new laptop, it takes me days to work out how to turn it on and I am yet to find how to transfer any information from an old one. There are very definitely readers who would have done a much better job than me of reporting this, but then I was there and you were not. So these, for me, were the key points of Eller's evidence.

With respect to the Jabber conversations between Chelsea Manning and "Nathaniel Frank", which form the basis of the charge of aiding the commission of computer intrusion, there is no forensic evidence that "Nathaniel Frank" is Julian Assange, or indeed any single individual.

The "Hash key", or encrypted half of a password, which Manning had requested assistance with cracking could not have been cracked with the technology available in 2010. It was "impossible" and "computationally infeasible", according to Eller. This could not have been done with a brute force attack, dictionary attack or rainbow table. In cross-examination Lewis explored this at great length and read from a 2009 article on a vulnerability in Windows XP precisely with regard to the hash key system. Eller replied this was well known, but Microsoft had fixed it with a patch well before the events in question. That made it in practice impossible for the code to be cracked using one half of the hash key. Lewis did not query this and quickly moved on; it appeared he knew of the patch all along.

Perhaps Eller's most telling evidence was that Manning had in fact already downloaded the bulk of the material passed to the Wikileaks dropbox before initiating the conversation with Frank at all. Manning had full access to the SIPRnet, or classified intranet of material up to secret, under her own username, and had already been downloading using a program called wget. Furthermore, Manning had already been taking steps to protect her identity by rebooting from a Linux CD thus evading several Windows security features. That would have been at least as effective as downloading from the FTP account if preventing detection were the goal.

Manning therefore had no need of help from "Nathaniel Frank", either to obtain the classified documents or to cover her tracks, although the problem of downloads being traceable to the IP address would remain. But this would not have been solved anyway by Manning's interest in logging in to a File Transfer Protocol account. There was much discussion as to whether the FTP account would or would not have admin privileges, but as Eller was insistent it would neither have increased her access to classified material nor have better enabled her to cover her tracks, and that they could not have cracked the password with the hash key half anyway, I did not quite understand where that discussion was leading.

One particularly jolting bit of information from Eller was that the SIPRnet from which Manning had downloaded all the material was open to “millions” of users. Eller’s final key point was that all of his evidence was consistent with the findings of the prosecution at Manning’s court martial, and presumably thus with the investigations of his old forensic team. Some of the lines taken by Lewis — including that it was in fact possible to crack the password from the half hash key — are inconsistent with the US prosecution’s own forensic evidence at the Manning court martial.

Eller’s evidence is an example of those occasions where I know the comments below the line will be much more informed than my own efforts!

Finally and ominously, Baraitser heard arguments on whether the full medical records of Assange from the doctors and psychiatrists who had given evidence should their public be released to the media. They have been requested by the press. The records contain a huge amount of background and many intimate details of Julian’s childhood and relationships which are in evidence but were not given in open court by the doctors. Both defence and prosecution opposed release, but Baraitser kept referring to “open justice”. You will remember that earlier this year, Baraitser decided that it was in the interests of “open justice” to release to the media the identity of Julian’s partner Stella Moris and her children. That too was against the wishes of both prosecution and defence.

That a judge so intent on shutting down or refusing to hear defence evidence is suddenly so preoccupied with “open justice” when it comes to hurting Assange by release of his deeply personal information, is a great irony. Baraitser will rule on this on Monday and I hope humanity has prevailed with her.

<https://www.craigmurray.org.uk/archives/2020/09/your-man-in-the-public-gallery-assange-hearing-day-18/>

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## **ASSANGE HEARING — Alexandria Jail and SAMs Isolation**

*Conditions Described in Detail; Gov’t Tries to Paint Rosy Picture of US Prisons*

Joe Lauria  
Consortium News  
September 28, 2020

5:00 am EDT: Court is in session. First defense witness is attorney Yancey Ellis, testifying at 5 a.m. from Alexandria, Virginia.

6:37 am EDT: Ellis testified that from his experience with clients at the Alexandria Detention Center X Bloc, where prisoners are held in segregated detention, that Assange would be kept in a 50-foot cell, containing a shelf where he would sleep and a steel toilet and sink for 22 hours a day.

He would be let out for only 1 to 2 hours a day, when no other inmates are around. Ellis said it was impossible to speak through the steel doors with his clients unless both shouted at each other.

He said the only way to communicate was through the food tray slot, which was closed outside of meal time, meaning Ellis had to try to find a deputy to open the slot so he could converse with his client. Because of the steel doors and plexiglass windows with no openings it was impossible for inmates to communicate with each other.

Edward Fitzgerald QC for the defense asked him if Assange could be there for months or years. Ellis replied that he would be held there until his case is adjudicated by the judges in Alexandria.

Fitzgerald then said that Gordon Kromberg, the assistant U.S. attorney, whose affidavit the prosecution has relied on, said that inmates in X Bloc could communicate with each other.

"It is almost impossible to speak through the door if the food tray slot is not open. It would not be possible for anyone to say that if he is familiar with the X Bloc," Ellis said. "That is the whole point of the X Bloc unit. He is supposed to be kept by himself."

Fitzgerald then pointed out that Special Administrative Measures (SAMs) would be additional isolation on top of what Ellis had described. Ellis said he had no direct experience with SAMs but understood them to mean further restrictions on visits and communication with family and friends.

In X Bloc, prisoners could theoretically use the recorded telephone line during their 1 to 2 hours outside the cell, he said.

On the question of mental health care at the ADC, Ellis said there was no doctor on staff at the ADC, and only part-time contracted psychologists, mostly to monitor medication. He said no psychotherapy was available.

"Basically it is a social worker checking to see if you are maintaining a level of functioning," Ellis said.

On cross examination, James Lewis QC tried to undermine Ellis' criticism of Kromberg's affidavit by saying that Ellis did not know for sure if Assange would be held in X Bloc.

He established first that Ellis had never interviewed the warden, a psychologist or the staff about prison conditions, which seemed irrelevant as Ellis testified about the conditions that he had seen with his own two eyes on numerous visits to the jail.

Lewis asked if Ellis had ever seen the policy about how it is determined where an inmate will be housed. "I have requested those records before and can never get them," Ellis said.

Lewis said, " You can't dispute the accuracy of Mr. Kromberg's statement of how he would be assessed for housing at the ADC."

"I can't speak to that."

"So you don't know if he will be in administrative detention?"

"I can't predict the future, but I would bet he would be put in administrative segregation," Ellis said.

Lewis then asked him if he thought Assange's case had generated huge publicity and huge public support.

"I would agree with the publicity," Ellis said.

"And with the public support?"

"I don't know about that."

Baraitser then asked Ellis a direct question. She wanted to know if the reason why Ellis thought Assange would be in solitary is simply because he is a high-profile case, as Ellis had indicated. She said that in Britain, despite being high-profile, Assange had spent most of his time in Belmarsh with the general population. Is it the case in the U.S. that high-profile inmates are segregated?

"I am just speaking from experience," Ellis said. "In order to maintain a secure and safe environment, they do like to segregate them from general population. That has typically been the case."

EDT 8:25 am: Joel Sickler, who has worked in sentence mitigation and prisoner advocacy for 40 years, took the stand for the defense.

Fitzgerald had him go through some of the same evidence Ellis testified to, including what an X Bloc cell looks like at the ADC.

Sickler said he'd never been inside one and was only told by lawyers who had and he referred to Ellis' testimony. Sickler also said he had no direct experience of SAMs, only "SAMs-like" conditions with one client at ADX Florence in Colorado, where Assange might end up if convicted in the U.S.

Not to play armchair quarterback, one wonders why the defense called this witness as he merely repeated much of what Ellis said and he exposed for the prosecution this vulnerability of not having direct knowledge, which was promptly exploited by prosecutor Clare Dobbin on cross examination.

She essentially accused Sickler of violating the British rules on expert testimony for giving "hearsay" evidence on both X Bloc and SAMs. That did not, however, undermine Ellis' testimony, which is based on direct knowledge of conditions at ADC.

In trying to undermine Sickler's testimony on mental health care in federal prisons, Dobbin assumed Sickler never got access to prison medical records.

In his strongest moment on cross examination, Sickler quieted Dobbin by saying in fact he had access all the time to such records.

Dobbin tried to undercut his testimony by saying that those records only pertained to his clients, making him out only to be an advocate and not an academic or researcher on medical care for federal inmates.

Dobbin showed that Sickler could not say for certain if Assange would be put in SAMs. Only the Attorney General can determine that a prisoner must be put in Special Administrative Measures if the prisoner is determined to possess classified information that could threaten "national security" if released, Dobbin said.

After lunch, Dobbin tried to paint a rosy picture of the U.S. prison system, and even of SAMs. She actually cited one report that said prisoners at the ADX Florence, Colorado prison, where Assange would go if convicted, did not want to leave the prison because they had formed close personal relations with the staff.

What Dobbin failed to say is whether they were refusing freedom or transfer to a more notorious prison. Sickler responded: "If it's such a great place why are so many prisoners dying to get out?" Later, under re-direct examination, he said that his own client at ADX was "begging to get out."

He said that some prisoners may have become institutionalized to the point that they feel the prison is their home and they feel safe there. But he added that he found the report “incredulous.”

He tried to undermine this airy picture by speaking of a client whose serious mental health issues were denied at a Brooklyn detention center. After he acted up he was beaten by prison guards and only after a time he could get him transferred to Bellevue Hospital.

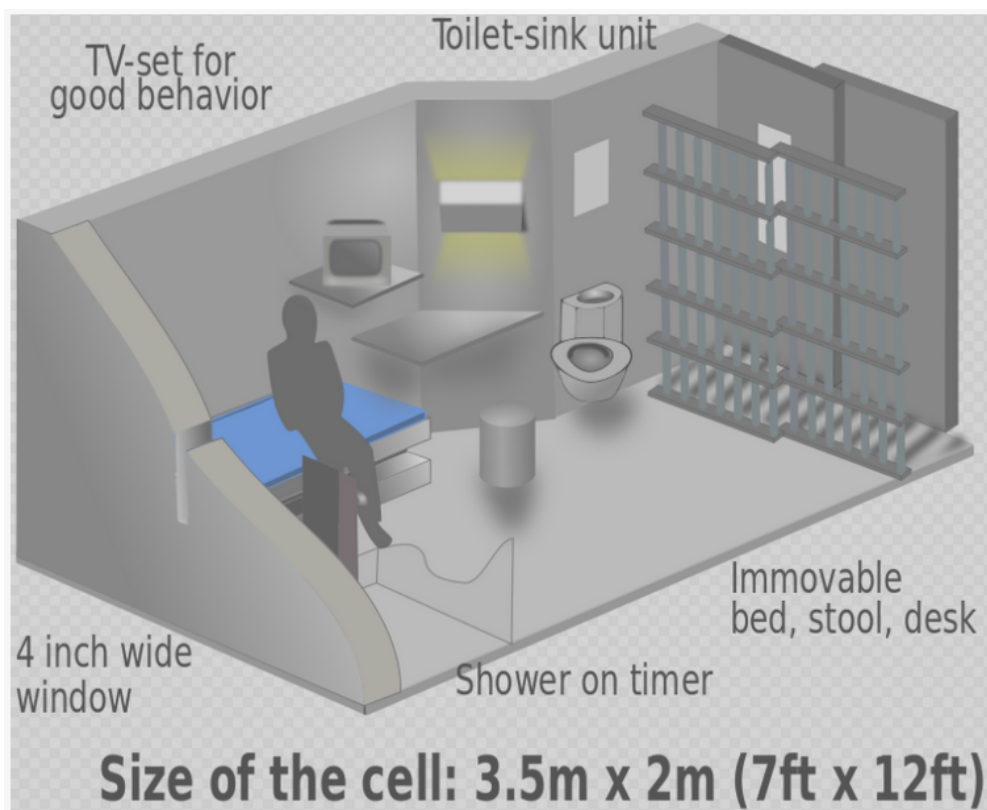
Dobbin praised the Bureau of Prisons for adopting 17 recommendations for reform that were proposed to it in a study. Sickler said that was good, but asked whether they were ever implemented. “It’s good on paper,” he said, “but the reality is often different.”

Underlying Dobbin’s argument is that the government is always to be trusted, that it has the good of the public always in mind and never has any self-interest. People in government have no career ambitions, budgets to fight for or reputations to build. Therefore whatever it says about its prison system is the absolute truth we must accept.

On redirect, Sickler was asked if he stood by his testimony that Assange would likely be sent to ADC and ADX, which Sickler had described as torturous places. He said yes.

Fitzgerald asked him what kind of prisoners faced threats inside. Sickler said sex offenders, stool pigeons and people with notoriety.

“People charged with espionage?” Fitzgerald asked. “It depends on the politics of the prisoners,” Sickler said.



<https://consortiumnews.com/2020/09/28/live-update-assange-hearing-alexandria-jail-and-sams-isolation-conditions-described-in-detail-as-place-where-assange-would-be-detained-govt-tries-to-paint-rosy-picture-of-us-prisons/>



## LETTER FROM LONDON: The Surreal US Case Against Assange

*The fox is guarding the henhouse and Washington is prosecuting a publisher for exposing its own war crimes. Alexander Mercouris diagnoses the incoherence of the U.S. case for extradition.*

*Alexander Mercouris  
Consortium News  
September 28, 2020*

Following the Julian Assange case as it has progressed through its various stages, from the original Swedish allegations right up to and including the extradition hearing which is currently underway in the Central Criminal Court in London, has been a troubling and very strange experience.

The U.S. government has failed to present a coherent case. Conscious that the British authorities should in theory refuse to extradite Assange if the case against him were shown to be politically motivated and/or related to Assange's legitimate work as a journalist, the U.S. government has struggled to present a case against Assange which is not too obviously politically motivated or related to Assange's legitimate work as a journalist.

This explains the strange succession of one original and two superseding indictments.

The U.S. government's first indictment was based on what was a supposedly simple allegation of computer interference, supposedly coordinated in some sort of conspiracy between Assange and Chelsea Manning.

This was obviously done in an attempt to dispel the idea that the request for Assange's extradition was politically motivated or was related to Assange's legitimate work as a journalist.

However lawyers in the United States had no difficulty pointing out the "inchoate facts" of the alleged conspiracy between Assange and Manning, whilst both lawyers and journalists in the United States and elsewhere pointed out that the facts in the indictment in fact bore all the hallmarks of action by a journalist to protect a source.

The result was that the U.S. government replaced its indictment with a first superseding indictment, which this time was founded largely on the 1917 Espionage Act, and was therefore closer to the real reasons why the case against Assange was being brought.

However, that made the case look altogether too obviously politically motivated, so it has in turn been replaced by a second superseding indictment, presented to the court and the defence team virtually on the eve of the trial, which has sought to veer back towards strictly criminal allegations, this time of involvement in computer hacking.

### ***More Problems for Another Indictment***

The allegations in the second superseding indictment have however faced major difficulties, in that they do not seem to concern the United States and may not even be actual crimes. Also they rely heavily on the evidence of a known fraudster, whose "evidence" is inherently unreliable.

The U.S. government has failed to make clear whether the additional allegations in the second superseding indictment are intended to constitute a separate standalone case.

Initially they appeared to deny that they did; then they hinted that they might do; now however they seem to be acting as if they don't.

As if that were not confusing enough, the U.S. government and its British lawyers have floated confusing and contradictory theories about whether or not the British authorities can extradite Assange even if the case against him is politically motivated, and even if it is related to his journalistic activities.

Initially they seemed to be arguing that — contrary to all British precedent and the actual text of the extradition treaty between the U.S. and Britain — Britain can in fact extradite Assange to the U.S. on a politically motivated charge, because the enabling Act which the British Parliament passed, which made the extradition treaty between the U.S. and Britain a part of British law, is silent on whether or not individuals can be extradited to the U.S. on a politically motivated charge.

This argument of course came close to conceding that the case against Assange is politically motivated after all.

This threadbare argument, at least for the moment, seems to have been abandoned. At least nothing has been heard of it throughout the current hearing. Instead the U.S. government and its British lawyers have argued, in the face of the incredulity of a string of expert and factual witnesses, that the case is not politically motivated after all.

The same inconsistencies have beset the U.S. government's arguments as to whether or not Assange is being charged under the Espionage Act for activities related to his work as a journalist.

Initially the U.S. government's position was that he was not. This was based on some theory — never satisfactorily explained or articulated — that Assange in some way is not a journalist, even though he is charged with doing things that journalists do. Faced by a barrage of expert witnesses who pointed out that the charges brought against Assange under the Espionage Act do in fact relate to work journalists do, the U.S. government midway through the hearing reversed course.

Now it says that the charges against Assange not only do relate to his work as a journalist, but that they can be brought against any journalist who does the things Assange is being charged with having done. The U.S. government has even argued that *The New York Times* would have been successfully prosecuted under the Espionage Act for publishing the *Pentagon Papers*, because that was an action essentially identical to the ones for which Assange is being charged.

The implications for journalists of this astonishing reversal are truly shocking. It is staggering that in the media it has attracted no attention.

### ***Trouble with Witnesses***

The U.S. government has shown the same lack of coherence in its response to the defence's impressive lineup of expert witnesses.

The conventional way of responding to an expert is to call another expert to state a contrary view. On the critical issues of U.S. law, especially the protections provided to journalists by the First Amendment to the Constitution, as well as on the politics in the U.S. behind the Assange prosecution, the U.S. government has however done no such thing. Presumably it has found it difficult or impossible to find experts who can be relied upon credibly to state a contrary view.

Instead, armed only with affidavits from U.S. Justice Department officials, who are of course not impartial experts at all, but who are part of the U.S. government's legal team, the U.S. government's British lawyers have been left to argue that the defence's experts are not really experts at all — an impossible argument to make convincingly in my opinion — and to debate with the experts points of U.S. politics and U.S. law — including difficult points of U.S. constitutional and case law — about which the experts are by definition far more knowledgeable than the British lawyers.

The result, inevitably, has been a series of humiliations, as the lawyers have been repeatedly caught out by the experts making basic errors of fact and interpretation about the points which they have sought to argue.

**Unsurprisingly,** the lawyers have attempted to make up for this by trying to intimidate and denigrate the experts, in a way that has only highlighted their own lack of expertise in the relevant areas by comparison with that of the experts.

Given the collapse into incoherence of the U.S. government's case, it is unsurprising that the U.S. government's British lawyers are now reportedly trying to persuade the Judge against hearing closing arguments.

the constant shifts and reversals in the U.S. government's position, preparing and presenting a closing argument to the court which would be internally consistent and credible must be fast becoming a nightmare. If closing arguments do take place, as I still expect, it will be interesting to see which of the many conflicting arguments and theories they have made the U.S. government's lawyers finally run with.

On its face the U.S. government's case ought to be close to collapse. There was even a point in the hearing where one of the U.S. government's British lawyers apparently admitted to the judge that the reason for the second superseding indictment was that the first superseding indictment was "failing."

If so, then given that the charges being prosecuted against Assange are still basically those set out in the first superseding indictment, the case against Assange ought to be dismissed, and the U.S. government's request for his extradition ought to be refused.

### ***The Underlying Truth***

It remains to be seen whether that is what actually happens. However, that brings me to the single most important fact, and the underlying truth, about this extraordinary case.

It is very easy when following the intricacies of such a complex legal process to lose sight of what this case is really about.

Ultimately the U.S. government is not pursuing Julian Assange because he helped Chelsea Manning take certain steps with a computer to conceal her identity, or because he had some historic contacts with hackers, or because he became involved in some activities in Iceland, which caused him to fall foul of a fraudster (and FBI informant).

Nor is it because Assange received and published classified material. In the U.S. the receipt and publication by the news media of classified material has grown to almost industrial levels.

It is because Assange, to a greater extent than any other journalist since the end of the war in Vietnam, has exposed the darkest and most terrible secrets of the U.S. government.

The case against Assange has its origin in the calamitous “War on Terror” launched by the Bush administration in the immediate aftermath of the 9/11 attacks. That “war” provided the cover for a series of violent military aggressions, primarily in the Middle East, by the U.S. and its closest allies, first and foremost Britain but also including other countries such as Saudi Arabia and France.

The result has been a series of wars in a succession of Middle East countries — Afghanistan, Iraq, Libya, Syria and Yemen— fought by the U.S. and its allies and proxies, which have caused the devastation of whole societies, and the death and dispersal of millions.

In the process the U.S. has become drawn increasingly into practices which it once condemned, or at least said it condemned. These include the “extrajudicial killing” (i.e. murder) of people — who have included children and U.S. citizens — by drone strikes, a practice which has now become routine; the kidnapping of individuals and their detention without trial in places like Guantanamo, a practice which despite unconvincing protestations that “extraordinary rendition” no longer happens almost certainly continues; and the practice of torture, at one time referred to as “enhanced interrogation techniques,” which almost certainly still continues, and indeed appears to have become normalized.

All of this activity straightforwardly violates international (and domestic U.S.) law, including war crimes law and human rights law, and does so moreover in fundamental ways.

It also requires, in order to implement the policies that result in these unlawful acts, in the creation of a vast and ultimately unaccountable national security apparatus of a sort that is ultimately incompatible with a democratic society. Inevitably its activities, which have become routinely unlawful, are becoming unlawful within the territory of the United States, as well as outside it.

This manifests itself in all sorts of ways, for example through the vast, indiscriminate and illegal bulk-surveillance program exposed by the whistleblower Edward Snowden, and by the systemic FISA surveillance abuse exposed over the course of the Russiagate “scandal.”

The extent to which the very existence of the national security apparatus, required to implement various U.S. illegal activities and to achieve its foreign policy goals, has become incompatible with a democratic society, is shown by one of the most alarming of recent developments, both in Britain and in the United States.

This is the growing complicity of much of the media in concealing its illegal activities. Obviously without that complicity these activities would be impossible, as would the serial violations of international law, including war crimes law and human rights, which the United States and some of its allies now routinely engage in.

All this explains the extreme reaction to Julian Assange, and the determined attempts to destroy him, and to pulp his reputation.

Julian Assange and his organization WikiLeaks, have done those things which the U.S. government and its national security apparatus most fear, and have worked hardest to prevent, by exposing the terrible reality of much of what the U.S. government now routinely does, and is determined to conceal, and what much of the media is helping the U.S. government to conceal.

Thus in a series of astonishing revelations Julian Assange and WikiLeaks have exposed in the so-called embassy cables the extraordinarily manipulative conduct of U.S. foreign policy; in the Vault 7 disclosures the instruments the CIA uses in order to — as U.S. Secretary of State Mike Pompeo has said, “lie” and “cheat” — and, most disturbingly, in collaboration with Chelsea Manning, the rampant war crimes and egregious human rights abuses carried out by the U.S. military during the illegal war and occupation of Iraq.

This is an extraordinary record for a journalist, and for an organization, WikiLeaks, which was only set up in 2006.

Not surprisingly, the result has been that the pursuit of Assange by the U.S. government has been relentless, whilst the media, much of which has been complicit in covering up its crimes, has preferred to look the other way.

### *Hence, the Surreal Quality*

It is this underlying reality which gives the whole case currently unfolding in London’s Central Criminal Court its surreal quality.

That the true purpose of the U.S. government’s relentless pursuit of Assange is to prevent him from exposing more of its crimes, and to punish him for exposing those of its crimes which he did expose, if only so as to deter others from doing the same thing, is perfectly obvious to any unbiased and realistic observer. However, the hearing in London is being conducted as if this were not the case.

Thus, the extraordinary zigzags in the U.S. government’s rationale for bringing the case, as it cannot admit the true reason why the case has been actually brought. Thus, also the U.S. government’s strenuous efforts throughout the hearing to prevent evidence being produced of its crimes which Assange exposed.

The U.S. government has strenuously opposed all attempts to introduce as evidence the appalling “Collateral Murder” video, which shows the deliberate murder of civilians in Iraq by members of the U.S. military. It has also strenuously opposed the introduction of evidence from a defence witness about his own torture. This despite the fact that in both cases the fact of the U.S. crimes is scarcely disputed, and has in fact been all but admitted.

The result is the paradoxical and bizarre situation whereby the U.S. authorities try to cobble together a case against Assange based on a confusing medley of discordant and conflicting claims and facts, whilst failing to prosecute or hold to account those who were responsible for the very serious crimes which he has exposed.

In fact, as the U.S. government’s case has unraveled, the argument has become increasingly confined to the discrete issue of whether — by exposing the U.S. government’s crimes — Assange “irresponsibly” put the safety of various U.S. government informants at risk.

As it happens the evidence is clearly that he did not. Over the course of the hearing the court has heard of Assange’s many and serious attempts to conceal the identities of these informants, and of the reckless and even possibly malicious actions of certain others, who actually exposed them.

The court has also been told of the absence of any evidence that any one of these informants has in fact been harmed by any disclosure by WikiLeaks or Assange. Moreover, an expert witness has argued convincingly that the disclosure by a journalist of the identities of such informants would not under U.S. law be a crime anyway.

In response the U.S. government's lawyers have relied heavily, not on the evidence of any actual witness, but on passages in a book by two *Guardian* journalists who are known to be hostile to Assange, and who — by publishing a password — seem to have done more to compromise the identities of the informants than Assange ever did.

Neither of these journalists has been called to give evidence on oath about the contents of their book. Doing so would, of course, have exposed them to cross-examination by the defence about the truth of the book's contents. Given the weight the U.S. government is apparently placing on the book, I find it astonishing that they were not called.

The surreal quality of the U.S. government's treatment of this issue is shown by the fact that when an actual witness — the German journalist John Goetz — did in fact come forward and offer to give evidence on oath about a specific allegation in the book — refuting an allegation in the book that Assange supposedly made comments at a dinner, which Goetz attended, that showed a reckless disregard for the safety of the informants — the U.S. government's lawyers strenuously objected, and were able to get the judge to exclude this evidence.

However, it is the staggering disproportion between the scale of the crimes Assange has exposed, and the crimes of which he is accused — if they are even crimes, and of which he anyway appears to be innocent — which for me stands out.

Assange and WikiLeaks have exposed rampant war crimes and human rights abuses over the course of illegal wars waged by the U.S. government and its allies. The death toll from these wars runs at the very least into the tens of thousands, and more plausibly into the hundreds of thousands or even millions.

By contrast over the course of the entire hearing no evidence whatsoever has been produced that as a result of any of Assange's actions anyone has come to any actual physical harm.

Yet it is Assange who is in the dock, facing demands for his extradition to the United States, where a 175-year sentence may await him, whilst the persons responsible for the colossal crimes he has exposed, not only walk free, but are amongst those who are trying to jail him.

The point was made forcefully during the hearing by one of the defence's most powerful witnesses, Daniel Ellsberg.

It was also made forcefully to Consortium News by one of its readers, who has correctly pointed out that the crimes which Assange exposed were clearly defined as war crimes by the Nuremberg Tribunal, whose decisions are universally accepted as forming the bedrock of international war crimes law.

The Nuremberg Tribunal moreover made it clear that there is not only a positive duty to refuse to participate in such crimes, even when ordered to do so, but that no sanctions should ever been imposed for exposing such crimes when they occur.

In other words, it is Assange and his sources, first and foremost Chelsea Manning, who are the defenders of international law, including the Nuremberg Principles, and including in the case which is currently underway, whilst it is those who persecute them, including by bringing the current case against Assange, who are international law's violators.

This is the single most important fact about this case, and it explains everything about it. Assange and Manning have paid an enormous price for their defence of international law, and for the principles of basic human decency and humanity.

Manning was recently held in long spells of solitary detention, and has had her savings confiscated by the U.S. authorities, for no reason other than that she has refused to testify against Assange.

Assange has been subjected to what various UN agencies have characterized as long periods of arbitrary detention and psychological torture. He continues to be denied bail, despite his known health problems, and is separated from his family.

He continues to have difficulties consulting privately with his lawyers, and has been exposed to the indignity — qualified in other cases by the European Court for Human Rights as a human rights violation — of being kept inside court rooms confined to a glass box or cage.

John Pilger has described vividly and in great detail, including to *Consortium News*, the inhuman conditions to which Assange is daily exposed. That these amount to human rights violations ought not to require discussion or explanation.

### ***International Conventions***

That these human rights violations breach a host of international conventions to which Britain is a signatory, including against torture and arbitrary detention, in respect of the right to a fair trial, in respect of the right to privacy and dignity of the person, and of the right to a family life, also ought not to require discussion or explanation. Recently there has been an outcry in Britain because legislation the British government is proposing, which would allow it to modify unilaterally the terms of the Withdrawal Agreement it agreed last year with the European Union, breaches international law.

Without in any way disputing the importance of this issue, which may have important consequences for peace in Ireland, I find the angry protestations of some British journalists and politicians, that Britain never violates international law, frankly unreal.

If they want examples of Britain violating international law they need look no further than the facts of Assange's case. They might also benefit from looking at what has been said over the course of the ongoing hearing in the Central Criminal Court.

Despite all the difficulties, there is however no reason to give up hope.

The extraordinary zigzags the U.S. government has been forced to make as it tries and fails to put a coherent and convincing case against Julian Assange together, show that the law, for all its many flaws, remains an important defence.

I am aware of the many criticisms which have been made of Vanessa Baraitser, the judge who is hearing Assange's case. I don't disagree with any of them.

However, I do get the impression that Baraitser's patience has been sorely tried by the U.S. government's repeated and dizzying changes of position. I also get the impression that she was particularly annoyed when the U.S. government, on the virtual eve of the hearing, presented to the court and the defence its second superseding indictment, which in effect made a nonsense of the first.

That may explain why the U.S. government's British lawyers have largely conducted the case as if the second superseding indictment did not exist, basing their arguments mostly on what the first superseding indictment says, though perhaps unsurprisingly, and to the bafflement of the experts, they are now increasingly making arguments which have no basis in any indictment.



Moreover, and perhaps more importantly, Baraitser has rejected the U.S. government's various attempts to exclude en masse the evidence of defence witnesses, even if she has imposed a 30-minute guillotine on their examination in chief (direct examination) by defence lawyers.

In summary, and in my opinion, there is still a chance, however small, that Baraitser will decide the case in Assange's favour.

If she does not do so, then I would have thought, based on what has happened over the course of the hearing, that Assange will have good prospects on appeal.

More encouraging than what has been happening inside the court, where the outcome remains very much in doubt, and where the prospects must be considered problematic to say the least, is what has been happening outside.

My wife, who attended one of the hearings last week, saw placards held up by some of Assange's supporters outside the court, which called on road users to honk their horns in support of Assange. To her delighted astonishment, despite the media blackout which surrounds the case, and despite the long campaign of character assassination to which Assange has been subjected, an extraordinarily high proportion of road users (more than a quarter) did so.

That reinforces my sense that the tide of opinion, at least in Britain, is shifting. The battle is far from over, and can still be won.

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<https://consortiumnews.com/2020/09/28/letter-from-london-the-surreal-us-case-against-assange/>

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## **Your Man in the Public Gallery — Assange Hearing, Day 19**

*Craig Murray*  
*September 29, 2020*

Today was the worst day for the defence since the start of the trial, as their expert witnesses failed to cope with the sheer aggression of cross-examination by the US Government and found themselves backing away from maintaining propositions they knew to be true. It was uncomfortable viewing.

It was not that the prosecution had in any way changed their very systematic techniques of denigrating and browbeating; in fact the precise prosecution template was once again followed. It goes like this.

- undermine academic credentials as not precisely relevant
- humiliate by repeated memory test questions of precise phrasing of obscure regulations or definitions
- denigrate relevance of practical experience
- iterate official positions and challenge witness to say they are expressed by named officials in bad faith

- humiliate by asking witness to repeat from memory regulations for expert testimony in UK courts
- run through a list of qualifications and government positions relevant to the subject and make witness say one by one they have not held them
- claim testimony is biased or worthless because it does not include government assertions at full length.

You will note that none of this has anything to do with the truth of the actual evidence, and to date almost all witnesses have easily, sometimes contemptuously, seen off this intellectually shallow method of attack. But today was another story. The irony was that, when it came to the real subject matter of the evidence, it was obvious to any reasonable person that the prosecution claims of the good conditions in the American prison service for high profile national security prisoners are just nonsense. But it was a day when the divorce between truth and court process was still plainer than usual. Given the horrific reality this process was disguising, it was a hard day to sit through.

First to give evidence by videolink was Yancey Ellis. An attorney with a doctorate in law, Ellis has been practising for 15 years including five as a US Marine Judge Advocate. He currently practises in Alexandria, Virginia, where he is now private, having formally been a public defender. As such he is very familiar with the Alexandria Detention Centre where Assange would be held pre-trial. This includes visiting clients in the Administrative Segregation, (AdSeg or X block) where high profile and national security prisoners are held.

He testified that pre-trial detention could last many months or even years. Isolation from other prisoners is the purpose of the X block. Prisoners are in tiny cells of approximately 50 square feet, which is under 5 square metres. The bed is a shelf. On a daily basis only one to two hours are allowed outside the cell, into a small area outside at a time when nobody else is there. The second hour was generally available only in the middle of the night, so was not utilised.

Edward Fitzgerald, QC for the defence, asked Ellis whether prisoners in Administrative segregation could associate. Ellis replied “not really”. The purpose of AdSeg was to prevent it. You were never allowed out of your cell at the same time as another AdSeg prisoner. Contrary to the assertions of Gordon Kromberg, it was very difficult to talk through the thick steel doors. You would have to scream at the top of your voice to be heard at all. Ellis had tried it himself to consult with his clients. Communication was only possible if he could find a deputy to open a food flap for him. As prisoners in AdSeg were locked down, the unit was not usually staffed.

Ellis said that AdSeg was solitary confinement, on the definition of more than 22 hours a day alone with no human interaction. In practice, there was no appeal to the judicial authorities on prison conditions. “Courts will defer to the jail on how they house inmates” [which of course mirrors Baraitser’s answers to requests to ameliorate Assange’s periods in solitary confinement and other mistreatment in Belmarsh prison].

Fitzgerald pointed out that the AdSeg regime Ellis described was even without the addition of Special Administrative Measures, which bring additional restrictions. Ellis confirmed none of the clients he represented was subject to SAMs. He confirmed they did get phone access, but only to a service that allowed them to send “pre-recorded phone calls” to relatives. Fitzgerald then asked how this was affected by SAMs, but James Lewis QC objected on the grounds Ellis had said he had no direct knowledge and Baraitser upheld that.

Fitzgerald asked Lewis about provision of medical and psychiatric care. Ellis replied that the Alexandria Detention Centre does not employ a doctor. There were some social work and counselling services available in-house. Medical services were provided by a private firm. It could take several weeks to see a psychiatrist, even in a crisis. Asked about suicide risk, Ellis said prisoners could be made to wear a "special suit" [straitjacket?] and had shoelaces, belt etc. removed.

James Lewis QC then cross-examined for the US government and I think this is best conveyed as dialogue. Again this is slightly condensed and paraphrased. It is not a transcript (it would be illegal for me to take a transcript; no, I don't know why either).

*Lewis* You have described US Assistant Attorney Gordon Kromberg's testimony as "inaccurate or incomplete". How many prisoners are there currently in Alexandria Detention Centre?

*Ellis* Approximately 300.

*Lewis* You say there are four or six cells in administrative segregation?

*Ellis* Yes, in the H block.

*Lewis* Your info comes from your visits and from prisoners?

*Ellis* Yes.

*Lewis* Have you interviewed the governor?

*Ellis* No.

*Lewis* Have you interviewed the custodial staff?

*Ellis* No.

*Lewis* Have you interviewed the psychiatrists or psychologists?

*Ellis* No.

*Lewis* You have given one side of the story. One side of the picture. Do you agree?

*Ellis* Do I agree there are two sides to every story?

*Lewis* US Marshalls annually inspect the jail. Do you disagree?

*Ellis* I don't know.

*Lewis* Kromberg says it was inspected on August 5, 2019 by US Marshalls and found fully compliant. What do you say?

*Ellis* Alright.

*Lewis* Also the Commonwealth of Virginia inspected July 23-5 2019. There have been no suicides during the current inspection period.

*Ellis* They have a good track record when it comes to completed suicides.

*Lewis* Have you read these reports? Do you know the findings of these reports? You don't know how prisoners are assessed for different types of housing?

*Ellis* I have frequently asked for assessment reports in individual cases. I have never been given them.

*Lewis* You don't know that Assange will be placed in Administrative Segregation?

*Ellis* I would bet that he will.

*Lewis* Kromberg has stated that AdSeg prisoners have access to prisoner programmes but you have testified otherwise. But you have never represented federal prisoners, have you?

*Ellis* There is no difference in treatment inside the jail between state and federal prisoners.

*Lewis* Were you asked by the defence to state that AdSeg is solitary confinement?

*Ellis* No.

*Lewis* There is unlimited access to your lawyers. That is not considered in your definition of solitary confinement.

*Ellis* Not unlimited.

*Lewis* AdSeg prisoners have library access?

*Ellis* Rarely. They may be able to go there in their time outside the cell, but only if it can be empty at that time so they do not meet anybody.

*Lewis* You say Assange will be housed in AdSeg on the ground floor. You cannot know that.

*Ellis* National security prisoners are all on the ground floor. The higher floors are for general population.

*Lewis* Your clients in AdSeg were a security risk. Do you know that Assange will be so deemed?

*Ellis* No.

*Lewis* How do you know Assange won't be kept in the medical wing?

*Ellis* High profile prisoners are not allowed to mix with the general population.

*Lewis* But won't Mr Assange benefit from a phalanx of lawyers questioning his conditions. Don't you think his publicity and support will bring better treatment?

*Ellis* I don't know that will be the effect.

Edward Fitzgerald then re-examined for the defence.

*Fitzgerald* Your judgements are based on your personal observations?

*Ellis* Yes, and the reports of my clients.

*Fitzgerald* And why do you say Assange will be kept on the H block?

*Ellis* It's the design of the jail. Nowhere else a long term AdSeg prisoner could be held.

*Fitzgerald* On prisoner programmes, you say they would not be possible if it involved meeting another prisoner?

*Ellis* Yes, and there are no individual programmes.

For the first time in this trial, Baraitser herself now asked a question of the witness. She asked Ellis why he thought Assange would not be held in the general prison population, as he currently was at Belmarsh. Ellis said it was because he was a public figure in a high profile case. Baraitser suggested that in the UK, being a high profile figure did not mean different treatment. Ellis said he was simply recounting the actual practice of the Alexandria jail in such cases.

Baraitser's intervention was extraordinary given she had heard irrefutable evidence from Dr Blackwood that Assange had been placed into isolation in the medical wing in Belmarsh after somebody took a brief snatch of video of him, to prevent "reputational damage" to the prison. Yes, now she was saying high profile prisoners in the UK are not removed from the general prison population. She seems to have an infallible mental filter for blocking inconvenient information.

Her less subconscious filter was next in evidence, as there was time for a quick procedural judgement before the next witness, on the question of the decision of the prison governor on Julian Assange in the razor blade in the cell case. The record of the hearing on this ran to a minimum of 19 paragraphs, the judgement itself being in paragraph 19. Baraitser had indicated she was minded only to take para 19 as evidence, although the defence said the whole document contained very useful information. I am told that paras 1 to 18 include information on the extraordinary decision to place Julian Assange in solitary confinement disguised as "healthcare", including the fact Belmarsh chief medic Dr Daly had produced not one of the compulsory monthly medical reports in his five months on the medical wing.

In one of those accommodations I find inexplicable, the defence conceded, without forcing Baraitser to a judgement, that paragraphs 1 to 18 should be ignored and only para 19 accepted as evidence, on the understanding it did establish the existence of the razor blade and thus vindicate Prof Kopelman's judgement, and showed the charge had merely been dismissed as not timeous.

Yancey Ellis's cross-examination above reads very well, and he did provide good answers to the prosecution attack. But he sounded rattled and nervous, and the performance was less convincing than it reads. This was to get much worse for the defence.

The next witness was Joel Sickler. He has a Master's degree in the administration of justice and has worked for forty years in sentencing and advocacy. He is head of an organisation called Justice in Alexandria, Virginia, an expert in prison conditions, and has visited over 50 prisons across the United States. His organisation makes representations to the court on which institutions are suitable for a prisoner. He testified that he had made dozens of visits to the Alexandria Detention Centre.

He testified that in line with policy Assange would be placed in AdSeg due to his involvement in national security issues and concerns he might pass secrets on to other prisoners. He might also be categorised as needing protection from other prisoners and from self-harm. He would have zero to very limited contact with other prisoners. Sickler characterised Kromberg's claim that inmates could communicate with each other through the steel doors and thick plexiglass windows as "ridiculous". If SAMs were applied on top, that involved statutory isolation.

Sickler said that his knowledge of post-incarceration conditions at ADX Florence in Colorado came largely from reading reports. He had one client in there who was not subject to SAMs but was still effectively in solitary confinement for twenty years, despite a clean conduct record. Fitzgerald asked about provision of medical and psychiatric care, and Sickler stated that across the federal system he had dozens of clients who had found a way to commit suicide. In ADX specifically, there was a possibility of being transferred to a Federal medical centre in extreme cases.

At the ADX, Assange would be kept in the SSU known as the H block. With or without SAMs, contact with other prisoners would be completely barred. Contact with the outside world would be extraordinarily limited. Any contact permitted with family would be monitored by the FBI. One 15-minute phone call was allowed per month. Post conviction, contact with lawyers was very limited.

Fitzgerald asked how you could appeal against SAMs or other prison conditions. Sickler replied that appealing even over minor administrative matters virtually never succeeds. SAMs can only be varied by the Attorney General. In the prison system generally, Sickler had filed many thousands of requests on prison conditions and perhaps a dozen had succeeded. With SAMs there was effectively no chance. Solitary confinement could be indefinite in ADX — there was no upper limit.

Fitzgerald asked about changes in the prison after the Cunningham Mitigation settlement. Sickler said changes had been nominal. Any real improvement had only affected lower security prisoners. On prison conditions in general “Official statements, public pronouncements are one thing, reality in prison is something else”. The affidavit by Dr Alison Leukefeld for the government looked great on paper but was not the practice. On the other hand, reports by organisations like the Marshall Project exactly matched with his practical experience. Official statistics, like only 3% of federal prisoners having mental health problems, “do not ring true to me”. There was a significant risk Assange would not receive adequate physical and mental healthcare.

Clair Dobbin then rose to cross-examine. Again, I will report this as dialogue.

*Dobbin* What do you actually do? Do you work for the defence in cases?

*Sickler* Yes, I help identify the appropriate institution for imprisonment and help clients navigate the prison system.

*Dobbin* So prisoner advocacy?

*Sickler* Yes.

*Dobbin* So you only go to prisons to visit those you represent?

*Sickler* Yes.

*Dobbin* So you are not a prison inspector?

*Sickler* No, I am not.

*Dobbin* So you are not an academic?

*Sickler* No, I am not.

*Dobbin* So you are not a psychiatrist?

*Sickler* No, I am not.

*Dobbin* So you are not a researcher?

*Sickler* No, I am not.

*Dobbin* So you are not a doctor? You don't get to see medical records?

*Sickler* No, I am not. But I retain a medical consultant. I look at medical reports and I initiate conduct reports on a daily basis.

*Dobbin* But you don't have across the board access? Only in respect of your clients?

That is right.

*Dobbin* But you are not a clinician. You do not have the authority to validate medical opinion?

*Sickler* No, but I employ a medical consultant.

*Dobbin* Is this consultant a clinical psychiatrist?

*Sickler* No.

*Dobbin* Have you represented anybody on SAMs?

*Sickler* No. SAM-like procedures, but not SAMs which can only be ordered by the attorney general.

*Dobbin* But you said clearly in your affidavit that you have SAM clients. Did you put that there because you want to give the impression you have more expertise than you do?

*Sickler* Of course not.

*Dobbin* You have never been to the AdSeg area of Alexandria Detention Centre. So what is your opinion based on?

*Sickler* Information given to me by numerous third parties including my clients, other lawyers and the public defender.

*Dobbin* But did you not think it was important to make plain in your statement this is hearsay?

*Sickler* I didn't see the distinction as important.

*Dobbin* Did you see the rules governing expert evidence to this court?

*Sickler* Yes. I did not think that was against the rules.

*Dobbin* You have seen Kromberg's statement. Do you accept there may be legitimate reasons for Assange to be in AdSeg?

*Sickler* Absolutely.

*Dobbin* Prisoners in protective custody receive all the same services and rights as other prisoners?

*Sickler* Of course.

*Dobbin* Do you agree that he would be able to attend programmes with other prisoners?

*Sickler* Not if under SAMs.

*Dobbin* Do you agree that those in protective custody can meet with other prisoners?

*Sickler* Certainly.

*Dobbin* Do you agree there are no restrictions on access to lawyers?

*Sickler* Absolutely, there is a constitutional right.

*Dobbin* Do you agree that SAMs can only be imposed by the Attorney General?

*Sickler* Yes.

*Dobbin* What is the procedure for that?

*Sickler* It involves consulting the intelligence agencies.



*Dobbin* It needs the certification of one of the heads of one of the security agencies that the prisoner is a threat to the United States?

*Sickler* Yes.

*Dobbin* You cannot know that Assange will get SAMs.  
And SAMs differ from person to person.

*Sickler* Yes, correct.

*Dobbin* In the case of convicted terrorist El-Haj, he was under SAMs but still allowed access to family members?

*Sickler* Yes, his immediate family.

*Dobbin* Provisions depend on the individual prisoner?

*Sickler* Yes.

*Dobbin* The judge who convicted [another prisoner not heard clearly] entered the MMC personally to check on prison conditions. Does that not show there is good judicial supervision?

*Sickler* I have seen it, on rare occasions.

*Dobbin* SAMS does not restrict access to lawyers.

*Sickler* How do you access lawyers in Florida ADX? And pre-trial there are scheduling difficulties. If he is under SAMs his lawyer will himself be subject to surveillance.

*Dobbin* What evidence do you have for that?

*Sickler* The Lynne Stewart case. Lindsay Lewis.

*Dobbin* Lynne Stewart was running a message for jihadists (she added much alleged detail). Her client was subject to SAMs to prevent him running a terrorist organisation.

*Sickler* The case, and others, had a chilling effect on the willingness of lawyers to take on SAM cases involving national security.

*Dobbin* The Alexandria Detention Centre is not overcrowded.

*Sickler* No, it's below capacity. It is a well-run jail. The staff are very professional.

*Dobbin* Kromberg sets out very substantial medical staffing levels.

*Sickler* I understand those are mostly private contractors, not prison staff.  
In practice prisoner needs are not meaningfully met. It takes a few days to a few weeks to get treatment.

*Dobbin* But they do get sufficient treatment?

*Sickler* There is no real psychiatric intervention. This is not top tier.  
Usually prisoners are just medicated.

*Dobbin* So they have access to medication? And someone to talk to?

*Sickler* Correct.

*Dobbin* Your evidence only refers to one suicide, at the Metropolitan Correctional Centre.

*Sickler* That is just one example, one of my current cases.

*Dobbin* But two prison officers have been charged for that.

*Sickler* We are always swift to blame a little man.

*Dobbin* It was not the protocols that were wrong, just two people did not do their job. [*This is possibly the Epstein case.*] The ADC has a good record on suicide.

*Sickler* It is a very very arduous, almost torturous system of confinement in AdSeg. Assange has depression and is on the autism spectrum. It will be unbearable for him. Even with healthy clients of mine, there has been a terrifying deterioration in these conditions.

*Dobbin* The evidence is they are successful in preventing suicide at the ADC.

*Sickler* Yes, they have a stellar record.

*Dobbin* In the Babar Ahmad case (2012), the European Court of Human Rights considered SAMs and ruled it was not an unacceptable regime. Has anything changed since 2012?

*Sickler* Not significantly.

*Dobbin* You initially said in your report Assange might not be sent to ADX. Now you change your mind. Sentencing is at the discretion of the judge. There is no basis for your report.

*Sickler* I changed my mind in the intervening period. From the second superseding indictment, the charge is now espionage and the government alleges Assange is a continuing threat to the USA.

*Dobbin* You were a consultant in the Reality Winner case. She only got 53 months.

*Sickler* She was a qualitatively different kind of defendant.

*Dobbin* She was an insider. They normally get harsher sentences. She is serving her sentence in a medical facility.

*Sickler* Not on medical grounds. It is the closest federal incarceration facility to her family.

*Dobbin* You say Assange would be in solitary confinement. But Kromberg states that most inmates in special housing are in double cells with a cell-mate.

*Sickler* That can be worse. Many are violent and mentally unwell. Assaults by cellmates are frequent.

*There followed an interchange where Dobbin tried to trip up Sickler over the procedures for committing someone to ADX Florida, but he proved knowledgeable in detail.*

*Dobbin* The procedures say that prisoners with health conditions will not be sent to the ADX unless there are serious security concerns.

*Sickler* Abu Hamza is there and he has no arms.

*Dobbin* There are just 14 people in ADX in this category. You have not been there. How do you get your information?

*Sickler* Reports including the Lowenstein Center and the Center for Constitutional Rights.

*Dobbin* Prisoners at ADX do get family visits.

*Sickler* How often would Mr Assange get family visits? Why don't you tell the court?

*Dobbin* [name not heard] a convicted terrorist who attempted to blow up a plane is in ADX and gets family visits and phone calls.

*Sickler* He is allowed communication with two named family members. But how often is he allowed to call or see them?

*Dobbin* You have said solitary confinement at the ADX can be indefinite?

*Sickler* That's my impression.

*Dobbin* What is your source of information?

*Sickler* It's from prisoners and lawyers. It's anecdotal, I admit. But are you saying at some point the US government will decide that Assange won't be likely to divulge classified information?

*Dobbin* Do you understand that there are three levels in the H block that defendants can work themselves through to get out?

*Sickler* No.

*Dobbin* Did you know that even in SAMs, prisoners can mingle together for social periods?

*Sickler* No, I did not.

*Dobbin* (*Quotes ECHR judgement endorsing the stepdown programme*)

*Sickler* You have to be within 2 years of release. If you are designated by the Attorney General for SAMs, you are not eligible for that programme. Conditions in the ADX are extraordinarily arduous.

*Dobbin* Kromberg sets out the stages and says that stage 3 allows contact with other prisoners.

*Sickler* It sounds awful. Even when you reach phase 3 with the extra privileges. If they do that in practice, well that's wonderful. It still sounds awful to me.

*Dobbin* There is a progression.

*Sickler* I should like to know how long it takes.

*Dobbin* Do you know the numbers who have come out of the ADX? Shouldn't you know these facts?

*Sickler* The place is torturous. That is not in dispute.

*Dobbin* How inmates are treated will depend on how big a security risk they are.

*Sickler* Precisely.

*Dobbin* Medical care at the ADX is not affected by SAMs.

*Sickler* OK.

*Dobbin* Do you agree that as a result of the Cunningham Settlement there has been a substantial improvement?

*Sickler* I cannot say.

*Dobbin* Gordon Kromberg testifies that ADX Colorado has more mental health provision per inmate than any other federal prison.

*Sickler* That is needed because of the extreme circumstances people are kept in.

*Dobbin* Does that not indicate to you that the standard of care is good?

*Sickler* Is there meaningful patient/clinician interaction? I don't know.

*Dobbin* The Cunningham Settlement led to over 100 people being removed from ADX.

*Sickler* But how many had SAMs?

*Dobbin* We have established that you don't know anything about the movement out of people with SAMs.

*Sickler* Yes, you have established that.

*Dobbin* As a result of the Cunningham Mitigation two new mental institutions were established.

*Sickler* Yes, for schizophrenia and psychoses.

*Dobbin* A Department of Corrections report of 2014 shows that some inmates never want to leave ADX as they find the standard of care so good. They re-offend to get back in.

*Sickler* They cherry-pick whom they speak to. Most prisoners are desperate to get out.

*Dobbin* Every report gets an official response from the Board of Prisons and policies are constantly upgraded.

*Sickler* Yes, but I just don't see results in practice. I had one client recently, a prisoner, who rather than being treated was beaten up and thrown naked in the hole. It took months before a court got him out. Another was refused his diagnosed and prescribed medicines as not in the BoP formulary.

*Dobbin* In the first case there was judicial review. So the system works.

*Sickler* After six months.

There was more of this. The cross-examination lasted two and a half hours. Again, it seems much more convincing from Sickler written down than it did live, where he appeared shaken by the aggression. The answers he gave which sound like firm responses, sounded petulant and throwaway when he delivered them. He gave the impression that it was not worth his time to engage with the unreasonable Dobbin and, while I heartily sympathise, that was not the requirement of the moment.

Sickler very definitely gave the impression he was at times agreeing with the prosecutor just because that was the easier line of action. He often did so in a voice that suggested scepticism, sarcasm or mockery, but that was not plain in his words and will not be apparent in the transcript. In normal life, making short sarcastic responses like "Oh yes, it's marvellous" in reply to ludicrous assertions by the prosecution about the provision of US supermax prisons, may work as a form of

ridicule; in a court setting it does not work at all. In fairness to Mr Sickler, being at home rather than actually in a court session will partly account for it. But the court record will say Sickler says prisoner provision in US supermax prisons is marvellous. It doesn't note sarcasm.

Dobbin is officious beyond the point of offensive; she comes over as properly obnoxious as a person.

The unpleasant irony in all this is that both Sickler and Ellis were mocked and scorned for their lack of personal knowledge of ADX Colorado, when prosecution and judge had combined just on Friday to bar two witnesses who the defence both wished to testify, who had expert personal experience of ADX Florence. That is yet another striking example of the fact that this process is divorced from any genuine attempt to find truth or justice.

<https://www.craigmurray.org.uk/archives/2020/09/your-man-in-the-public-gallery-assange-hearing-day-19/>

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## **ASSANGE HEARING — Anonymous Witnesses to Detail Alleged CIA Plot to Kill Assange**

*Joe Lauria  
Consortium News  
September 29, 2020*

Judge Vanessa Baraitser has granted anonymity to two witness from the UC Global Spanish security firm to have their testimony read in court on Thursday regarding an alleged Central Intelligence Agency plot to either kidnap or poison Julian Assange.

The two witnesses have already testified under protection in a Spanish court case against David Morales, founder and director of UC Global. The company was hired by the Ecuadorian government to provide security at its London embassy, where Assange lived for seven years until his arrest last year.

According to press reports the witnesses testimony in Spain detailed how Morales was working with “American friends,” allegedly the CIA, to stream 24/7 video and audio from Assange’s chamber to the United States, including surveillance of Assange’s privileged conversations with his lawyers.

That would mean the government prosecuting Assange had eavesdropped on his defense preparations, an offense that would normally get its case thrown out of court.

The Spanish witnesses sought the same protection from Baraitser’s court that they enjoy in the Spanish court because of fear of retaliation from Morales. Spanish police raided his home and found loaded arms with their serial numbers filed off.

James Lewis QC, representing the U.S. government told the court he could not get instructions from the Department of Justice on whether to challenge the testimony on Thursday because of a “Chinese Wall” that is supposed to exist between the DOJ and other federal agencies, such as the CIA, to prevent prosecutions from being politically motivated. (It is a wall with holes. We’ve heard testimony in this case about that).

So there is the specter of damning testimony being read in Assange's extradition case about the Central Intelligence Agency planning to kidnap or poison Assange that will go unchallenged by the U.S. The prosecution will be informed of the witnesses' identities and has 24 hours to vet the witnesses.

Thursday should be the most explosive and perhaps most decisive day during this proceeding.

5:05 am EDT: Court is in session. First defense witness is Maureen Baird, former warden at the Metropolitan Correctional Center (MCC) in Manhattan.

During his re-direct examination of witness Maureen Baird earlier in the day defense attorney Edward Fitzgerald asked her how the U.S. government determines which prisoners are put in solitary confinement under Special Administrative Measures (SAMs). She said the Attorney General in consultation with U.S. intelligence agencies.

Fitzgerald: "You were asked about the procedure to impose and remove SAMs and that it could include an intelligence agency. Is that the CIA?"

Baird: "It could be the CIA, the FBI, border control, together with the U.S. attorney and the attorney general."

Fitzgerald: "If the CIA were involved, would they be consulted?"

Baird: "Yes, with the office of enforcement operations at the DOJ."

Fitzgerald: "So what the CIA thought about an inmate would be an important factor?"

Baird: "Yes."

Clearly Fitzgerald was setting this up for the afternoon bombshell about the anonymous witnesses and what they may say about the CIA's role in trying to harm Assange. That same agency could have a big influence on whether Assange is put in solitary confinement with Special Administrative Measures.

8:10 am EDT: Just before lunch break the defense said it wanted to call anonymous witnesses. Judge Vanessa Baraitser said she would determine whether to accept anonymity when the court resumes.

In the morning session, Maureen Baird, former warden at the Metropolitan Correctional Center (MCC) in Manhattan, testified that she believes Assange would be put in isolation under Special Administrative Measures (SAMs) both pre-trial in Alexander Detention Center and if Assange is convicted, in ADX Florence, Colorado.

She said she based that belief on what U.S. Assistant Attorney Gordon Kromberg had written about SAMs in relation to Assange. Baird, who oversaw solitary confinement with SAMs at the MCC for up to 15 prisoners, said the government usually doesn't mention SAMs in if they don't intend to use them.

In her experience, SAMs meant an inmate would be in his or her cell for 23 to 24 hours a day, would be let out once a day to an adjacent room where they could, in Kromberg's words, "self-recreate" and would only be allowed one 30-minute or two 15-minute phone calls a month with approved family members.

Such calls had to be arranged two weeks in advance to get an FBI agent and if needed, an interpreter, in place to monitor the calls. She contested Kromberg's assertion that

there was “free-flowing” mail service, saying each piece of mail was screened, meaning a piece of mail could take months to be delivered.

She said contact with other prisoners was strictly prohibited. Baird said the number of prisoners under SAMs in the Manhattan facility increased after 9/11, “when everything changed” in the prison system. SAMs came into being after the Oklahoma City bombing.

She said that SAMs was a directive from the Attorney General and thus its implementation could not be modified at individual prisons. SAMs was the same wherever it existed in the U.S., she said. She said she learned of SAMs in other prisons when speaking with other wardens at national conferences.

“Mr. Kromberg suggested that when an inmate has twice a year review he can challenge SAMs with a case manager, but as a case manager myself I saw that nothing is going to happen,” Baird said. “A case manager has no authority to make any changes to SAMs.”

Baird testified that while SAMs in solitary confinement as not supposed to be punitive, but only to keep a prisoner from communicating with the outside world for “national security” reasons — whether for terrorism or espionage — that in effect being held under SAMs amounted to punishment.

She said it can lead to “severe depression in isolation, anxiety, paranoia, weight loss,” and is generally detrimental to mental health.

Fitzgerald asked her whether a prisoner subjected to SAMs could be hospitalized if needed. “You would have to be almost dying to go to the medical center,” she said.

Baird also contested Kromberg’s contention that there were group programs for someone on SAMs. “They may get an extra phone calls,” but “I don’t see where or how that happens because it defeats the entire premise of SAMs.

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## **Spanish Judge Seeks Adelson Security Chief in Assange Spying Case**

*A Spanish judge’s request to probe a Las Vegas Sands staffer’s apparent role in a criminal spying operation against Julian Assange indicates the investigation is homing in on US intelligence. Tellingly, the Department of Justice is stonewalling the application.*

*Max Blumenthal*  
*The Grayzone*  
2020-09-29

The Spanish judge presiding over the trial of a security firm owner apparently hired to spy on jailed Wikileaks publisher Julian Assange has sent a request to the US Department of Justice for an interview with Zohar Lahav, the Israeli-American vice president for executive protection at Las Vegas Sands.

Sands is owned by the ultra-Zionist casino tycoon Sheldon Adelson, one of the single largest donors to Donald Trump’s presidential campaigns and the Republican Party.

According to court documents reviewed by *The Grayzone*, the judge seeks to probe Lahav’s relationship with disgraced UC Global CEO David Morales, who was

indicted for an array of crimes after allegedly presiding over a spying operation targeting Assange while he was confined within Ecuador's embassy in London.

This request follows a previous attempt at securing witness interviews that was effectively blocked by the US Department of Justice.

The judge outlined four objectives for the interview with Lahav:

- Determine Lahav's relationship with Morales
- Determine the occasions when Morales and Lahav met in the United States and Spain
- Determine if Lahav had communications and meetings with Morales regarding the alleged illegally obtained information under investigation
- Determine if Lahav or his superiors in Las Vegas Sands, Sheldon Adelson and Brian Nagel, had access to the alleged illegally obtained information under investigation.

The judge's interest in Nagel indicates that the Spanish investigation is now probing the suspected role of US intelligence as the guiding hand behind UC Global's criminal spying operation.

Before he was hired as Adelson's director of global security, Nagel serving as the top cybercrime investigator for the US Secret Service — a role which earned him a medal of commendation from the CIA. Together with Lahav, he was likely to have played a central role in coordinating between Sands, UC Global, and US intelligence.

Morales has fervently denied being a double agent, maintaining that UC Global was contracted exclusively by the Ecuadorian security service known as SENAIN to protect Assange while he was trapped in Ecuador's embassy in London.

Fernando Garcia, the lawyer defending Morales in the Spanish case, insisted to *The Grayzone* in a garbled email, "David Morales never spied [on] anybody, never sent any legal information [to] anybody but helped Assange [stay] safe and comfortable [in the] Ecuador Embassy with NO[T] ONE incident under their protection."

But as *The Grayzone* first reported in May, witnesses in the Spanish case testified that Lahav recruited UC Global's Morales when the Spanish mercenary visited a security fair hosted at Adelson's Las Vegas Sands Convention Center. The two became fast friends, with Lahav communicating constantly with Morales as the operation escalated from snooping to theft, fraud, and assassination plots, according to testimony by several witnesses.

Emails obtained by the Spanish court and reviewed by *The Grayzone* contained IP addresses revealing that Morales sent spying instructions to his employees while he was staying at Adelson's Venetian Hotel in Las Vegas.

*The Grayzone* has now learned that Lahav and Morales have been identified together in at least one US-allied South American country since the operation at the embassy ended. Further, a Spanish police document seen by this reporter placed Morales on Adelson's Queen Miri luxury yacht in July 2019.

Private communications by Morales and testimony by his former employees strongly suggested that Adelson's Sands was functioning as a front for the CIA.



According to a former UC Global business partner, Morales boasted that he was “working for the dark side” after returning from his first trip to Las Vegas and explicitly stated he had been contracted by US intelligence, describing the CIA alternately as his “American friends” and “the American client.”

In a text message obtained by *The Grayzone*, Morales told an employee that his company had been hired to spy on Assange by “the agency of the stars and stripes.”

By seeking an interview with Lahav and information about Nagel, the Spanish judge presiding over the criminal trial of Morales is effectively investigating the role of Adelson’s security team as a channel between the CIA and UC Global.

American cooperation with the Spanish judge’s request for a US-based witness is mandated under the 2004 US-Spain Mutual Legal Assistance Instrument.

However, in an email reviewed by *The Grayzone*, DOJ trial attorney Susan Park Hunter attempted to stall the investigation with vague and frivolous requests for “additional information,” including the “factual basis to suspect [David] Morales Guillen of bribery and money laundering.”

Hunter’s language indicates that the US government recognizes the gravity of the judge’s request, and given the consequence of allowing a figure like Lahav to testify, has resolved to do whatever is necessary to avoid compliance.

Proof of UC Global’s spying campaign and evidence of the firm’s relationship with the CIA emerged following the September 2019 arrest of David Morales. Spanish police had initiated a secret investigation called “Operation Tabanco” under a criminal case managed by the same Madrid-based National Court that presided over the arrest of former Chilean military dictator Augusto Pinochet in 1998.

Morales was charged in October 2019 by the Spanish court with violating the privacy of Julian Assange and abusing his attorney-client privileges, as well as money laundering and bribery. A former Spanish special forces officer turned mercenary, Morales was also accused of illegal weapons possession when police found two guns with the serial numbers filed off on his property.

Documents and testimony revealed in the Spanish court have exposed shocking details of UC Global’s campaign against Assange, his lawyers, friends, and even American journalists. Evidence of crimes ranging from spying to robberies to kidnapping and even a proposed plot to eliminate Assange by poisoning has emerged from the ongoing legal proceedings.

Several former UC Global employees stated in court this August that Morales explicitly proposed killing Assange with poison. One former staffer testified that Morales devised the extreme measures after being informed that “the Americans were desperate” to end Assange’s presence in the embassy.

Perhaps the most striking element exposed in the Spanish courtroom has been the apparent relationship between UC Global, Adelson’s Las Vegas Sands, and Mike Pompeo’s CIA.

In a previous report, *The Grayzone* detailed how the Las Vegas Sands corporation of Trump mega-donor Sheldon Adelson seemingly operated as a liaison between UC Global and US intelligence, contracting the former on behalf of the latter.

It was the second time Adelson's company had been identified as a CIA asset. The first was in 2010, when a private intelligence report sponsored by the gambling industry alleged that an Adelson-owned casino in Macau was capturing footage of Chinese officials blowing huge sums of money at card tables and feeding it back to US intelligence so those officials could be blackmailed into serving as CIA informants.

Throughout this period, Adelson's Las Vegas Sands employed Brian Nagel as its director of global security. Nagel earned his stripes through nearly two decades at the US Secret Service, helping the agency set up an array of anti-cybercrime partnerships with the FBI, Los Angeles Police Department, and Department of Homeland Security.

To take down cyber-thieves, Nagel reportedly employed wiretaps, used undercover informants, and oversaw an initiative to "turn the tables on criminal groups" by empowering law enforcement to use "the same technologies" hackers and cyber-criminals typically employed.

His efforts ultimately earned him the CIA's Intelligence Community Seal Medallion, an award given to non-CIA personnel "who have made significant contributions to the Agency's intelligence efforts."

Nagel was mentioned in the Global Intelligence Files published by Wikileaks, which consist of thousands of internal communications by employees of Stratfor, a US-based intelligence firm known as the "Shadow CIA." In an October 2009 email, a Stratfor analyst detailed Nagel's offer of a contract for Stratfor to conduct "proactive monitoring" of security threats against Las Vegas Sands casinos around the globe.

In December 2017, UC Global's David Morales made one of several trips to Adelson's Venetian hotel in Las Vegas. From there, he sent instructions to employees on setting up a secret surveillance channel from the Ecuadorian embassy in London that could be fed back to another party without Ecuador's security services noticing.

"David Morales obviously didn't have the technical knowledge," a former UC Global IT specialist who received the instructions testified, "so the document must have been sent by another person. Because it was in English, I suspect that it could've been [created by] US intelligence."

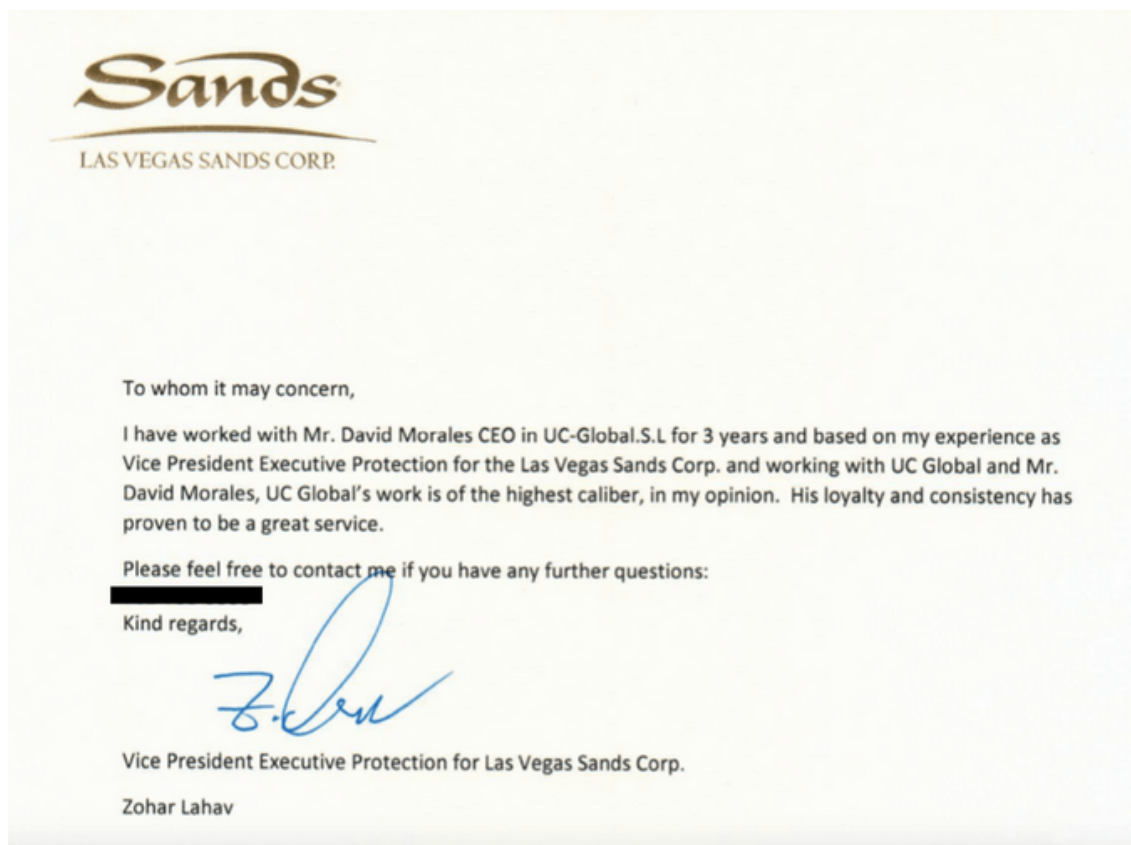
The Spanish-speaking Morales told his employees at the time, "these people have given me the following instructions, drafted in English."

Which employee of Las Vegas Sands had the technical expertise in electronic surveillance to conceive the instructions? And who boasted years of coordination with US intelligence and federal law enforcement, developing the very tools that would have been deployed against Wikileaks when it first came online? All evidence pointed to Nagel.

Now, a Spanish judge seeks to probe Nagel's involvement in the illegal spying ring run by UC Global. But first, the judge has to secure an interview with Lahav, who was Nagel's colleague at Las Vegas Sands and, by all indications, the personal handler of Morales.

The relationship between David Morales and Sheldon Adelson's security team began during a trip the Spanish mercenary took to Las Vegas in 2016, according to testimony by former UC Global employees. At a security fair hosted inside Adelson's Sands Expo Convention Center, Morales was approached by Zohar Lahav, the VP of the billionaire's executive protection team.

A former UC Global business partner testified against Morales in Spanish court, “the head of security of Las Vegas Sands, a Jewish guy named Zohar Lahav, made contact with Mr. Morales, getting to become good friends with him at the security fair in Las Vegas. I sense that this person offered him to collaborate with American intelligence authorities to send information about Mr. Assange.”



*A recommendation letter written by Zohar Lahav on official Sands letterhead for his friend, UC Global CEO David Morales*

Morales and Lahav formed a close friendship that has outlasted UC Global's contract to spy on Assange inside the embassy. According to a witness in the Spanish case, the two pals took a business trip to Brazil in 2018.

Fernando Garcia, the lawyer of Morales, told *The Grayzone* his client has “decided to stop talking about any travel because no journalist has published his version of facts.” However, Garcia confirmed that “UC Global has clients in Mexico, Colombia, Brazil and other countries in South America.” He would not deny that Morales traveled to Brazil for work.

In 2018, when Morales allegedly traveled to Brazil with Lahav, the country was governed by President Jair Bolsonaro, a right-wing ally of the US. During his first US trip in March 2019, Bolsonaro made a special visit to CIA headquarters in Langley, Virginia.

Adelson has lobbied hard for a relaxation of Brazilian laws forbidding casino gambling in the country. This January, he experienced a breakthrough when the president's son, Senator Flavio Bolsonaro, traveled to Las Vegas for a meeting with the Sands tycoon to discuss a proposal to allow casinos inside Brazilian resorts. (Flavio Bolsonaro was indicted by Brazilian police this September for embezzlement, money laundering, and operating a criminal organization.)

OFÍCIO Nº 121/2019-GSFB  
00100.174261/2019-55

Brasília, 4 de dezembro de 2019.

A Sua Excelência o Senhor  
Senador DAVI ALCOLUMBRE  
Presidente do Senado Federal

*Amorizo*  
*17.12.19*

**Assunto: viagem oficial para EUA**

Senhor Presidente,

Com meus cordiais cumprimentos a Vossa Excelência, tenho a honra de informar que recebi o convite do Sr. Gilson Machado Neto, Presidente do Instituto Brasileiro de Turismo, para acompanhar a comitiva da EMBRATUR em reuniões institucionais com o Carnival Group e a Royal Caribbean Internacional, em Miami, no período de 18 a 21/01/2020 e com o Presidente e CEO do Las Vegas Sand Cooperation, Sheldon Adelson, em Las Vegas, nos dias 23 a 24/01/2020.

Será uma ocasião importante para a promoção do turismo brasileiro no mercado internacional, que dentre outros temas, abordará questões atinentes à atração de cruzeiros marítimos para a costa brasileira, bem como investimentos para a instalação de novos resorts em nosso País.

Muito agradeceria a Vossa Excelência a gentileza de autorizar na forma da alínea "a" inciso II do art. 40 do Regimento Interno desta Casa, minha participação no referido evento, conforme programação descrita no convite, OFÍCIO Nº 401/2019/PRES-EMBRATUR, com ônus para o Senado Federal.

Atenciosamente,

  
Senador FLÁVIO BOLSONARO

*Flavio Bolsonaro's letter announcing a meeting with Sheldon Adelson to discuss "investments for the installation of new resorts in our country"*

Morales, for his part, appeared to have maintained his working relationship with Adelson and Lahav up until the point that he was arrested in September 2019. Notes by Spanish police agents surveilling Morales as part of the "Operation Tabanco" investigation indicate his presence on Adelson's yacht, the Queen Miri, while it was docked on the Spanish island of Ibiza.

"I'm busy now with a client that always comes in summer," Morales told a friend, referring to Adelson, "and we have a lot of activity going on in August with this yacht thing. I'm now at Ibiza, like, I've been a couple of weeks, been to Palermo, Saint Tropéz, Mônaco, and now we've arrived to Ibiza and I'm staying here with these people until the 5th."

Morales continued by complaining about "these messes at the [Ecuadorian] embassy," and commented, "I'm fed up with the company, I'm going to send it all to hell." The conversation was recorded on July 29, 2019 by Spanish police, according to a document reviewed by *The Grayzone*. Less than three months later, Morales was arrested by those investigators.

### ***Family ties to Trump Inc.'s favorite self-help guru***

Zohar Lahav's status as director of executive protection for Adelson, perhaps the largest individual donor to the president, is not his only connection to Trump Inc. The Israeli-American is married to a motivational speaker, Loren Slocum Lahav, who has worked closely with Tony Robbins, facilitating 160 workshops for the wealthy self-help guru over the past 14 years, according to her bio.

Robbins happens to have been a business partner of Trump during his brief and abortive campaign for president in 2000. During Robbins' Results 2000 speaking tour, he reportedly paid Trump \$1 million to deliver 10 speeches at seminars where participants were charged \$229 each for entry. Candidate Trump's exploratory committee described the appearances as campaign events. "Trump is making money running for president," an advisor told the press at the time.

Coverage of Trump's ethically questionable business relationship with Robbins surfaced during the 2016 campaign when Wikileaks published an email by a Democratic National Committee employee disseminating opposition research on the rival candidate.

When Trump entered the Oval Office in January 2017, the UC Global spying campaign against Assange began. Initiated under the apparent watch of then-CIA Director Mike Pompeo, who labeled Wikileaks a "hostile non-state intelligence agency," the operation appears to have been managed by Lahav from its inception. Sworn testimony by Lahav in a Spanish court might provide the final confirmation of his suspected role as a liaison between US intelligence and Trump's most influential donor in an illegal spying operation that violated the rights of Assange, his lawyers, and associates while he was trapped in Ecuador's embassy in the UK.

As *The Grayzone* reported, former employees of Morales have publicized a rumor that Lahav was fired by Las Vegas Sands. When Morales was asked during a court appearance this February if the rumor was true, he confirmed it, stating that Lahav was terminated because of the "mess" he helped create.

Further evidence demonstrating the CIA's hand in a campaign of sabotage, surveillance, and assassination plots would be certain to reverberate in the Old Bailey courtroom in London, where lawyers for Assange are battling a US demand for the journalist's extradition and prosecution under the Espionage Act. Perhaps it is no wonder that the Department of Justice is stonewalling the request for Lahav.

*The editor-in-chief of The Grayzone, Max Blumenthal is an award-winning journalist and the author of several books, including best-selling Republican Gomorrah, Goliath, The Fifty One Day War, and The Management of Savagery. He has produced print articles for an array of publications, many video reports, and several documentaries, including Killing Gaza. Blumenthal founded The Grayzone in 2015 to shine a journalistic light on America's state of perpetual war and its dangerous domestic repercussions.*

<https://thegrayzone.com/2020/09/29/spanish-judge-sheldon-adelson-assange-spying/>

## Your Man in the Public Gallery — Assange Hearing, Day 20

*Craig Murray*  
*September 30, 2020*

Tuesday has been another day on which the testimony focused on the extreme inhumane conditions in which Julian Assange would be kept imprisoned in the USA if extradited. The prosecution's continued tactic of extraordinary aggression towards witnesses who are patently well informed played less well, and there were distinct signs that Judge Baraitser was becoming irritated by this approach. The totality of defence witnesses and the sheer extent of mutual corroboration they provided could not simply be dismissed by the prosecution attempting to characterise all of them as uninformed on a particular detail, still less as all acting in bad faith. To portray one witness as weak may appear justified if they can be shaken, but to attack a succession of patently well-qualified witnesses, on no basis but aggression and unreasoning hostility, becomes quickly unconvincing.

The other point which became glaringly anomalous, in fact quite contrary to natural justice, was the US government's continued reliance on affidavits from US Assistant Attorney Gordon Kromberg and Board of Prisons psychiatrist Dr Alison Leukefeld. The cross-examinations by the US government of the last four defence witnesses have all relied on precisely the same passages from Kromberg and Leukefeld, and every single one of the defence witnesses has said Leukefeld and Kromberg are wrong as to fact. Yet under US/UK extradition agreements the US government witnesses may not be called and cross-examined. When the defence witnesses are attacked so strongly in cross-examination on the points of disagreement with Kromberg and Leukefeld, it becomes glaringly wrong that Kromberg and Leukefeld may not be similarly cross-examined by the defence on the same points.

Similarly as to process, the only point of any intellectual purchase which the US government's lawyers have hit upon is the limited direct experience of the witnesses of the H unit of the ADX Supermax prison. This casts in a stark light last week's objection to the defence introducing further witnesses who have precisely that experience, in response to the affidavits of Kromberg and Leukefeld on these specific points, which were submitted on 20 August and 2 September respectively. The prosecution objected to these witnesses as too late, whereas both were submitted within a month of the testimony to which they were responding. The US government and Baraitser having ruled out witnesses on this very specific new point, their then proceeding to attack the existing defence witnesses on their knowledge of precisely the point on which they refused to hear new evidence, leaves a very bad taste indeed.

The first witness of the day was Maureen Baird, former warden (governor in UK terms) of three US prisons including 2014-16 the Metropolitan Correction Centre (MCC) New York, which houses a major concentration of Special Administrative Measures (SAMs) prisoners pre-trial. She had also attended national courses and training programmes on SAMs and met and discussed with fellow warders and others responsible for them elsewhere, including Florence ADX.

Led through her evidence by Edward Fitzgerald QC, Baird confirmed that she anticipated Assange would be subject to SAMs pre-trial, based on the national security argument and on all the documentation submitted by the US Attorney, and post-trial. SAMs meant being confined to a cell 23-24 hours a day with no communication at all with other prisoners. In MCC the one hour a day outside your cell was



spent simply in a different but identical empty cell known as the “recreation cell”. She had put in an exercise bike; otherwise it was unequipped. Recreation was always completely alone.

Prisoners were allowed one phone call a month of 30 minutes, or 2 of 15 minutes, to named and vetted family members. These were monitored by the FBI.

Fitzgerald asked about Kromberg’s assertion that mail was “free-flowing”. Baird said that all mail was screened. This delayed mail typically by two to three months, if it got through at all.

Baird said that the SAMs regime was centrally determined and was the same in all locations. It was decided by the attorney general. Neither the prison warden nor the Board of Prisons itself had the power to moderate the SAMs regime. Fitzgerald said the US government had claimed yesterday it could be varied, and some people under SAMs could even have a cellmate. Baird replied “No, that is not my experience at all”.

Fitzgerald quoted Kromberg as stating that a prisoner could appeal to the case manager and unit manager against the conditions of SAMs. Baird replied that those people “could do nothing”. SAMs was “way above their pay grade”. Kromberg’s description was unrealistic, as was his description of judicial review. All internal procedures would have to be exhausted first, which would take many years and go nowhere. She had never seen any case of SAMs being changed. Similarly, when Fitzgerald put to her that SAMs were imposed for only one year at a time and subject to annual review, Baird replied that she had never heard of any case of their not being renewed. They appeared simply to be rolled over by the Attorney General’s office.

Baird said that in addition to herself applying SAMs at the MCC, she went on national training courses on SAMs and met and discussed experiences with those applying SAMs at other locations, including the Florence, Colorado ADX. SAMs had strong and negative consequences on prisoners’ mental and physical health. These included severe depression, anxiety disorder and weight loss. Baird said she agreed with previous witness Sickler that if convicted Assange could very well face spending the rest of his life imprisoned under SAMs at the Florence ADX. She quoted a former warden of that prison describing it as “not built for humanity”.

Fitzgerald took Baird to Kromberg’s description of a multi-phased programme for release from SAMs. Baird said she recognised none of this in practice. SAMs prisoners could not participate in any group programmes or meet other prisoners in any circumstances. What Kromberg was describing was not a programme but a very limited list of potential small extra privileges, such as one extra phone call a month. Phase 3 involved mingling with other prisoners and Baird said she had never seen it and doubted it really applied: “I don’t know how that happens”.

Fitzgerald asked Baird about Dr Leukefeld’s claim that some prisoners enjoy Florence ADX so much they did not want to leave. Baird said this was a reflection of the extreme anxiety disorders that could affect prisoners. They became scared to leave their highly ordered world.

It was interesting to see how the prosecution would claim that Baird was unqualified. It was very difficult to counter the evidence of a prison warder about the inhumanity of the prison regime. The US government hit on a quite extraordinary attack. They claimed that the prison system was generally pleasant as described by Leukefeld and Kromberg, but that the prisons in which Baird had worked had indeed been bad, but only because Baird was a bad warden.

Here are brief extracts from the US Government's cross-examination of Baird:

*Clair Dobbin* Are you independent?

*Maureen Baird* I work for one attorney but also others.

*Dobbin* You appear on a legal website as a consultant — Allan Ellis of San Francisco.

*Baird* I do some consultancy, including with Allan but not exclusively.

*Dobbin* You only work for defendants?

*Baird* Yes.

*Dobbin* It says that the firm handles appeals and post-conviction placing.

*Baird* Yes, I tend to get involved in post-conviction or placing.

*Dobbin* Do you have any experience in sentencing?

*Baird* What kind of sentencing?

*Dobbin* That is what I am asking.

*Baird* I have testified on prison conditions pre-sentence.

*This was a much briefer effort than usual to damage the credentials of the witness. After questions on Baird's exact prison experience, Clair Dobbins moved on to:*

*Dobbin* Do you know the criteria for SAMs?

*Baird* Yes.

*Dobbin* Why do you say it is likely Assange will get SAMs? Kromberg only says it is possible.

*Baird* Kromberg talks about it a very great deal. It is very plainly on the table.

*Dobbin* It is speculative. It can only be decided by the Attorney General as reasonably necessary to prevent the disclosure of national security information.

*Baird* They have made plain they believe Assange to hold further such information.

*Dobbin* You are not in any position to make any judgement.

*Baird* It is my opinion he would be judged to meet that criterion, based on their past decisions.

*Dobbin* How can you say the risk exists he would disclose national security information?

*Baird* He is charged with espionage. They have said he is a continuing risk.

*Dobbin* I am suggesting that is highly speculative and you cannot know.

*Baird* I am judging by what the government have said and the fact they have so much emphasised SAMs. They very definitely fail to say in all this that SAMs will not be applied.

*After further discussion on Kromberg's claims versus Baird's experience, the US government moved on to the question of the SAMs prisoners under Baird's care in the MCC.*



*Dobbin* You say they were in solitary confinement. The officers on the unit did not have human contact with the prisoners?

*Baird* They did not speak to inmates.

*Dobbin* Why not?

*Baird* That is not what prison officers do.

*Dobbin* Why not? You were in charge?

*Baird* They just open the small viewing slot in the iron door every half hour and look through. Conversation just did not happen.

*Dobbin* You could encourage that?

*Baird* I could lead by example. But ordering conversation is not something a prison warden does. I did not have that authority. There are unions. If I instructed the prison officers to socialise with the prisoners, they would reply it is not in their job description.

*Dobbin* Oh, come on! You could encourage.

*Baird* On a normal basis, those officers do not talk to inmates.

*Dobbin* Did you tell your staff to? Wouldn't the first thing you do be to tell your staff to talk?

*Baird* No. That's not how it works.

*Dobbin* Did you raise your concerns about SAMs with those above you?

*Baird* No.

*Dobbin* Did you raise your concerns with judges? *(brief discussion of a specific case ensued)*

*Baird* No.

*Dobbin* Did you raise concerns about the conditions of SAM inmates with judges?

*Baird* No. They were a very small part of the prison population I was dealing with.

*Dobbin* So you didn't encourage staff or raise any concerns?

*Baird* I tried to be fair and compassionate. I talked to the isolation prisoners myself. The fact that other staff did not engage is not uncommon. I do not recall making any complaints or recommendations.

*Dobbin* So these conditions did not cause you any concerns at the time. It is only now?

*Baird* It did cause me concerns.

*Dobbin* What did you do about your concerns at the time?

*Baird* I did not think I had any influence. It was way above me. SAMs are decided by the Attorney General and heads of the intelligence agencies.

*Dobbin* You did not even try.

This was an audacious effort to distract from Baird's obviously qualified and first-hand evidence of how dreadful and inhuman the regime is, but ultimately a

complaint that Baird did not try to modify the terrible system does not really help the government case. In over two hours of cross-examination, Dobbin again and again tried to discredit Baird's testimony by contrasting it with the evidence of Kromberg and Leukefeld, but this was entirely counter-productive for Dobbin. It served instead to illustrate how very far Kromberg's and Leukefeld's assurances were from the description of what really happens from an experienced prison warden.

Baird demolished Dobbin's insistence on Kromberg's description of a functioning three-stage programme for removal of SAMs. When it came to Dr Leukefeld's account of SAMs prisoners being allowed to take part in psychiatric group therapy sessions, Baird involuntarily laughed. She suggested that from where Dr Leukefeld sat "in the central office", Leukefeld possibly genuinely believed this happened.

The afternoon witness was an attorney, Lindsay Lewis, who represents Abu Hamza, who is held at ADX Florence. The videolink to Lewis had extremely poor sound and from the public gallery I was unable to hear much of her testimony. She said that Hamza, who has both forearms amputated, had been kept in solitary confinement under SAMs in the ADX for almost ten years. His conditions were absolutely inappropriate to his condition. He had no prosthesis sufficient to handle self-care and received no nursing care at all. His bed, toilet and sink were all unadapted and unsuitable to his disability. His other medical conditions including severe diabetes, hypertension and depression were not adequately treated.

Lewis said that the conditions of Hamza's incarceration directly breached undertakings made by the US government to the UK magistrates' court and High Court when they made the extradition request. The US had stated his medical needs would be fully assessed, his medical treatment would be adequate, and he was unlikely to be sent to the ADX. None of these had happened.

In cross-examination, Dobbin's major point was to deny that the assurances given to the British authorities by the US Government at the time of Hamza's extradition amounted to undertakings. She was also at great pains to emphasise Hamza's convicted terrorist offences, as though these justified the conditions of his incarceration. But the one thing which struck me most was Lewis's description of the incident that was used to justify the continued imposition of SAMs on Hamza.

Hamza is allowed to communicate only with two named family members, one of whom is one of his sons. In a letter, Hamza had asked this son to tell his one-year-old grandchild that he loved him. Hamza was charged with an illegal message to a third party (the grandson). This had resulted in extension of the SAMs regime on Hamza, which still continues. In cross-examination, Dobbin was at pains to suggest this "I love you" may have been a coded terrorist message.

The day concluded with a foretaste of excitement to come, as Judge Baraitser agreed to grant witness anonymity to the two UC Global whistleblowers who are to give evidence on UC Global's spying on Assange in the Ecuadorean Embassy. In making application, Summers gave notice that among the topics to be discussed was the instruction from UC Global's American clients to consider poisoning or kidnapping Assange. The hidden firearm with filed-off serial numbers discovered in the home of UC Global's chief executive David Morales, and his relationship to the Head of Security at the Las Vegas Sands complex, were also briefly mooted.

<https://www.craigmurray.org.uk/archives/2020/09/your-man-in-the-public-gallery-assange-hearing-day-20/>

## **Crumbling Case Against Assange Shows Weakness of “Hacking” Charges Related to Whistleblowing**

*The entire computer crime case against Assange is based on a brief discussion, between a publisher and source, about cracking a password — but the cracking never actually happened.*

Micah Lee  
*The Intercept*  
September 30, 2020

By 2013, the Obama administration had concluded that it could not charge WikiLeaks or Julian Assange with crimes related to publishing classified documents — documents that showed, among other things, evidence of U.S. war crimes in Iraq and Afghanistan — without criminalizing investigative journalism itself. President Barack Obama’s Justice Department called this the “*New York Times* problem,” because if WikiLeaks and Assange were criminals for publishing classified information, the *New York Times* would be just as guilty.

Five years later, in 2018, the Trump administration indicted Assange anyway. But, rather than charging him with espionage for publishing classified information, they charged him with a computer crime, later adding 17 counts of espionage in a superseding May 2019 indictment.

The computer charges claimed that, in 2010, Assange conspired with his source, Chelsea Manning, to crack an account on a Windows computer in her military base, and that the “primary purpose of the conspiracy was to facilitate Manning’s acquisition and transmission of classified information.” The account enabled internet file transfers using a protocol known as FTP.

New testimony from the third week of Assange’s extradition trial makes it increasingly clear that this hacking charge is incredibly flimsy. The alleged hacking not only didn’t happen, according to expert testimony at Manning’s court martial hearing in 2013 and again at Assange’s extradition trial last week, but it also couldn’t have happened.

The new testimony, reported earlier this week by investigative news site *Shadowproof*, also shows that Manning already had authorized access to, and the ability to exfiltrate, all of the documents that she was accused of leaking — without receiving any technical help from WikiLeaks.

The government’s hacking case appears to be rooted entirely in a few offhand remarks in what it says are chat logs between Manning and Assange discussing password cracking — a topic that other soldiers at Forward Operating Base Hammer in Iraq, where Manning was stationed, were also actively interested in.

The indictment claims that around March 8, 2010, after Manning had already downloaded everything she leaked to WikiLeaks other than the State Department cables, the whistleblower provided Assange with part of a “password hash” for the FTP account and Assange agreed to try to help crack it. A password hash is effectively an encrypted representation of a password from which, in some cases, it’s possible to recover the original.

Manning already had authorized access to all of the documents she was planning to leak to WikiLeaks, including the State Department cables, and cracking this password would not have given her any more access or otherwise helped her with her

whistleblowing activities. At most, it might have helped her hide her tracks, but even that is not very likely. I suspect she was just interested in password cracking.

Assange, however, never cracked the password.

That's it. That's what the government's entire computer crime case against Assange is based on: a brief discussion about cracking a password, which never actually happened, between a publisher and his source.

Therefore, the charge is not actually about hacking — it's about establishing legal precedent to charge publishers with conspiring with their sources, something that so far the U.S. government has failed to do because of the First Amendment.

As *Shadowproof* points out: In June 2013, at Manning's court martial hearing, David Shaver, a special agent for the Army Computer Crimes Investigating Unit, testified that Manning only provided Assange with part of the password hash and that, with only that part, it's not possible to recover the original password. It would be like trying to make a cappuccino without any espresso; Assange was missing a key ingredient.

Last week at Assange's extradition trial, Patrick Eller, a former Command Digital Forensics Examiner at the U.S. Army Criminal Investigation Command, further discredited the computer crime charge, according to *Shadowproof*.

Eller confirmed Shaver's 2013 testimony that Manning didn't provide Assange with enough information to crack the password. He pointed out, "The only set of documents named in the indictment that Manning sent after the alleged password cracking attempt were the State Department cables," and that "Manning had authorized access to these documents."

Eller also said that other soldiers at Manning's Army base in Iraq were regularly trying to crack administrator passwords on military computers in order to install programs that they weren't authorized to install. "While she" — Manning — "was discussing rainbow tables and password hashes in the Jabber chat" — with Assange — "she was also discussing the same topics with her colleagues. This, and the other factors previously highlighted, may indicate that the hash cracking topic was unrelated to leaking documents."

I'm not a fan of Julian Assange, particularly since his unethical actions and lies he's told since the 2016 U.S. election.[???] But I am a proponent of a strong free press, and his case is critically important for the future of journalism in this country.

Journalists have relationships with their sources. These relationships are not criminal conspiracies. Even if a source ends up breaking a law by providing the journalist with classified information, the journalist did not commit a felony by receiving it and publishing it.

Whether or not you believe Assange is a journalist is beside the point. *The New York Times* just published groundbreaking revelations from two decades of Donald Trump's taxes showing obscene tax avoidance, massive fraud, and hundreds of millions of dollars of debt.

Trump would like nothing more than to charge the *New York Times* itself, and individual journalists that reported that story, with felonies for conspiring with their source. This is why the precedent in Assange's case is so important: If Assange loses, the Justice Department will have established new legal tactics with which to go after publishers for conspiring with their sources.

<https://theintercept.com/2020/09/30/assange-extradition-cfaa-hacking/>

## US intelligence sources discussed poisoning Julian Assange, court told

*Extradition hearing told spying operation at Ecuador embassy included plot to take baby's nappy*

Ben Quinn  
The Guardian  
30 Sept. 2020

Plans to poison or kidnap Julian Assange from the Ecuadorian embassy were discussed between sources in US intelligence and a private security firm that spied extensively on the WikiLeaks co-founder, a court has been told.

Details of the alleged spying operation against Assange and anyone who visited him at the embassy were laid out on Wednesday at his extradition case, in evidence by a former employee of a Spanish security company, UC Global.

Microphones were concealed to monitor Assange's meetings with lawyers, his fingerprint was obtained from a glass and there was even a plot to obtain a nappy from a baby who had been brought on regular visits to the embassy, according to the witness, whose evidence took the form of a written statement.

The founder and director of UC Global, David Morales, had said that "the Americans" had wanted to establish paternity but the plan was foiled when the then employee alerted the child's mother.

Anonymity was granted on Tuesday to the former employee and another person who had been involved with UC Global, after the hearing was told they feared that Morales, or others connected to him in the US, could seek to harm them.

Details of their written evidence were read out at the Old Bailey in London on Wednesday by Mark Summers QC, one of the lawyers for Assange, who is fighting extradition to the US on charges relating to leaks of classified documents allegedly exposing US war crimes and abuse.

James Lewis QC, acting for the US government, told the court on Tuesday that the US case was likely to be that the evidence of the former UC Global employees was "wholly irrelevant".

In the evidence, one of the witnesses said that UC Global started off with meagre contracts and in reality the only one at the beginning had been signed in October 2015 with the government of Ecuador in order to provide security for the daughters of the country's president and its embassy in London.

However, they said this changed when Morales attended a security sector trade fair in Las Vegas, where he obtained a contract with Las Vegas Sands, a company owned by the US billionaire Sheldon Adelson. The American was a friend and supporter of Donald Trump, who was a presidential candidate at the time.

Morales was said to have returned to the company's offices in Jerez in the south of Spain and announced: "We will be playing in the big league." The witness added that Morales said the company had switched over to what the latter described as "the dark side". This allegedly involved cooperating with the US authorities, who Morales said would ensure that they obtained contracts all over the world.

An increasingly sophisticated operation to monitor Assange was launched and would accelerate after Trump assumed office in 2017, the witness said, adding that Morales would make frequent trips to the US with recorded data.

“He [Morales] showed at times a real obsession in relation to monitoring the lawyers because our American friends were requesting it,” added the witness, who held a stake in UC Global for a period of time.

The other witness, an IT expert who had joined UC Global in 2015, also referred to the trips to the US by Morales, who they said spoke about it in terms of “going to the dark side”.

The witness was tasked in December 2017 with installing new cameras at the embassy that would, unlike the previous cameras, also record audio. They said Morales later instructed that the cameras should have a livestreaming capability “so that our friends in the US” would be able to access the embassy in real time.

This “alarmed” the then employee who said it was not technically achievable. The response of Morales, he alleged, was to send him a document with detailed instructions on how to do it.

“Obviously the document must have been supplied by a third party, which the witness expects was US intelligence,” said Summers, as he read out parts of the submission.

The witness was said to have refused, saying it was manifestly illegal.

The witness also claimed that the company’s US contacts had become nervous when it appeared Assange might be on the verge of securing a diplomatic passport from Ecuador in order to travel to a third state.

On one occasion in 2017, they also recalled Morales saying that his American contacts had suggested that “more extreme measures” should be deployed against visitors to Assange.

“There was a suggestion that the door of the embassy would be left open allowing people to enter from the outside and kidnap or poison Assange,” the court was told. The witness alleged Morales said these suggestions were under consideration with his contacts in the US.

The witness also told of being asked to place stickers on the window of embassy rooms used by Assange. They said Morales had claimed this would assist “American friends” pointing laser microphones at the windows but who had been thwarted because Assange was deploying “white noise” countermeasures.

Assange was removed by police in April 2019 from the embassy, where he had taken refuge seven years previously to avoid extradition to Sweden over a sexual assault case that was subsequently dropped.

<https://www.theguardian.com/media/2020/sep/30/us-intelligence-sources-discussed-poisoning-julian-assange-court-told>



## A damning fact about the BBC's Assange coverage just emerged

Steve Topple  
The Canary  
30th September 2020

If you regularly rely on *BBC News*, you'd be forgiven for thinking that the extradition hearing of publisher Julian Assange wasn't happening. Because the public service broadcaster has been doing a distinctly unpublic service by barely covering it.

But a revelation by another journalist has exposed a damning fact about the *BBC*'s lack of stories on Assange. And moreover, it's home affairs correspondent has also admitted why he thinks his employer is ignoring the case....

Coronavirus (Covid-19) lockdown stopped the hearing earlier in the year. But it resumed on 7 September. And this restart appears to be one of only a handful of times in September that *BBC News* reported on, or referenced, Assange's case — according to a search of its online coverage.

People have been talking about the *BBC*'s lack of coverage. And news monitoring group *Media Lens* has been all over the issue. It directly asked a *BBC* journalist where the coverage was:



*BBC* home affairs correspondent Daniel Sandford hinted at why there was a lack of coverage. Apparently, the case is “repetitive”:



If by “repetitive” Sandford means:

- World leaders demanding Assange’s freedom
- Witness evidence that undermines the entire case
- Press freedom like his being at risk.

Then yes, the Assange trial is “repetitive”. Boring, hey?

But a comment on social media by another journalist makes for even more damning reading. Byline *Times*’ James Doleman tweeted that:



As *Media Lens* quickly wondered:



*The Canary* asked the *BBC* for comment as to where it’s coverage of the Assange hearing was. We specifically wanted to know why it was sending a reporter there every day, yet not putting content out. We also asked why Sandford considers the trial “repetitive”. We asked this in the context that the UN special rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment called Assange’s trial the following on Twitter:

The *BBC* had not responded at the time of publication. Maybe it was busy preparing its latest article on Assange — to be marked ‘S’ for shredded. Or possibly it was preoccupied with more important things than, as Melzer said, ‘press freedom’, the ‘rule of law’ and the ‘future of democracy’.





Nils Melzer  
@NilsMelzer



Please make no mistake about this:

The [#Assange](#) case is a battle over [#PressFreedom](#) [#RuleOfLaw](#) & the future of [#Democracy](#), none of which can coexist with [#secrecy](#).

Deprive the public of the right to know & you will have deprived them of their ability to control the Government.

But either way, the fact the BBC is sending a reporter into the hearing every day but not publishing their work is damning. Moreover, it entrenches the notion that once again, our public service broadcaster is far from working in the public interest.

<https://www.thecanary.co/trending/2020/09/30/a-damning-fact-about-the-bbcs-assange-coverage-just-emerged/>

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## Your Man in the Public Gallery — Assange Hearing, Day 21

*Craig Murray*  
*October 1, 2020*

I really do not know how to report Wednesday's events. Stunning evidence, of extreme quality and interest, was banged out in precis by the lawyers as unnoticed as bags of frozen chips coming off a production line.

The court that had listened to Clair Dobbin spend four hours cross-examining Carey Shenkman on individual phrases of first instance court decisions in tangentially relevant cases, spent four minutes as Noam Chomsky's brilliant exegesis of the political import of this extradition case was rapidly fired into the court record, without examination, question or placing into the context of the legal arguments about political extradition.

Twenty minutes sufficed for the reading of the "gist" of the astonishing testimony of two witnesses, their identity protected as their lives may be in danger, who stated that the CIA, operating through Sheldon Adelson, planned to kidnap or poison Assange, bugged not only him but his lawyers, and burgled the offices of his Spanish lawyers Baltazar Garzon. This evidence went unchallenged and untested.

The rich and detailed evidence of Patrick Cockburn on Iraq and of Andy Worthington on Afghanistan was, in each case, well worthy of a full day of exposition. I should love at least to have seen both of them in the witness box explaining what to them were the salient points, and adding their personal insights. Instead we got perhaps a sixth of their words read rapidly into the court record. There was much more.

I have noted before, and I hope you have marked my disapproval, that some of the evidence is being edited to remove elements which the US government wish to challenge, and then entered into the court record as uncontested, with just a "gist" read out in court. The witness then does not appear in person. This reduces the process from one of evidence testing in public view to something very different.

Wednesday confirmed the acceptance that this “Hearing” is now devolved to an entirely paper exercise. It is in fact no longer a “hearing” at all. You cannot hear a judge reading. Perhaps in future it should be termed not a hearing but an “occasional rustling”, or a “keyboard tapping”. It is an acknowledged, indeed embraced, legal trend in the UK that courts are increasingly paper exercises, as noted by the Supreme Court.

In the past, the general practice was that all the argument and evidence was placed before the court orally, and documents were read out, Lady Hale said. She added: “The modern practice is quite different. Much more of the argument and evidence is reduced into writing before the hearing takes place. Often, documents are not read out.

“It is difficult, if not impossible, in many cases, especially complicated civil cases, to know what is going on unless you have access to the written material.”

At least twice in the current case, Judge Baraitser has mentioned that the defence gave her three hundred pages of opening argument, and has done so in the context of doubting the need for all this evidence, or at least for lengthy closing arguments which take account of the evidence. She was highly resistant to any exposition by witnesses of their evidence before cross-examination, arguing that their evidence was already in their statements so they did not need to say it. She eventually agreed on a strict limit of just half an hour for witness “orientation”.

However much Lady Hale thinks she is helping by setting down a principle that the documentation must be available, having Patrick Cockburn’s statement online somewhere will never have the impact of him standing in the witness box and expounding on it. What happened on Wednesday was that the whole hearing was collapsed, with both defence and prosecution lawyers hurling hundreds of pages of witness statement at Baraitser’s head, saying: “You look at this. We can get finished tomorrow morning and all have a long weekend to prepare our next cases.”

I was so disappointed by the way the case petered out before my eyes, that the adrenaline which has carried me through must have dried up. Returning to my room at lunchtime for a brief doze, when I tried to get up for the afternoon session I was overcome with dizziness. I eventually managed to walk to the court, despite the world having decided to present itself at a variety of sharp and unusual angles, and everything appearing to be under glaring orange sodium light. The Old Bailey staff — who I should say have been really friendly and helpful to me throughout — very kindly took me up in a lift and through the advocate’s robing room to the public gallery.

I am happy to say that after court two pints of Guinness and a cheese and ham toastie had a substantial restorative effect. Those who have followed these reports will understand how frustrating it was to be deprived of James Lewis asking Noam Chomsky how he can venture an opinion on whether this extradition is politically motivated when he is only a Professor of Linguistics, or whether he has ever published any peer-reviewed articles. To attempt to encapsulate the wealth of information skipped through yesterday is not the work of an evening.

What I shall do for now is give you the eloquent and brief statement by Noam Chomsky on the political nature of Julian Assange’s actions....

**Expert Report of Professor Noam Chomsky**

1. I am currently based at the University of Arizona where I am Laureate Professor of Linguistics and the Chair of the Agnese Nelms Haury Program in Environmental and Social Justice.
2. I joined the staff of the Massachusetts Institute of Technology in 1955 and in 1961 was appointed full professor in the Department of Modern Languages and Linguistics (now the Department of Linguistics and Philosophy.) From 1966 to 1976 I held the Ferrari P. Ward Professorship of Modern Languages and Linguistics. In 1976 I was appointed Institute Professor. I am now Emeritus Professor. During the years 1958 to 1959 I was in residence at the Institute for Advanced Study at Princeton, NJ.
3. I have received honorary degrees from many universities, including the University of London, University of Chicago, Loyola University of Chicago, Swarthmore College, Delhi University, Bard College, University of Massachusetts, University of Pennsylvania, Georgetown University, Amherst College, Cambridge University, University of Buenos Aires, McGill University, Universitat Rovira I Virgili, Tarragona, Columbia University, University of Connecticut, Scuola Normale Superiore, Pisa, University of Western Ontario, University of Toronto, Harvard University, University of Calcutta, and Universidad Nacional De Colombia.
4. I am a Fellow of the American Academy of Arts and Sciences and the National Academy of Science. In addition, I am a member of other professional and learned societies in the United States and abroad, and am a recipient of the Distinguished Scientific Contribution Award of the American Psychological Association, the Kyoto Prize in Basic Sciences, the Helmholtz Medal, the Dorothy Eldridge Peacemaker Award, the Ben Franklin Medal in Computer and Cognitive Science, and many others awards.

5. I have written and lectured widely on linguistics, philosophy, intellectual history, contemporary issues, international affairs and U.S. foreign policy. My works include: Aspects of the Theory of Syntax; Cartesian Linguistics; Sound Pattern of English (with Morris Halle); Language and Mind; American Power and the New Mandarins; At War with Asia; For Reasons of State; Peace in the Middle East?; Reflections on Language; The Political Economy of Human Rights, Vol. I and II (with E.S. Herman); Rules and Representations; Lectures on Government and Binding; Towards a New Cold War; Radical Priorities; Fateful Triangle; Knowledge of Language; Turning the Tide; Pirates and Emperors; On Power and Ideology; Language and Problems of Knowledge; The Culture of Terrorism; Manufacturing Consent (with E.S. Herman); Necessary Illusions; Deterring Democracy; Year 501; Rethinking Camelot: JFK, the Vietnam War and US Political Culture; Letters from Lexington; World Orders, Old and New; The Minimalist Program; Powers and Prospects; The Common Good; Profit Over People; The New Military Humanism; New Horizons in the Study of Language and Mind; Rogue States; A New Generation Draws the Line; 9-11; Understanding Power; Hegemony or Survival; Hopes and Prospects; What Kind of Creatures are We?; Who Rules the World
6. I have been asked whether Julian Assange's work and actions can be considered as "political", a question I am informed is of significance to the extradition request by the United States for Mr. Assange to be tried for espionage for having played a part in the publication of information that the United States government did not wish to be publically known.
7. I have previously spoken of the subject matter on which I am asked now to comment in relation to Mr. Assange. The following paragraphs constitute my views. I confirm my assessment that Mr. Assange's opinions and actions should be understood in their relationship to the priorities of government.

8. A Professor of the Science of Government at Harvard University, the distinguished liberal political scientist and government adviser, Samuel Huntington, observed that “the architects of power in the United States must create a force that can be felt but not seen. Power remains strong when it remains in the dark. Exposed to the sunlight it begins to evaporate”. He gave some telling examples concerning the real nature of the Cold War. He was discussing US military intervention abroad and he observed that “you may have to sell intervention or other military action in such a way as to create the misimpression that it is a Soviet Union that you're fighting. That's what the United States has been doing ever since the Truman Doctrine” and there are many illustrations of that leading principle.
9. Julian Assange's actions, which have been categorized as criminal, are actions that expose power to sunlight -- actions that may cause power to evaporate if the population grasps the opportunity to become independent citizens of a free society rather than subjects of a master who operates in secret. That is a choice and it's long been understood that the public can cause power to evaporate.
10. The one leading thinker who understood and explained this critical fact was David Hume writing on the First Principles of Government in one of the first modern works of political theory over 250 years ago. His formulation was so clear and pertinent that I'll simply quote it. Hume found “[n]othing more surprising than to see the easiness with which the many are governed by the few and to observe the implicit submission with which men resigned their own sentiments and passions to those of their rulers. When we inquire by what means this wonder is brought about we shall find that as force is always on the side of the governed the governors have nothing to support them but opinion. It is therefore an opinion only that government is founded and this maxim extends to the most despotic and most military governments as well as to the most free and the most popular.”

11. Actually Hume underestimates the efficacy of violence but his words are particularly appropriate to societies where popular struggle over many years has won a considerable degree of freedom. In such societies, such as ours of course, power really is on the side of the governed and the governors have nothing to support them but opinion. That is one reason why the huge public relations industry is the most immense propaganda agency in human history, a reach that's developed and reached its most sophisticated forms in the most free societies, the United States and Britain. That institution arose about a century ago when elites came to understand that too much freedom had been won for the public to be controlled by force so it would be necessary to control attitudes and opinions. Liberal intellectual elites understood that as well which is why they urged, to give a few quotes, that we must discard "democratic dogmatisms about people being the best judges of their own interests." They are not. They are "ignorant and meddlesome outsiders" and therefore must be "put in their place" so as not to disturb the "responsible men" who rule by right.
12. One device to control the population is to operate in secret so that the ignorant and meddlesome outsiders will stay in their place, remote from the levers of power which are none of their business. That's the main purpose for classification of internal documents. Anyone who has pored through the archives of released documents has surely come to realize pretty quickly that what is kept secret very rarely has anything at all to do with security, except for the security of the leadership from their domestic enemy, their own population. The practice is so routine that illustration is really quite superfluous. I'll mention only one contemporary case. Consider the global trade agreements, Pacific and Atlantic, in actuality investor rights agreements masquerading under the rubric of free trade. They're negotiated in secret. There's an intention of Stalinist style ratification by Parliament – yes or no - which of course means yes, with no discussion or debate, what's called in the United States "fast-track." To be accurate they're not negotiated entirely in secret. The facts are known to the corporate lawyers and lobbyists who are writing the details in such a way as to protect the interests of the constituency that they represent which is, of course, not the public. The public, on the contrary, is an enemy that must be kept in ignorance.



13. Julian Assange's alleged crime in working to expose government secrets is to violate the fundamental principles of government, to lift the veil of secrecy that protects power from scrutiny, keeps it from evaporating -- and again, it is well understood by the powerful that lifting the veil may cause power to evaporate. It may even lead to authentic freedom and democracy if an aroused public comes to understand that force is on the side of the governed and it can be their force if they choose to control their own fate.
14. In my view, Julian Assange, in courageously upholding political beliefs that most of us profess to share, has performed an enormous service to all the people in the world who treasure the values of freedom and democracy and who therefore demand the right to know what their elected representatives are doing. His actions in turn have led him to be pursued in a cruel and intolerable manner.

Signed:   
Dated: 12th February 2020

<https://www.craigmurray.org.uk/archives/2020/10/your-man-in-the-public-gallery-assange-hearing-day-21/>

## Ellsberg Parallel Raised on Last Day of Testimony

*Judgement Day Set for Jan. 4, 2021*

Joe Lauria  
Consortium News  
October 1, 2020

Judge Vanessa Baraitser set judgement day for Jan. 4, 2021 as the last day of testimony in the extradition case of WikiLeaks publisher Julian Assange saw parallels drawn between government misconduct in the cases of *Pentagon Papers* whistleblower Daniel Ellsberg and Assange.

In testimony read to the court on Thursday of Prof. Michael Tigar of Duke Law School, the defense sought to show that the kind of abuse of power that resulted in Ellsberg being freed in a 1971 mistrial is closely mirrored by government misdeeds against Assange.

Tigar laid out what happened that forced the Nixon administration, which desperately wanted to punish Ellsberg, to drop his case. Nixon's "Plumbers" broke into Ellsberg's psychiatrist's office trying to steal his medical files; Nixon had Ellsberg illegally wiretapped; the government said it lost the wiretaps when asked to produce them at trial; and the government tried to bribe Ellsberg's judge with the directorship of the FBI.

Compare that with U.S. intelligence contracting with the Spanish firm UC Global to spy 24/7 on Assange in the Ecuadorian embassy and especially on his privileged conversations with his attorneys; with his doctors and journalists visiting, stealing defense documents, as well as discussing plans to kidnap or poison him.

“That’s essentially the same information that ended my case and confronted Nixon with impeachment, leading to his resignation!,” Ellsberg said in an email. “In other words, Julian may, miraculously, walk free on the basis of this (eventually), just as I did!”

If Baraitser decides not to extradite Assange it would be most likely because of this abuse of power against him, or because of his physical and mental health in the face of a brutal U.S. prison system. In either way she could avoid the highly political issue of espionage in conflict with press freedom.

Testimony read out to the court from Assange lawyer Gareth Pierce explained how his attorneys are still feeling “anxiety” and “fear” about being monitored now. Her testimony also raised the matter of Assange’s belongings at the embassy being put in a diplomatic pouch and sent to Ecuador and from there, onto the United States. WikiLeaks has not been able to retrieve any of it.

### ***Baraitser Bars Barr***

Baraitser said at the outset of the hearing that in the interests of a speedy hearing, she would listen to everything and decide on admissibility of evidence after the hearing ended. The government has said that the evidence of spying at the embassy was “irrelevant,” a highly questionable assertion, but Baraitser could agree with it.

On Thursday however, she made a decision to reject a new piece of evidence the defense tried to introduce: a statement made by U.S. Attorney General William Barr made on Sept. 15, in which he said that the executive has “virtually unchecked discretion” on the question of whom to prosecute. “Discretion is invested in the executive to determine when to exercise prosecutorial power,” he said.

The defense wanted this in to bolster its argument that the prosecution of Assange is political, thereby barring him from being sent to the States under the terms of the U.S.-UK extradition treaty. Barr’s assertions blow holes in the so-called Chinese Wall separating the White House from the Department of Justice to prevent the politicalization of the law.

Baraitser sustained the prosecution’s objection and barred Barr’s statement as evidence.

The defense closing argument will be submitted on Nov. 16 with the prosecution two weeks after that. the defense team said its final submission will cover **three areas**:

- **Political Motivation.** This can include selective prosecution as Assange is being prosecuted for the exact publications as *The New York Times*, *The Guardian* other media partners, and Cryptome, which published informants’ names ahead of Assange, but only Assange was charged. Cassandra Fairbanks’ testimony that President Donald Trump ordered Assange’s arrest and Barr’s unitary executive ideas that the president determines prosecutions also makes a case for a political prosecution.



- Abuse of Power. This is clearly seen in the anonymous testimony of the two former UC Global witnesses.
- Cruel and Inhumane Treatment if Extradited. Assange's medical history combined with the condition of U.S. prisons, the defense argues, would amount to cruelty if he were extradited.

<https://consortiumnews.com/2020/10/01/live-updates-assange-extradition-day-eighteen-ellsberg-parallel-raised-on-last-day-of-testimony-judgement-day-set-for-jan-4-2021/>

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## **Assange on Trial: Embassy Espionage, Contemplated Poisoning and Proposed Kidnapping**

*Bino Kampmark*  
*Counterpunch*  
*October 1, 2020*

September 30. Central Criminal Court, London.

Today will be remembered as a grand exposé. It was a direct, pointed accusation at the intentions of the US imperium which long for the scalp of the WikiLeaks founder Julian Assange. For WikiLeaks, it was a smouldering triumph, showing that the entire mission against Assange, from the start, has been a political one. The Australian publisher faces the incalculably dangerous prospect of 17 charges under the US Espionage Act and one under the Computer Fraud and Abuse Act. Stripped to its elements, the indictment is merely violence kitted out in the vestment of sham legality. The rest is politics.

Witness statements were read from a veritable who's who of courageous investigative journalism (Patrick Cockburn, Andy Worthington, Stefania Maurizi and Ian Cobain) and an assortment of legal freight from Guy Goodwin-Gill, professor of law at the University of New South Wales, Robert Boyle, well versed in the dark practices of grand juries and Jameel Jaffer of the Knight First Amendment Institute at Columbia University.

These statements, pointing to the value of the WikiLeaks publications, the care taken in releasing them, and the terrifying prospects for press freedom, deserve separate treatment. But Wednesday's grand show was stolen by two anonymous witnesses, occasioned by a change of plans. Originally scheduled for Thursday, testimony of the witnesses from the Spanish security firm UC Global S.L. were moved a day forward. Both speak to the aims and ambitions of the company's owner and director, David Morales, who passed information on Assange and his meetings with allies and associates to the US intelligence service while the Australian was resident in the Ecuadorean Embassy in London. Judge Vanessa Baraitser had relented on the issue of keeping their anonymity: to have not observed the convention would have been a mark of disrespect for the Spanish court.

Their material is part of a current investigation into Morales being conducted by a magistrate of the Audiencia Nacional court. That process was instigated at the behest of Assange's legal team, whose filed criminal complaint alleges breaches of privacy and the violation of attorney-client privilege, amongst other charges.

*Illegal agreements are born*

Witness #1 informed the court of a man determined: Morales “showed at times a real obsession in relation to monitoring and recording the lawyers who met with the ‘guest’ (Julian Assange) because ‘our American friends’ were requesting it.”

The first witness added stitching to the account linking the UC Global with US intelligence. In July 2016, with UC Global already contracted and providing security services to the Ecuadorean embassy, Morales “travelled to a security sector trade fair in Las Vegas, which I wished to accompany him”. This would not be. Morales “insisted he had to travel alone. On this trip, Mr Morales showcased the company UC Global in the Las Vegas security sector trade fair.”

What followed was UC Global obtaining “a flashy contract, personally managed by David Morales, with the company Las Vegas Sands, which was owned by the tycoon Sheldon Adelson, whose proximity to Donald Trump is public knowledge (at the time Trump was the presidential candidate).” Morales’s point of contact at Las Vegas Sands was its chief of security, Zohar Lahav. Lahav is also the subject of interest for the Audiencia Nacional, which has asked the US Department of Justice to seek a statement from him. The investigating judge, José de la Mata, is keen to examine details of the Morales-Lahav association and whether their meetings involved discussing information illegally obtained from Assange.

UC Global was hired to provide security services to Queen Miri, the luxury vessel owned by Adelson. “The contract did not make sense,” claimed the witness. Morales seemed to be overegging the pudding. “The most striking thing about it was that he boat had its own security, which consisted of a sophisticated security detail, and that the contract consisted in adding an additional person, in this case David Morales, for a very short period of time, through which David Morales would receive an elevated sum.”

Thrilled at getting the contract, Morales was in celebratory mood, gathering employees in the Jerez company office to say that “we have moved up and from now on we will be playing in the big league”. What did “big league” mean? Morales, replying to the query from the first witness, claimed that “he had switched over to ‘the dark side’ referring to cooperating with US authorities, and as a result of that collaboration, ‘the Americans will get us contracts all over the world’.” In 2017, Morales asked for a secure phone and encrypted computer to communicate with his American contacts.

Along with news of the contract came an uncomfortable revelation: “that we had entered into illegal agreements with US authorities to supply them with sensitive information about Mr Assange and [Ecuadorean President] Rafael Correa, given that UC Global was responsible for the embassy security where Mr Assange was located.” As a result of this parallel agreement, “reports would also be sent to ‘the dark side’.” Morales made regular trips to the US to facilitate this, “principally to New York but also Chicago and Washington” where he would “talk with ‘our American friends’.” The first witness pressed Morales at points who these “‘American friends’ were”. “US intelligence,” came the reply.

When confronted by the first witness that UC Global should not be engaged in such activities, Morales huffed. He would open his shirt in defiance, and claim with brio that he was “a mercenary, through and through”.

The first witness also testified that Morales's trips to see his "American friends" increased with frequency in 2017. **Trump's victory seemed to be the catalyst.** By June or July 2017, "Morales began to develop a sophisticated information collection system outside the embassy." He asked employees "physically inside the embassy to intensify and deepen their information collection." The internal and external cameras of the embassy were to be changed. Morales, according to the first witness, had also "instructed a team to travel regularly to London to collect the camera recordings."

### *Tasks forces and surveillance*

Witness #2, an IT expert, told the Old Bailey how he was asked to "form a task force of workers at our headquarters in Jerez" between June and July 2017. "The purpose of this unit was to execute, from a technical perspective, the capture, systematization and processing of information collected at the embassy that David Morales requested." Witness #2 was responsible for "executing David Morales's orders, with technical means that existed in the embassy and additional measures that were installed by order of Morales, in addition to the information gathered in the embassy by the UC Global employees who were physically present in the diplomatic mission."

The second witness sensed inconsistencies. Morales told the task force that the contract with Ecuador necessitated the replacement of the embassy's cameras every three years. "This made no sense because the contract had been in force for longer than three years and the clause had not been fulfilled to date." While he was unaware of the clause, the second witness considered that the circuit operating CCTV security cameras at the time "were sufficient to provide physical security against intrusion inside the building."

But Morales was adamant. Security cameras with concealed audio recording capabilities were to be acquired and installed. "Because of this, and in accordance with the orders of David Morales, who claimed that all of this was necessary to fulfil the contract, I sought providers for these types of cameras, insisting in, to the extent possible, concealing audio-recording capabilities."

The extent of Morales's zeal alarmed the second witness. "Around June 2017, while I was sourcing providers for the new camera equipment, David Morales instructed that the cameras should allow streaming capabilities so that 'our friends' in the United States', as Morales explicitly put it, would be able to gain access to the interior of the embassy in real time. This request alarmed me greatly, and in order to impede the request, I claimed that remote access via streaming via the camera circuit was not technically achievable." The witness did not "want to collaborate in an illegal act of this magnitude." He noted Morales's wish to have the entire embassy bugged and suggested that the purpose of installing microphones had been "per the request of the United States" to target Assange's defence team.

Stunned by its illegality, the second witness tried to dissuade Morales by suggesting that Assange would detect the recording facilities. But in early December 2017, the cameras, enabled with audio-recording means, were installed. When asked by Assange and the Political Counselor Maria Eugenia whether the new devices recorded sound, the second witness had his orders: to not "share information about the system and to deny that the cameras were recording audio." Once in place, "the cameras began to record sound regularly so every meeting that the asylee held was captured."

The second witness was also heavy on detail in various specific operations designed to frustrate Assange's own countering efforts. He had been asked by Morales in January 2018 to place rigid stickers on the external embassy windows at the top

left hand corner. It transpired that this seemingly idiosyncratic exercise had one express purpose: to neutralise the disruptions to recording conversations caused by Assange's white noise machine, which "produced a vibration in the window that stopped the sound being extracted via the laser microphone, which US intelligence had installed outside." The stickers served to eliminate the vibration, enabling the laser microphones to "extract conversations."

Morales had also impressed upon the IT specialist that he install a microphone in the PVC folder of the fire extinguisher in the embassy meeting room used by Assange. The same was done for "the toilet at the end of the embassy" as it had become a venue of "strategic" importance: Assange "who suspected that he was the subject of espionage, maintained many of his meetings there in order to preserve confidentiality."

While a whole range of targets were of interest, the Spanish former judge and member of Assange's legal team, Balthasar Garzón, was particularly important. "The security guards at the embassy were requested to search for evidence of travels to Argentina and Russia in Garzón's passport pages, which were photographed."

### *Nappies, contemplated kidnappings and proposed poisonings*

Such behaviour at the embassy conformed to a consistent pattern of instructions that verged on the comic and grotesque. On one occasion, recalled Witness #2, Morales had asked him to "steal a nappy of a baby which according to the company's security personnel deployed at the embassy, regularly visited Mr Assange." The pilfering of the nappy was for reasons of identifying whether the baby was, in fact "a child of the asylee." It was "the Americans", Morales claimed, "who wanted to establish paternity."

Not content merely with establishing paternity, Morales's "American friends" were also suffering from states of desperation, keen to bring Assange's stay in the embassy to an end. According to the second witness, "the Americans were desperate [in December 2017] and that they had even suggested that more extreme measures should be employed against the 'guest' to put an end to the situation of Assange's permanence in the embassy." Suggestions were made to Morales by his US contacts: the door of the embassy would be left open; an "accident" could be claimed for covering an operation "which would allow persons to enter from outside the embassy and kidnap the asylee". Another option was put on the table: "the possibility of poisoning Mr Assange". Such suggestions, Witness #2 claimed, "shocked" the employees, who "commented amongst ourselves that the course that Morales had embarked on was beginning to become dangerous."

The eviction and arrest of Assange followed. Witness #1 informed Assange's legal team that Morales had "betrayed both the terms of the contract and the trust that had been given to him by the Government of Ecuador, by systematically handing over information to US intelligence agencies." He came to realise that information on the security of the embassy and Rafael Correa had been sold to "the enemy, the United States, which is the reason I put an end to my professional relationship with him."

These revelations excited *Pentagon Papers* whistleblower Daniel Ellsberg, having already etched his name into legal history at these proceedings with supporting testimony. In his optimistic view, such evidence of surveillance by the CIA of Assange's conversations with his legal team "and everyone else" in the embassy, along with suggestions of poisoning and kidnapping, might mean him walking free.

“That’s essentially the same information that ended my case and confronted [President Richard] Nixon with impeachment, leading to his resignation!” Convincing to Ellsberg it may be, but will it sway the icy temperament of Judge Vanessa Baraitser?

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<https://www.counterpunch.org/2020/10/01/assange-on-trial-embassy-espionage-contemplated-poisoning-and-proposed-kidnapping/>

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## **John Pilger: Eyewitness to the Agony of Julian Assange**

*Arena*

*October 2, 2020*

Journalist and filmmaker John Pilger has watched Julian Assange’s extradition trial from the public gallery at London’s Old Bailey. He spoke with Timothy Erik Ström of *Arena* magazine, Australia.

*Q: Having watched Julian Assange’s trial firsthand, can you describe the prevailing atmosphere in the court?*

The prevailing atmosphere has been shocking. I say that without hesitation; I have sat in many courts and seldom known such a corruption of due process; this is due revenge. Putting aside the ritual associated with ‘British justice’, at times it has been evocative of a Stalinist show trial. One difference is that in the show trials, the defendant stood in the court proper. In the Assange trial, the defendant was caged behind thick glass, and had to crawl on his knees to a slit in the glass, overseen by his guard, to make contact with his lawyers. His message, whispered barely audibly through face masks, was then passed by post-it the length of the court to where his barristers were arguing the case against his extradition to an American hellhole.

Consider this daily routine of Julian Assange, an Australian on trial for truth-telling journalism. He was woken at five o’clock in his cell at Belmarsh prison in the bleak southern sprawl of London. The first time I saw Julian in Belmarsh, having passed through half an hour of ‘security’ checks, including a dog’s snout in my rear, I found a painfully thin figure sitting alone wearing a yellow armband. He had lost more than 10 kilos in a matter of months; his arms had no muscle. His first words were: ‘I think I am losing my mind’.

I tried to assure him he wasn’t. His resilience and courage are formidable, but there is a limit. That was more than a year ago. In the past three weeks, in the pre-dawn, he was strip-searched, shackled, and prepared for transport to the Central Criminal Court, the Old Bailey, in a truck that his partner, Stella Moris, described as an upended coffin. It had one small window; he had to stand precariously to look out. The truck and its guards were operated by Serco, one of many politically connected companies that run much of Boris Johnson’s Britain.

The journey to the Old Bailey took at least an hour and a half. That’s a minimum of three hours being jolted through snail-like traffic every day. He was led into his narrow cage at the back of the court, then look up, blinking, trying to make out faces in the public gallery through the reflection of the glass. He saw the courtly figure of his dad, John Shipton, and me, and our fists went up. Through the glass, he reached out to touch fingers with Stella, who is a lawyer and seated in the body of the court.

We were here for the ultimate of what the philosopher Guy Debord called The Society of the Spectacle: a man fighting for his life. Yet his crime is to have performed an epic public service: revealing that which we have a right to know: the lies of our governments and the crimes they commit in our name. His creation of WikiLeaks and its failsafe protection of sources revolutionised journalism, restoring it to the vision of its idealists. Edmund Burke's notion of free journalism as a fourth estate is now a fifth estate that shines a light on those who diminish the very meaning of democracy with their criminal secrecy. That's why his punishment is so extreme.

The sheer bias in the courts I have sat in this year and last year, with Julian in the dock, blight any notion of British justice. When thuggish police dragged him from his asylum in the Ecuadorean embassy — look closely at the photo and you'll see he is clutching a Gore Vidal book; Assange has a political humour similar to Vidal's — a judge gave him an outrageous 50-week sentence in a maximum-security prison for mere bail infringement.

For months, he was denied exercise and held in solitary confinement disguised as 'heath care'. He once told me he strode the length of his cell, back and forth, back and forth, for his own half-marathon. In the next cell, the occupant screamed through the night. At first he was denied his reading glasses, left behind in the embassy brutality. He was denied the legal documents with which to prepare his case, and access to the prison library and the use of a basic laptop. Books sent to him by a friend, the journalist Charles Glass, himself a survivor of hostage-taking in Beirut, were returned. He could not call his American lawyers. He has been constantly medicated by the prison authorities. When I asked him what they were giving him, he couldn't say. The governor of Belmarsh has been awarded the Order of the British Empire.

At the Old Bailey, one of the expert medical witnesses, Dr Kate Humphrey, a clinical neuropsychologist at Imperial College, London, described the damage: Julian's intellect had gone from 'in the superior, or more likely very superior range' to 'significantly below' this optimal level, to the point where he was struggling to absorb information and 'perform in the low average range'.

This is what the United Nations Special Rapporteur on Torture Professor Nils Melzer calls 'psychological torture', the result of a gang-like 'mobbing' by governments and their media shills. Some of the expert medical evidence is so shocking I have no intention of repeating it here. Suffice to say that Assange is diagnosed with autism and Asperger's syndrome and, according to Professor Michael Kopelman, one of the world's leading neuropsychiatrists, he suffers from 'suicidal preoccupations' and is likely to find a way to take his life if he is extradited to America.

James Lewis QC, America's British prosecutor, spent the best part of his cross-examination of Professor Kopelman dismissing mental illness and its dangers as 'malingering'. I have never heard in a modern setting such a primitive view of human frailty and vulnerability.

My own view is that if Assange is freed, he is likely to recover a substantial part of his life. He has a loving partner, devoted friends and allies and the innate strength of a principled political prisoner. He also has a wicked sense of humour.

But that is a long way off. The moments of collusion between the judge — a Gothic-looking magistrate called Vanessa Baraitser, about whom little is known — and the prosecution acting for the Trump regime have been brazen. Until the last few days,

defence arguments have been routinely dismissed. The lead prosecutor, James Lewis QC, ex SAS and currently Chief Justice of the Falklands, by and large gets what he wants, notably up to four hours to denigrate expert witnesses, while the defence's examination is guillotined at half an hour. I have no doubt, had there been a jury, his freedom would be assured.

The dissident artist Ai Weiwei came to join us one morning in the public gallery. He noted that in China the judge's decision would already have been made. This caused some dark ironic amusement. My companion in the gallery, the astute diarist and former British ambassador Craig Murray wrote:

"I fear that all over London a very hard rain is now falling on those who for a lifetime have worked within institutions of liberal democracy that at least broadly and usually used to operate within the governance of their own professed principles. It has been clear to me from Day 1 that I am watching a charade unfold. It is not in the least a shock to me that Baraitser does not think anything beyond the written opening arguments has any effect. I have again and again reported to you that, where rulings have to be made, she has brought them into court pre-written, before hearing the arguments before her.

"I strongly expect the final decision was made in this case even before opening arguments were received.

"The plan of the US Government throughout has been to limit the information available to the public and limit the effective access to a wider public of what information is available. Thus we have seen the extreme restrictions on both physical and video access. A complicit mainstream media has ensured those of us who know what is happening are very few in the wider population."

There are few records of the proceedings. They are: Craig Murray's personal blog, Joe Lauria's live reporting on *Consortium News*, and the *World Socialist Website*. American journalist Kevin Gosztola's blog, *Shadowproof*, funded mostly by himself, has reported more of the trial than the major US press and TV, including CNN, combined.

In Australia, Assange's homeland, the 'coverage' follows a familiar formula set overseas. The London correspondent of the *Sydney Morning Herald*, Latika Bourke, wrote this recently: "The court heard Assange became depressed during the seven years he spent in the Ecuadorian embassy where he sought political asylum to escape extradition to Sweden to answer rape and sexual assault charges."

There were no 'rape and sexual assault charges' in Sweden. Bourke's lazy falsehood is not uncommon. If the Assange trial is the political trial of the century, as I believe it is, its outcome will not only seal the fate of a journalist for doing his job but intimidate the very principles of free journalism and free speech. The absence of serious mainstream reporting of the proceedings is, at the very least, self-destructive. Journalists should ask: who is next?

How shaming it all is. A decade ago, *The Guardian* exploited Assange's work, claimed its profit and prizes as well as a lucrative Hollywood deal, then turned on him with venom. Throughout the Old Bailey trial, two names have been cited by the prosecution, *The Guardian*'s David Leigh, now retired as 'investigations editor' and Luke Harding, the Russiaphobe and author of a fictional *Guardian* 'scoop' that claimed Trump adviser Paul Manafort and a group of Russians visited Assange in the



Ecuadorian embassy. This never happened, and *The Guardian* has yet to apologise. The Harding and Leigh book on Assange — written behind their subject's back — disclosed a secret password to a WikiLeaks file that Assange had entrusted to Leigh during *the Guardian's* 'partnership'. Why the defence has not called this pair is difficult to understand.

Assange is quoted in their book declaring during a dinner at a London restaurant that he didn't care if informants named in the leaks were harmed. Neither Harding nor Leigh was at the dinner. John Goetz, an investigations reporter with *Der Spiegel*, was at the dinner and testified that Assange said nothing of the kind. Incredibly, Judge Baraitser stopped Goetz actually saying this in court.

However, the defence has succeeded in demonstrating the extent to which Assange sought to protect and redact names in the files released by WikiLeaks and that no credible evidence existed of individuals harmed by the leaks. The great whistleblower Daniel Ellsberg said that Assange had personally redacted 15,000 files. The renowned New Zealand investigative journalist Nicky Hager, who worked with Assange on the Afghanistan and Iraq war leaks, described how Assange took 'extraordinary precautions in redacting names of informants'.

*Q: What are the implications of this trial's verdict for journalism more broadly — is it an omen of things to come?*

The 'Assange effect' is already being felt across the world. If they displease the regime in Washington, investigative journalists are liable to prosecution under the 1917 US Espionage Act; the precedent is stark. It doesn't matter where you are. For Washington, other people's nationality and sovereignty rarely mattered; now it does not exist. Britain has effectively surrendered its jurisdiction to Trump's corrupt Department of Justice. In Australia, a National Security Information Act promises Kafkaesque trials for transgressors. The Australian Broadcasting Corporation has been raided by police and journalists' computers taken away. The government has given unprecedented powers to intelligence officials, making journalistic whistle-blowing almost impossible. Prime Minister Scott Morrison says Assange 'must face the music'. The perfidious cruelty of his statement is reinforced by its banality.

'Evil', wrote Hannah Arendt, 'comes from a failure to think. It defies thought for as soon as thought tries to engage itself with evil and examine the premises and principles from which it originates, it is frustrated because it finds nothing there. That is the banality of evil'.

*Q: Having followed the story of WikiLeaks closely for a decade, how has this eyewitness experience shifted your understanding of what's at stake with Assange's trial?*

I have long been a critic of journalism as an echo of unaccountable power and a champion of those who are beacons. So, for me, the arrival of WikiLeaks was exciting; I admired the way Assange regarded the public with respect, that he was prepared to share his work with the 'mainstream' but not join their collusive club. This, and naked jealousy, made him enemies among the overpaid and undertalented, insecure in their pretensions of independence and impartiality.

I admired the moral dimension to WikiLeaks. Assange was rarely asked about this, yet much of his remarkable energy comes from a powerful moral sense that governments and other vested interests should not operate behind walls of secrecy. He is a democrat. He explained this in one of our first interviews at my home in 2010.

What is at stake for the rest of us has long been at stake: freedom to call authority to account, freedom to challenge, to call out hypocrisy, to dissent. The difference today is that the world's imperial power, the United States, has never been as unsure of its metastatic authority as it is today. Like a flailing rogue, it is spinning us towards a world war if we allow it. Little of this menace is reflected in the media.

WikiLeaks, on the other hand, has allowed us to glimpse a rampant imperial march through whole societies — think of the carnage in Iraq, Afghanistan, Libya, Syria, Yemen, to name a few, the dispossession of 37 million people and the deaths of 12 million men, women and children in the 'war on terror' — most of it behind a façade of deception.

Julian Assange is a threat to these recurring horrors — that's why he is being persecuted, why a court of law has become an instrument of oppression, why he ought to be our collective conscience: why we all should be the threat.

The judge's decision will be known on the 4th of January.

*John Pilger, journalist, author and film director, has won many distinctions for his work, including Britain's highest award for journalism twice, an American 'Emmy' and a British Academy Award. His complete archive is held at the British Library. He lives in London and Sydney. [www.johnpilger.com](http://www.johnpilger.com)*

<https://consortiumnews.com/2020/10/02/john-pilger-eyewitness-to-the-agony-of-julian-assange/>

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## **The Assange extradition case is an unprecedented attack on press freedom — so why's the media largely ignoring it?**

*Assange and WikiLeaks did everything journalists should do by finding out important information about US government misdeeds and handing it over to the public*

*Patrick Cockburn  
The Independent  
2020-10-02*

The silence of journalists in Britain and the US over the extradition proceedings against WikiLeaks founder Julian Assange is making them complicit in the criminalisation of newsgathering by the American government.

In an Old Bailey courtroom in London over the past four weeks, lawyers for the US government have sought the extradition of Assange to the US to face 17 charges under the Espionage Act of 1917 and one charge of computer misuse. At the heart of their case is the accusation that in leaking a trove of classified US diplomatic and military cables in 2010, Assange and WikiLeaks endanger the lives of US agents and informants.

One of the many peculiarities in this strange case is that the evidence for any such thing is non-existent. The Pentagon has admitted that it failed to find a single person covertly working for the US who had been killed as a result of the WikiLeaks disclosures. This failure was not for lack of trying: The Pentagon had set up a special military task force, deploying 120 counter-intelligence officers, to find at least one death that could be blamed on Assange and his colleagues but had found nothing.

Other allegations against Assange put forward by the lawyers for the US government are similarly flimsy or demonstrably false, yet he is still in real danger of being sent to a maximum security prison in the US after the court makes its ruling on 4 January. Once there he faces a sentence of up to 175 years and, whatever the length of his incarceration, he is likely to spend it in solitary confinement in a tiny cell.

The Assange case creates a precedent that mortally threatens freedom of the press in Britain. If Assange is extradited then any journalist who publishes information that the American authorities deem to be classified, however well-known or harmless it may be, will risk being extradited to face trial in America. The US secretary of state, Mike Pompeo, says that non-Americans like Assange do not enjoy First Amendment rights to free expression.

The outcome of the Assange extradition hearing is a crucial tipping point which will tell if Britain and the US go further down the same path towards “illiberal democracy” as Turkey, Hungary, Brazil, India and the Philippines. What Assange and WikiLeaks did — obtaining important information about the deeds and misdeeds of the US government and giving that information to the public — is exactly what all journalists ought to do.

Journalism is all about disclosing important news to people so they can judge what is happening in the world — and the actions of their government in particular. The WikiLeaks disclosures in 2010 only differed from other great journalistic scoops in that they were bigger — 251,287 diplomatic cables, more than 400,000 classified army reports from the Iraq War and 90,000 from the Afghan War — and they were more important. [Full disclosure: I gave a statement read out in court this week seeking to explain the significance of the Wikileaks revelations.]

Astonishingly, British and American commentators are in a state of denial when it comes to seeing that what happens to Assange could happen to them. They argue bizarrely that he is not a journalist, though the Trump administration implicitly accepts that he is one, since it is pursuing him for journalistic activities. The motive is openly political, one of the absurdities of the hearing being the pretence that Trump-appointed officials provide a reliable and objective guide to the threat to the US posed by the WikiLeaks revelations.

Why has the British media been so mute about the grim precedent being established for themselves, were they to investigate the doings of a US government that makes no secret of its hostility to critical journalism. Ten years ago, *The New York Times*, *The Guardian*, *Le Monde*, *Der Spiegel*, and *El Pais* published extracts from the WikiLeaks documents on their front pages for days on end, but they long ago distanced themselves from its founder. Yet, however much they may wish the contrary, their future is wrapped up in his fate.

Alan Rusbridger, the former *Guardian* editor under whom the cables and war logs were printed, made this clear in an interview, saying that he had no doubt about the damage being done to freedom of the press. “Whatever we think of Assange,” he said, “what he is being targeted for is the same or similar [to what] many journalists have done, then it’s surprising to me that more people can’t see that this case has worrying implications for all journalists.”

The danger to a genuinely free press is, indeed, so glaring that it is a mystery why the media has, by and large, ignored the issue. Coronavirus is a contributory reason, but treating Assange and WikiLeaks as pariahs long predates the epidemic. Pundits wonder if he is a journalist at all, though he is clearly a journalist of the electronic age,

publishing raw information in a different way from traditional newspapers, radio and television. His politics are unashamedly radical, which further alienates many commentators.

Far more important, however, in converting Assange from being portrayed as a heroic fighter against state secrecy into a figure beyond the pale, were the allegations of rape made against him in Sweden in 2010. This led to a Swedish prosecutorial investigation that continued for nine years, was dropped three times and three times restarted, before being finally abandoned last year as the statute of limitations approached. Assange was never charged with anything and none of this has anything to do with the extradition hearings, but it helps explain why so much of the media has ignored or downplayed the Old Bailey hearings. Many on the political right always believed that Assange belonged in jail and many progressives felt that the rape allegations alone made him anathema.

Daniel Ellsberg, who leaked the *Pentagon Papers* to the media in 1971, gave evidence to the court that he had leaked the secret history of the Vietnam War to show the public that the war was continuing though its perpetrators knew it could not be won. He said that Assange had done much the same, this time in relation to the wars in Iraq and Afghanistan, and the *Pentagon Papers* and the WikiLeaks disclosures were similar in every way.

The saga of Julian Assange and WikiLeaks is now so long and complicated that it is worth reminding oneself of the piercing light they cast on the US government's activities in Afghanistan, Iraq and elsewhere. I myself first used the material from the disclosures in the summer of 2010 to explain why the Afghan government, supported by 90,000 US troops, was not winning a war that Washington claimed was in defence of democracy.

I quoted a report from an American civil affairs official in Gardez, Afghanistan, in 2007, who said that he had been bluntly informed by a member of the Afghan provincial council in the town that "the general view of the Afghans is that the current government is worse than the Taliban". The US official lamented that this was all too true. Why this was so was explained by another US report dated 22 October 2009, this time from Balkh in northern Afghanistan, which described how Afghan soldiers and police were mistreating local civilians who refused to cooperate in a search. I wrote how the official US report said that "a district police chief raped a 16-year-old girl and when a civilian protested the police chief ordered his bodyguard to shoot him. The bodyguard refused and was himself killed by the police chief."

Such revelations explain why the Afghan war is still going on and tens of thousands more people have died — and why the US government is so keen to put Assange in jail for the rest of his life.

<https://www.independent.co.uk/voices/julian-assange-trial-extradition-us-trump-wikileaks-press-freedom-b747774.html>

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## **George Christensen calls on Australia to lodge formal protest over treatment of Julian Assange**

*LNP backbencher says latest allegations of plans to poison or kidnap Assange show 'a foreign power tried to use illegal means to harm an Australian citizen'*

Daniel Hurst & Ben Quinn  
*The Guardian*  
2 Oct. 2020

A Liberal National party backbencher has called on the Australian government to lodge a formal protest with the US over the treatment of Julian Assange after a court heard claims of previous plans to poison or kidnap the Wikileaks founder.

After a former employee of a private security firm told an extradition hearing in London this week of those alleged discussions between sources in US intelligence and the company, George Christensen told *Guardian Australia*: “The latest revelations show a foreign power tried to use illegal means to harm an Australian citizen.”

Christensen and independent MP Andrew Wilkie met the British high commissioner to Australia on Friday to raise concerns about Assange’s welfare and question whether due process was being observed.

Wilkie tweeted after the meeting that the high commissioner, Vicki Treadell, had given the pair “a good hearing” and promised to report the concerns back to London:



Wilkie said there were limits to what a high commissioner could say in such situations, but Treadell “was very much in listening mode to hear our concerns” during the half hour video conference, while being mindful the matter was before the courts.

Wilkie said he and Christensen argued that Assange should not be extradited to the US and should be allowed to return to Australia — but if that was not to occur, the Wikileaks co-founder should be released into community detention and have full access to his legal representatives.

“I also spoke about how the UK, US and Australian governments are misjudging the community mood on this and the mood has shifted in recent times,” Wilkie said.

Assange is fighting extradition to the US on charges relating to leaks of classified documents allegedly exposing US war crimes and abuse.

“I’ve grown more and more concerned about Julian’s plight since I saw him back in February before the trial began,” Christensen said.

“The latest revelations show a foreign power tried to use illegal means to harm an Australian citizen. It’s not on.

"I think the latest revelations are deserving of a formal protest by the Australian government. If any security firm plotted or attempted to undertake illegal action against an Australian then perhaps criminal charges should be laid."

The comments come after a lawyer for Assange read out at the Old Bailey in London on Wednesday portions of written evidence provided by a former employee of Spanish security firm UC Global and another person who had been involved with the company.

These included claims that the UC Global founder and director, David Morales, had said in 2017 his American contacts had suggested "more extreme measures" should be deployed against visitors to Assange, who had been sheltering at the Ecuadorian embassy in London. UC Global had been contracted by the government of Ecuador to provide security for its embassy.

"There was a suggestion that the door of the embassy would be left open allowing people to enter from the outside and kidnap or poison Assange," the court was told. The witness alleged Morales said these suggestions were under consideration with his contacts in the US.

The independent South Australian senator Rex Patrick said the allegations aired in the British court about surveillance of and plans to harm Assange raised "very strong doubts about whether Mr Assange could ever receive a fair trial in the United States".

Patrick called on the Australian government to "get off its backside and afford Julian Assange much more than the minimal 'consular assistance' it has belatedly offered so far".

He said it was a case that went "to the very heart of freedom of the press worldwide" and involved the liberty of an Australian citizen in circumstances that were extraordinary by any measure.

"Australian foreign [affairs] minister Marise Payne needs to make a very clear public statement of support for Mr Assange, an Australian journalist and citizen, whose position as a journalist is no different from the editors of the *New York Times*, the *Guardian* or the *Sydney Morning Herald* which all published the same leaked US government reports and cables that are at the heart of this case," Patrick said.

"Anything less will be a betrayal of an Australian citizen and a betrayal of media freedom."

James Lewis QC, acting for the US government, told the court on Tuesday that the US case was likely to be that the evidence of the former UC Global employees was "wholly irrelevant".

The Australian government has previously responded to questions about the Assange case by stressing the independence of the British judiciary.

In June the Australian trade minister, Simon Birmingham, was asked whether he believed Assange should be extradited to the US. He said it was "a matter rightly determined by the British courts".

"Probably one of the great legacies that Australia has inherited from the United Kingdom is indeed that independence of judiciary and the judgment and decision making that it makes, and I'll back them to make the right decision," Birmingham said at the time.

When asked in parliament in February Payne said Australia was "in regular contact with authorities in the United Kingdom, in line with our consular mandate, and have



been assured by those authorities that Mr Assange is being held in appropriate and humane conditions”.

But she added that the Australian government had “no standing in any of Mr Assange’s legal proceedings and is unable to intervene in them”.

Christensen, Wilkie and Patrick were among a small group of Australian parliamentarians who wrote to Payne four months ago to call on the Australian government to press its British counterpart for Assange to be released on bail.

<https://www.theguardian.com/media/2020/oct/02/george-christensen-calls-on-australia-to-lodge-formal-protest-over-treatment-of-julian-assange>

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## **Belmarsh Tribunal Puts 'US War Crimes on Trial'**

*"It is time to take action," Progressive International activists say, "and time to demand justice"*

Brett Wilkins  
Common Dreams  
October 2, 2020

A prominent group of international left-wing activists on Friday put the United States "on trial for its war crimes in the 21st century."

The Belmarsh Tribunal — named after the notorious British prison where WikiLeaks founder Julian Assange is imprisoned as he faces possible extradition to the U.S.—was convened remotely Friday morning by Progressive International (PI). The activists "put the United States government on trial" for crimes ranging "from atrocities in Iraq to torture at Guantánamo Bay to the CIA's illegal surveillance program — and draw attention to the extradition case of Julian Assange for revealing them."

The tribunal is composed of "a planetary cast of activists, artists, thinkers, and political representatives" including former Brazilian President Luiz Inácio Lula da Silva, former Ecuadorean President Rafael Correa, former Greek Finance Minister Yanis Varoufakis, musicians M.I.A. and Roger Waters, philosopher Slavoj Žižek, actress and activist Pamela Anderson, and many others.

The event is inspired by the Russell Tribunal, a 1966 event organized by philosophers Bertrand Russell and Jean-Paul Sartre to hold the U.S. accountable for its escalating war crimes in Vietnam. Russell, a Nobel Peace Prize recipient, said the fact that the "people's tribunal" was not backed by any state and lacked any legal authority made it "free to conduct a solemn and historic investigation."

One of the Belmarsh Tribunal members, British activist Tariq Ali, participated in the 1966 event as well.

More than half a century later, "PI is once again calling on the conscience of mankind against the crimes of US imperialism," the group said.

"From Belmarsh, Assange now faces extradition to the United States—the first time in history that a publisher has been indicted under the Espionage Act," PI said. "Today's tribunal takes its name from this site of complicity in the crimes that have been revealed by Assange, and the crimes that have been committed against him, in turn."



PI recently issued a statement signed by members including Arundhati Roy and Noam Chomsky warning that prosecuting Assange "sets a legal precedent that means that any dissident from the foreign policy of the United States may be shipped to the United States to face life imprisonment or even a death penalty."

Among the hundreds of thousands of classified documents published by WikiLeaks were the *Afghanistan* and *Iraq War Logs*, which revealed U.S. and allied war crimes, including mass killing of civilians and torture. Many of the documents were leaked by Army whistleblower Chelsea Manning.

In one video, called "Collateral Murder," U.S. Army attack helicopter crews laugh while massacring a group of Iraqi civilians, including journalists.

The tribunal will have plenty to consider. According to the 2014 U.S. Senate report on CIA torture of detainees in the so-called War on Terror, prisoners at Guantánamo Bay and at "black site" secret prisons around the world were subjected to horrific and even deadly torture and abuse with techniques approved by the George W. Bush administration.

U.S. military and intelligence personnel also subjected detainees — many of them innocent men, women, and children — to additional abuses, including homicide, rape, and the imprisonment and abuse of female relatives as bargaining chips at prisons including the notorious Abu Ghraib in Iraq and elsewhere.

Under the administrations of the second Bush, Barack Obama and Donald Trump — who promised to "bomb the shit out of" Islamist militants and "take out their families" — U.S. bombs and bullets have killed at least hundreds of thousands of (and perhaps over a million) people in at least seven countries in an illegal, never-ending war now in its 20th year.

Throughout the 21st century, the U.S. has also supported some of the world's most brutal dictatorships, has conducted illegal global mass surveillance, and has bankrolled Israeli policies and actions in Palestine that prominent international critics have called ethnic cleansing and apartheid.

"If we do not stand now — with all the evidence in our hands — we stand little chance against a machine of war and surveillance that becomes more sophisticated and more secretive by the day," PI said. "It is time to take action. And it is time to demand justice. Because if they charge against the publisher who revealed their crimes, we must charge against the criminals themselves. Join us."

<https://www.commondreams.org/news/2020/10/02/focus-assange-belmarsh-tribunal-puts-us-war-crimes-trial-0>

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## **The Unprecedented and Illegal Campaign to Eliminate Julian Assange**

*Assange would never receive a fair trial in the U.S., but he's not receiving one in Britain either.*

Charles Glass  
The Intercept  
October 6, 2020

Over the 17 days of Julian Assange's extradition hearing in London, prosecutors succeeded in proving both crimes and conspiracy. The culprit, however, was not Assange. Instead, the lawbreakers and conspirators turned out to be the British and

American governments. Witness after witness detailed illegal measures to violate Assange's right to a fair trial, destroy his health, assassinate his character, and imprison him in solitary confinement for the rest of his life. Courtroom evidence exposed illegality on an unprecedented scale by America's and Britain's intelligence, military, police, and judicial agencies to eliminate Assange. The governments had the edge, like the white man of whom Malcolm X wrote, "He's a professional gambler; he has all the cards and the odds stacked on his side, and he has always dealt to our people from the bottom of the deck."

The deck was clearly stacked. Assange's antagonists were marking the cards as early as February 2008, when the U.S. Army Counterintelligence Center set out, in its words, to "damage or destroy this center of gravity" that was WikiLeaks. WikiLeaks, from the time Assange and his friends created it in 2006, was attracting sources around the world to entrust them, securely and anonymously, with documents exposing state crimes. The audience for the documents was not a foreign intelligence service, but the public. In the governments' view, the public needed protection from knowledge of what they were doing behind closed doors and in the skies of Afghanistan and Iraq. To plug the leaks, the governments had to stop Assange. The Pentagon, the CIA, the National Security Agency, and the State Department soon followed the Counterintelligence Center's lead by establishing their own anti-Assange task forces and enlisting the aid of Britain, Sweden, and Ecuador.

What a ride it's been. The first recorded "black op" against Assange occurred on September 27, 2010, when a suitcase containing three laptops, hard drives, and clothing vanished from the aircraft carrying him from Sweden to Germany. Efforts to retrieve his belongings, which included privileged communications with his legal counsel, elicited vague excuses from the airline that it knew nothing. The fate of the purloined items became public knowledge in 2013 when information from his laptops appeared in prosecution briefs against U.S. Army whistleblower Chelsea Manning. In 2011, FBI agents went to Iceland to employ an 18-year-old informant, Sigurdur "Siggi" Thordarson, to spy on WikiLeaks. When Iceland's authorities discovered the FBI's illegal activities, it deported the FBI agents. Thordarson, whom the FBI had paid \$5,000 and flown around the world, later confessed to stealing money from WikiLeaks and was convicted for sexually abusing underage boys.

Surveillance, constant wherever Assange found himself, intensified when he took political asylum in Ecuador's London Embassy in June 2012 to avoid extradition to Sweden. He told me on one of my visits to him there that life in the embassy, with cameras and microphones everywhere, was like "The Truman Show." The intelligence services observed his every movement and heard his every word. They spied on private discussions with his lawyers and his physicians. If a priest had visited the Catholic Assange, they would have violated the sanctity of the confessional.

Meanwhile, the NSA and Britain's equivalent, GCHQ, tracked people who logged onto the WikiLeaks website. U.S. financial institutions attempted to cripple WikiLeaks financially by denying donors the use of credit cards and PayPal to support the organization. Assange's legal counsel did not escape scrutiny. His Spanish lawyer, the famed former judge, Baltasar Garzón, who had prosecuted Chile's Gen. Augusto Pinochet, was followed, and his computer was stolen from his office in late 2017.

I had a curious experience in 2019, and I'm just a journalist. Two days after one of my meetings with Assange at the embassy, burglars broke into an office I shared with two designers in London. The only item missing was my computer, the thieves having left my office mates' computers untouched. It's impossible to prove who did it, but it's not impossible to guess.

The extreme measures taken against Assange reached their all-time low when Lenín Boltaire Moreno Garcés replaced the pro-Assange Rafael Correa as president of Ecuador on May 24, 2017. Former employees of a private Spanish firm, Undercover Global SL, which was employed to provide security at the London embassy, testified on the final day of the Assange hearing that they installed more cameras and microphones, tampered with the mobile phones of visitors, stole the diapers of one of Assange's babies to take his DNA, and discussed kidnapping and murdering him. They fed live video to the CIA of Assange's legal consultations.

Something similar happened to Daniel Ellsberg after he released the *Pentagon Papers* to the *New York Times* and *Washington Post* in 1971. The White House "plumbers," who would later rob the Democratic Party headquarters in Washington's Watergate Complex, broke into Ellsberg's psychiatrist's office to steal his medical files. The FBI had bugged Ellsberg's phone without a warrant. So outrageous was the government's behavior that Judge William Matthew Byrne dismissed the Espionage Act case against Ellsberg "with prejudice," meaning that the government could not appeal.

Legal experts testified that Assange would not receive a fair trial in the U.S., but at London's Central Criminal Court it was becoming apparent that he was not receiving one in Britain either. The first magistrate assigned to his case, Emma Arbuthnot, in 2017, turned out to have a husband and a son with links to people cited for criminal activities in documents published by WikiLeaks. When her family's additional connections to the intelligence services and defense industries became public, she withdrew from the case for what she told *Private Eye* magazine was a "perception of bias." She did not formally recuse herself or declare a conflict of interest. As Westminster's chief magistrate, she nonetheless oversees the conduct of lesser magistrates. One is Vanessa Baraitser, who presided at Assange's hearing. Records uncovered by the Declassified website showed that of her 24 previous extradition hearings, she ordered extradition in 23. Not a bad record from the prosecution's point of view, but appeals courts subsequently reversed her verdict in six of the 23.

When Assange's hearing convened on September 8, the defense applied for more time to prepare their case. The government had had 10 years of preparation and access to defense lawyers' correspondence with their client. Assange's advocates were permitted to see him only rarely and under observation at Her Majesty's Prison Belmarsh, a maximum-security facility in south London for prisoners who "pose the most threat to the public, the police or national security." Vital documents were not reaching him. Baraitser rejected the request. She also forced Assange to observe the hearing from a glass cage, usually reserved for violent offenders, at the back of the courtroom where he could not confer with his lawyers. Technical problems interrupted sound transmission to Assange, causing him to miss much of the testimony. When Assange addressed his lawyers across the room, the prosecution could hear what he said. Edward Fitzgerald, Assange's lead barrister and one of Britain's best, was in the ring with his hands tied.

Testimony demonstrating Assange's legal handicaps and his failing health should be enough to prevent extradition. When police removed Assange from the Ecuadorian Embassy and incarcerated him in Belmarsh in April 2019, they did not allow him to take with him any of his belongings. These included not only his clothes, but also his reading glasses, which he was denied for several weeks. U.S. authorities seized all his legal papers and other possessions from the embassy without a warrant or the presence of Assange's legal representatives.

Assange's mental health has deteriorated during his confinement in Belmarsh. Numerous psychiatrists have attested that he is on the verge of suicide. Dr. Michael

Kopelman, emeritus professor of psychiatry at King's College, London, told the court, based on 19 consultations with Assange at Belmarsh, "I reiterate again that I am as certain as a psychiatrist ever can be that, in the event of imminent extradition, Mr. Assange would indeed find a way to commit suicide." Guards at Belmarsh had already discovered a razor blade in Assange's cell. Assange has sought Catholic absolution, asked to write his will, and called the Samaritans' suicide prevention hotline. Lurking in the background is a family history of suicide, which makes that outcome more probable.

His depression worsened during several months' solitary confinement in the prison's medical wing, from which he was released after other prisoners protested the abuse. Testimony by leading psychiatrists Drs. Sandra Crosby and Quinton Deeley confirmed Kopelman's diagnosis of clinical depression. Deeley estimated that the risk of Assange killing himself if transferred to the U.S. was "high," noting that "rates of suicide are higher in people on the autistic spectrum." The U.N. special rapporteur on torture, Nils Melzer, declared, "Mr. Assange has been deliberately exposed, for a period of several years, to persistent and progressively severe forms of cruel, inhuman and degrading treatment or punishment, the cumulative effects of which can only be described as psychological torture."

Normal practice has not applied to Assange, who has received unique treatment at every stage of his incarceration. When he pleaded guilty for the relatively minor offense of bail evasion in April 2019, the court sentenced him to 50 weeks at Belmarsh. At that time, Jack Shepherd, convicted of manslaughter in the death of a young woman in a speedboat incident, received a sentence of half that time. Two-thirds of the 797 inmates then in Belmarsh were violent offenders, among them convicted terrorists and gang members. Nonviolent bail jumpers under usual practice serve their time in less restrictive Category B or C prisons, but Assange was not a normal prisoner. When he served his 50 weeks, the magistrate ordered him to stay in Belmarsh's harsh environment for the duration of his extradition proceedings.

The petty persecution of Assange went so far as the refusal to allow him use of a radio, which is allowed under prison regulations. When veteran *BBC* correspondent John Simpson publicized this denial last June, I sent Assange a transistor radio. The prison returned it. I then sent him a book on how to make a radio and that too came back. I asked a friend in the prison service to intervene, but he demurred, "Belmarsh is a law unto itself." A respected former hostage of Hezbollah in the 1980s then wrote to Belmarsh's governor to point out that his captors had given him a radio that he called "a godsend and helped me considerably to get through the ordeal." When the prison gave Assange a radio the next day, it was either a coincidence or the authorities' avoiding the appearance of small-minded cruelty more obscene than that of Lebanese kidnappers.

More special treatment followed. At the hearing, the prosecution initially stated that Assange stood accused under America's 1917 Espionage Act for publishing government secrets. When defense witnesses showed that Assange's actions were no different from those of any other journalist cultivating sources, prosecutors reversed course to allow that any journalist publishing classified documents could be liable to prosecution. Given that Assange collaborated with the *New York Times*, *The Guardian*, *El País*, and *Le Monde*, their editors would be liable for prosecution. No one believes they will be. The prosecution failed to explain why another publisher, Crymptome.org, was not being investigated when it had published the massive Cablegate collection of State Department communications on September 1, 2011, a day before WikiLeaks had.

Not only did the U.S. choose to ignore other publishers of the American documents, but it also applied the law in a unique manner to suit their case against Assange. U.S. prosecutors had applied under the U.S.-U.K. Extradition Treaty of March 2003 to compel Britain to hand over Assange. Article 4(1) of the treaty, inconveniently for the prosecution, states, “Extradition shall not be granted if the offense for which extradition is requested is a political offense.” The prosecution and the court, however, cited British domestic legislation, the Extradition Act of 2003, which does not mention the political exclusion. This sleight of hand mirrored the contradiction between American claims to apply the Espionage Act to Assange, who is Australian, for actions undertaken in Iceland and the U.K., while denying him protection of a more fundamental American law, the Constitution’s First Amendment with its guarantee of freedom of speech and the press. Can the prosecution get away with choosing which British and American laws apply to Assange and which don’t? How much prosecutorial chicanery can a court swallow without destroying its own legitimacy?

Britain has ratified other international treaties that prevent dispatching Assange to the U.S. The Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment requires the prohibition and punishment of torture in law and practice. It also “forbids the forced return of any person to a country where they would risk being tortured.” The United States ratified it in 1994. Two years earlier, it had ratified the International Convention on Civil and Political Rights guaranteeing immunity from torture, as well as the rights to life and free expression.

The U.S. has abrogated both treaties, as many documents published by WikiLeaks have shown, despite the fact that they have the force of law in signatory states. Amnesty International observed in 1998, three years before the September 11 attacks provided an excuse for torture, that the U.S. consistently “diluted” the conventions with “reservations, interpretations and statements that limit the protections they require.” It added, “The cruel use of restraints, resulting in unnecessary pain, injury or even death, is widespread in U.S. prisons and jails. Mentally disturbed prisoners have been bound, spread-eagled, on boards for prolonged periods in four-point restraints without proper medical authorization or supervision. Restraints are deliberately imposed as punishment, or used as a routine control measure rather than as an emergency response.” Amnesty also criticized the near-permanent solitary confinement in America’s “supermax” prisons with no sensory stimulation that “can cause severe physical and psychological damage.”

One recent British precedent would require denial of the extradition application on health grounds. Computer hacker Lauri Love, accused of “breaching thousands of computer systems in the United States and elsewhere,” has Asperger’s syndrome. An appeal court found in 2018 that sending him to the U.S. for trial would so harm his mental health that he had to remain in Britain. Physicians have diagnosed Assange with Asperger’s, and 117 psychiatrists signed an open letter declaring that Assange would not survive trial and imprisonment in the U.S.

An American former public defender, Yancey Ellis, described for the London hearing the conditions in Virginia’s Alexandria Detention Center, which would house Assange before and during his trial. Assange, he said, would be confined “at least 22 hours in a cell” that was “about the size of a parking space” with only a mat on a concrete shelf for a bed. Joel Stickler, an American prisoner advocate, testified that if Assange were convicted, his treatment at the “Alcatraz of the Rockies,” otherwise known as the U.S. Penitentiary Administrative Facility in Florence, Colorado, would be worse. Assange would be housed alone amid inmates like Unabomber Ted Kaczynski, Boston Marathon terrorist Dzhokhar Tsarnaev, FBI agent-turned-Russian spy Robert Hanssen, Mexican drug baron Joaquín “El Chapo” Archivaldo Guzmán

Loera, and Oklahoma City co-bomber Terry McNichols. The prison's regime is as ruthless as its prisoners: twenty-three-hour daily confinement in a concrete box cell with one window four inches wide, six bed checks a day with a seventh at weekends, one hour of exercise in an outdoor cage, showers spraying water in one-minute spurts, and "shakedown" at the discretion of prison staff. There won't be many other journalists and publishers there.

Barristers for the prosecution and defense have one month to submit closing arguments in writing to Baraitser, the magistrate, who will render her verdict on January 4. An impartial tribunal would have no option but to exonerate Assange — but fairness has not thus far featured in proceedings with the prosecution's 10-year head start on the defense; the inability of Assange's solicitor, Jennifer Robinson, to confer with him for six months; and the prosecution's possession of his confidential lawyer-client documents and transcripts of his conversations with his advocates in heavy-handed violation of the law.

The maltreatment of Assange revealed at London's Central Criminal Court will not end if he is extradited. Extradition will intensify his "cruel and unusual punishment." The prohibition of such punishment appears in both the Eighth Amendment of the American Constitution and its predecessor, Clause Ten of England's 1689 Bill of Rights. That fundamental protection has applied to everyone in Britain and America for centuries. Once again, though, they may make an exception for Assange.

<https://theintercept.com/2020/10/06/julian-assange-trial-extradition/>

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## **WikiLeaks led the way for newsrooms to use encryption to protect sources says Italian journalist**

*Stefania Maurizi says in written evidence that Julian Assange pioneered the use of encryption by journalists to protect sources. Her work shows that the US put pressure on Italy to stop the extradition and prosecution of CIA officers responsible for the extrajudicial kidnapping and torture of an Egyptian cleric*

Bill Goodwin  
Computer Weekly  
2 Oct. 2020

WikiLeaks pioneered the use of encryption and air-gapped computers to protect sources and confidential documents later used in mainstream news rooms, according to evidence by an Italian investigative journalist.

Stefania Maurizi said that the organisation had taken extensive measures to protect thousands of state department documents leaked by Chelsea Manning in 2010.

She gave written evidence during the four-week extradition trial of Julian Assange at the Old Bailey, which ended 1 October 2020.

According to her evidence, US cables published by WikiLeaks showed that the US had successfully placed pressure on Italian politicians not to extradite and prosecute the CIA officers responsible for the kidnap and torture of an Egyptian cleric seized from the streets of Milan.

Assange is accused of offences under the Computer Fraud and Abuse Act and 17 counts under the Espionage Act after receiving and publishing thousands of classified documents from former US army intelligence analyst Chelsea Manning.

US prosecutors have alleged that Assange knowingly published thousands of unredacted state department documents which put US informants at risk.

Maurizi, a journalist with newspapers l'Espresso and La Repubblica, worked as a media partner with WikiLeaks for more than 9 months to analyse US State Department cables related to Italy, and used local knowledge to redact the names of individuals who might be at risk if their names were disclosed.

### ***Pioneering cryptography***

Maurizi, who has a degree in maths and wrote a dissertation on cryptography, said that WikiLeaks had pioneered the use of encryption to protect journalistic sources.

“Julian Assange and WikiLeaks were pioneering the use of encryption to protect journalistic sources, and this was of great interest to me both as an investigative journalist and a mathematician,” she said.

At the time, no major newsroom was using cryptography to systematically protect sources, and it would be years before other newsrooms — such as *the Guardian* and *the Washington Post* — introduced cryptography.

WikiLeaks made original documents available on its websites so that people could access the original documentation and check the accuracy of published media reports. Assange called it “scientific journalism”, said Maurizi.

The journalist worked with Assange on the Iraq War logs in 2010 and was given access to more than 4,000 State Department cables in 2011.

“I was given an encrypted USB stick and once I returned to Italy I was given a password that would then allow opening the file. Everything was done with the utmost responsibility and attention,” she said.

Maurizi used an air-gapped computer, which she never left unattended, to analyse the cables, and adopted other security measures.

“Even the work done by close colleagues on stories regarding the Italian Mafia requiring extreme caution and security never reached these levels,” she said.

Maurizi said that she redacted any sensitive names — using 12 X's, so that the length of the name did not provide any clue to the identity — before they were published by WikiLeaks.

### ***US put pressure on Italy to prevent extradition of CIA suspects***

The diplomatic cables shed light on “extremely serious human rights violations” including torture and kidnapping, said Maurizi.

They revealed that the US had put pressure on Italian politicians not to extradite US citizens and CIA agents held responsible for the kidnapping and extraordinary rendition of Abu Omar from the streets of Milan.



Omar was taken to Egypt in 2003 where he was held in cell, blindfolded, handcuffed and repeatedly tortured for 14 months, according to an investigation by Mother Jones.

Omar was sentenced in his absence to six years on terrorism charges in a decision confirmed by the Italian Supreme Court in 2015.

Thanks to a series of blunders by the US agents, Italian prosecutors identified 26 US citizens, mostly CIA officers, responsible for the kidnapping.

They were tried in absentia and convicted by the Italian supreme court between 2012 and 2014 to sentences of between six and nine years.

Under US pressure, successive Italian justice ministers refused to issue extradition requests to the US to put the suspects on trial in Italy, and several of the suspects received presidential pardons.

Without WikiLeaks publication of US diplomatic cables, “it would have been impossible to acquire factual and solid evidence about the US pressures on the Italian politicians”, said Maurizi.

### ***Mistakes led to publication of unredacted documents***

Maurizi said that she learned that one of WikiLeaks media partner’s passwords had been compromised during a trip to visit Assange, who was then a guest at Ellingham Hall, a country house in Norfolk, in August 2011.

The password had been disclosed in a book on WikiLeaks, *Inside Julian Assange’s war on secrecy*, written by *Guardian* journalists David Leigh and Luke Harding.

Later, the German newspaper *Der Freitag* published a story that did not reveal the password, but made it possible for “people to connect the dots”.

“There was an ever-widening awareness that the files, until then considered to be safely encrypted, might nonetheless be public very soon,” said Maurizi.

Copies of an encrypted file containing the unredacted State Department documents had been circulating on the internet.

Christian Grothoff, an expert in network security from the University of Applied Sciences in Bern, told the court on 21 September that the file was likely to have been distributed after people mirrored the contents of WikiLeaks following a denial-of-service (DDoS) attack.

Maurizi said: “WikiLeaks was in the position of its own data having been irreversibly and repeatedly embedded in the internet and it could not undo what had happened.”

She said that Assange was acutely troubled by the situation and made urgent attempts to inform the State Department that information was circulating out of control.

When WikiLeaks published the unredacted documents, following their publication on the US web site Cryptome, Maurizi contacted security expert Bruce Schneier.

According to extracts quoted in Maurizi's evidence, Schneier said in an email that "both parties made dumb mistakes". He said that "if I were to assess the blame, the *Guardian* made the worse mistake". Without the key, no one would have been able to brute force the file. "No one, probably not even aliens with a planet-sized computer," he added.

A judge will rule whether the UK should grant the US request to extradite Assange on 4 January 2021.

<http://c.newsnow.co.uk/A/1049232105?-26033:12974>

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## **'None Of It Reported': How Corporate Media Buried The Assange Trial**

*Media Lens*

7 October 2020

One of the most imposing features of state-corporate propaganda is its incessant, repetitive nature. Over and over again, the 'mainstream' media have to convince the public that 'our' government prioritises the health, welfare and livelihoods of the general population, rather than the private interests of an elite stratum of society that owns and runs all the major institutions, banks, corporations and media.

We are constantly bombarded by government ministers and their media lackeys telling us that 'our' armed forces require huge resources, at public expense, to maintain the country's 'peace' and 'security'. We do not hear so much about the realpolitik of invading, bombing or otherwise 'intervening' in other countries with military force, diplomatic muscle, and bribes of trade and aid deals to carve up natural resources and markets for the benefit of a few.

For those old enough to remember 2002-2003, who can forget the endless repeated rhetoric of the 'threat' posed by Iraq's Saddam Hussein, of how his 'weapons of mass destruction' could be launched within 45 minutes of his order, and how 'we' simply had to remove him from power? Or how, in 2011, the US, UK and France had to launch 'humanitarian intervention' to stop the 'mass slaughter' of civilians by Gaddafi's forces in Libya. And on and on.

Moreover, the public is saturated by obsequious 'news' about the royal family, allowing for the odd scandal now and again, to convince us of their 'relevance', the 'great work' they do for the country, not least 'boosting the tourism industry', and their supposedly vital role in maintaining a 'stable society' steeped in tradition and rich history.

But when it comes to arguably the most important political trial in our lifetimes, there is a not-so-curious media reluctance to dwell on it or even mention it, never mind grant it the kind of blanket coverage that celebrity trials regularly generate.

Thus, media attention given to the extradition hearing of Julian Assange, the WikiLeaks founder and editor, was minimal and dwarfed by the coverage devoted to the actor Johnny Depp over the summer.

We monitored *BBC News at Ten*, the main evening BBC news programme on BBC1, during the four weeks of the Assange hearing. As far as we could tell, there was not a single substantive item (there may have been passing mention on the first day). We observed that the last time Paul Royall, the editor of *BBC News at Ten*, had mentioned

Assange in his daily tweets giving the running order for that evening's *News at Ten* was in November 2019. We challenged Royall politely several times on Twitter, but received no response. We received the same non-response from deputy editor Lizzi Watson and her colleague Jonathan Whitaker.

We also challenged Daniel Sandford, the *BBC's* home affairs correspondent whose remit, according to his Twitter bio, includes law. We asked him:

'Hello @BBCDanielS

'As Home Affairs Correspondent for @BBCNews, where is your reporting of the #JulianAssange extradition hearing?'

To his credit, Sandford did at least respond, unlike the majority of his *BBC* colleagues in recent years. He told us:

'The case is being covered by our World Affairs unit. I have been in a few hearings, and it is slightly repetitive at the moment. It will return as a news story.'

Those words — 'slightly repetitive' — look destined to become Sandford's journalistic epitaph. Ironically, they have been endlessly repeated back to him by members of the public who were understandably incredulous, perplexed, irritated or even angry at his dismissive response to Assange's ordeal and the huge implications of the trial.

We asked Sandford why he had never mentioned the testimony of Nils Melzer, the UN Special Rapporteur on Torture: 'Thanks for replying. The UN's @NilsMelzer notes that "the case is a battle over press freedom, the rule of law & the future of democracy, none of which can coexist with secrecy". Surely the requirement of impartiality means you should report this; not wait until it is too late?'

We received no further response from the *BBC* correspondent. However, Rebecca Vincent, Director of International Campaigns at Reporters Without Borders, followed up our challenge and told Sandford:

'I find this disappointing, Daniel. Repetitive or not, the public needs to know what is happening in these proceedings. And meanwhile — NGOs have been barred access. I can only get in thanks to the support of a network of grassroots activists queuing from 5 am over four weeks.'

Sandford bristled: 'So you decided to join the pile-on too Rebecca? Thank you. I politely explained to @medialens why I personally was not covering the case and added that I had attended some hearings from personal interest, and explained why it is not news every day. But you are disappointed?'

'Pile-on' is the pejorative term used when a journalist receives critical replies from the public. Unfortunately, Sandford had received some abuse, but most people made polite and rational points. As we have learned over the years, most journalists hate being challenged by informed members of the public. And any instances of abuse — usually in the minority — are often leaned upon as an excuse to ignore or dismiss all challenges.

The home affairs correspondent continued: 'I don't have great influence over what is covered each day except on those stories I am working on, but press freedom does include the freedom for a news organisation to decide what should be included in the news each day.'

Rebecca Vincent replied again: 'Which very often does not seem to include stories of massively egregious press freedom violations — that will in turn set a precedent affecting said news organisation. As I said, disappointing.'

Teymoor Nabili, a former news presenter on *Al Jazeera*, *BBC* and *CNBC*, replied to Sandford: 'That's a particularly bizarre reading of "press freedom"'

Indeed. In the 'mainstream' media — *BBC News* included — 'press freedom' amounts to publishing power-friendly 'news' articles, biased 'analysis' and commentary, and diversionary pabulum and tittle-tattle.

Journalist Mohammed Elmaazi, who had been reporting daily from the trial, also replied to Sandford: 'This is probably the most significant case involving press freedom, the right to know and the Rule of Law, in the Western world in half a century, if not more so. Though as an individual reporter I wouldn't hold you personally responsible for *BBC's* coverage (or lack thereof).'

As John McEvoy noted in a piece on *The Canary* website: 'To write about the greatest press freedom case in recent history, it has been necessary to rely almost exclusively on the work of independent journalists.'

An extensive list of these journalists can be found [here](#).

Richard Medhurst, one of the independent journalists reporting the trial, made a powerful short speech outside the Old Bailey on one of the final days. The trial, and the lack of media coverage, was 'an abomination', he said. So too was the fact that the West's war criminals were not even mentioned in court — Tony Blair, George Bush, Jack Straw, Paul Wolfowitz, Donald Rumsfeld and the rest. In sum, the hearing was: 'An absolute mockery of any kind of semblance of justice in this country'.

Former UK ambassador Craig Murray concurred when he too spoke outside the Old Bailey, saying of Assange: 'His ordeal goes on and on. And all because he published the truth. There is no allegation in that court room that anything he published was a lie. Anything he published was true. And much of that truth revealed terrible crimes — war crimes and crimes against humanity, and lies and corruption by government. And not one of the people who committed those war crimes is on trial anywhere. Instead we have the man who had the courage to reveal those war crimes is the one whose liberty is at stake.'

A Twitter commenter made a point about one of the independent reporters at the trial: 'Kevin Gosztola has reported more on the Julian Assange extradition trial than the *NY Times*, *WaPo*, *BBC*, *ABC*, *CBS*, *NBC*, *FOX*, *CNN*, *MSNBC* have combined.'

Gosztola, editor of *Shadowproof.com* website, followed up with: 'Fact-checked this and it only took a few minutes to confirm #AssangeTrial'

And yet, bizarrely, there was a *BBC* reporter present throughout the Assange hearing, according to both Rebecca Vincent and James Doleman of *Byline Times*, who was providing daily trial updates. As Vincent noted: 'The *BBC* had a reporter in court (I could see him from the public gallery) who was apparently filing twice a day. There were 18 days of proceedings. Why weren't more pieces published?'

So, what was happening to the reports that were presumably being submitted by the *BBC* reporter? Nobody could tell us, including the ever-silent editors of *BBC News at Ten*.

Investigative journalists Matt Kennard and Mark Curtis of *Declassified UK* have extensively studied numerous aspects of the Assange extradition hearing and

published seven articles concerning legal irregularities and conflicts of interest in the case. These articles revealed:

- Julian Assange's judge and her husband's links to the British military establishment exposed by WikiLeaks
- The son of Julian Assange's judge is linked to an anti-data leak company created by the UK intelligence establishment
- Chief magistrate in Assange case received financial benefits from secretive partner organisations of UK Foreign Office
- UK minister who approved Trump's request to extradite Assange spoke at secretive US conferences with people calling for him to be "neutralized"
- At risk from coronavirus, Julian Assange is one of just two inmates in Belmarsh maximum-security prison held for skipping bail
- UK government refuses to release information about Assange judge who has 96% extradition record
- As British judge made rulings against Julian Assange, her husband was involved with right-wing lobby group briefing against WikiLeaks founder.

*BBC News* and other corporate media could certainly not be accused of being at all 'repetitive' about such deeply damaging aspects of the extradition hearing.

Observing the court proceedings from the limited space of the public gallery day by day, Murray warned: 'It has been clear to me from Day 1 that I am watching a charade unfold. It is not in the least a shock to me that [magistrate Vanessa] Baraitser does not think anything beyond the written opening arguments has any effect. I have again and again reported to you that, where rulings have to be made, she has brought them into court pre-written, before hearing the arguments before her. I strongly expect the final decision was made in this case even before opening arguments were received.'

Murray added: 'The plan of the US Government throughout has been to limit the information available to the public and limit the effective access to a wider public of what information is available. Thus we have seen the extreme restrictions on both physical and video access. A complicit mainstream media has ensured those of us who know what is happening are very few in the wider population.'

In a superb piece for *Consortium News*, political commentator Alexander Mercouris demolished the shifting and nonsensical US case for extradition. He nailed the fundamental reason that Washington is pursuing Assange:

'Julian Assange and his organization WikiLeaks, have done those things which the U.S. government and its national security apparatus most fear, and have worked hardest to prevent, by exposing the terrible reality of much of what the U.S. government now routinely does, and is determined to conceal, and what much of the media is helping the U.S. government to conceal.'

He continued: '... the true purpose of the U.S. government's relentless pursuit of Assange is to prevent him from exposing more of its crimes, and to punish him for exposing those of its crimes which he did expose, if only so as to deter others from doing the same thing, is perfectly obvious to any unbiased and realistic observer.'

Mercouris added: ‘Assange and WikiLeaks have exposed rampant war crimes and human rights abuses over the course of illegal wars waged by the U.S. government and its allies. The death toll from these wars runs at the very least into the tens of thousands, and more plausibly into the hundreds of thousands or even millions.’

In conclusion: ‘In other words, it is Assange and his sources, first and foremost Chelsea Manning, who are the defenders of international law, including the Nuremberg Principles, and including in the case which is currently underway, whilst it is those who persecute them, including by bringing the current case against Assange, who are international law’s violators.... This is the single most important fact about this case, and it explains everything about it.’

At the end of the trial, RT’s Afshin Rattansi noted: ‘English magistrate Vanessa Baraitser declares at London’s Old Bailey that she will judge on Julian Assange’s extradition to a Virginia Court to face Espionage charges on 4 January 2021. The judgement will impact every journalist in the world.’

We highlighted that last sentence on our Twitter feed, adding: ‘As for stenographers and guardians of power in the “mainstream” media, they can just carry on as before...’

This, of course, is a central reason why state-corporate ‘journalists’ are so disinterested in the trial. The overwhelming majority simply do not — cannot — see themselves threatened by Washington’s assault on real journalism and truth-telling.

### ***Closing Scene: A BBC Man Appears***

On the penultimate day of the four-week hearing, the BBC’s avuncular veteran reporter John Simpson turned up (‘Still with BBC after 53 yrs, trying to make sense of a mad world’, says his Twitter bio): someone we had sparred with on the topic of Iraq in the early days of *Media Lens*.

He tweeted after his day at court: ‘I went to Julian #Assange’s extradition hearing at the Old Bailey today. It will end tomorrow or Friday, with a decision expected in January. Alarming witness statements today from whistleblowers about the bugging of Assange’s lawyers in Spain.’

Simpson’s comment was not entirely accurate or comprehensive. According to whistleblower testimony presented at the Old Bailey by former employees of UC Global, a Spanish security company, attempts had allegedly been made by the company to bug Assange and his lawyers inside the Ecuador embassy, under the auspices of the CIA. That fact alone should have been sufficient to throw out any court case against Assange, given the supposedly sacrosanct confidentiality of private legal conversations between lawyers and clients. There were even proposals by UC Global to kidnap or poison the WikiLeaks publisher on behalf of the CIA. Investigative journalist Max Blumenthal has done valuable work in exposing all of this, as he detailed in an interview with Deepa Driver of the campaign group Don’t Extradite Assange, and in an extensive article for *The Grayzone* website.

These shocking details appear never to have surfaced in BBC coverage, such as it was. On October 2 — the day after the hearing had ended — we observed that there had been just four articles published on the website during the hearing. One was a short, bland report of the first day of the case. Two were more ‘human interest’ pieces about Assange’s partner, Stella Moris, and their two children. A fourth piece was titled,

‘Julian Assange: Campaigner or attention seeker’. Perhaps ‘the world’s most trusted international news broadcaster’ believes the latter to be the case, thus deciding to all but ignore the hearing and its serious implications for justice, journalism and democracy.

It is worth noting that Stuart Millar is the digital news editor at *BBC News*, so presumably has responsibility for the website. He is the former head of news at the *Guardian*. This ‘comical’ tweet about Assange dates from Millar’s time at the *Guardian*: ‘I like to think that #Assange chose the Ecuadorean embassy because it’s so convenient for Harrods’

Yet more proof, if any were needed, of the groupthink that prevails among even the most ‘respected’ media outlets. If you need to demonstrate that your media credentials are *bona fide* — that you are ‘one of us’ — making a ‘joke’ at the expense of Julian Assange is a sure-fire way to show you can be trusted.

It would never do, for example, to give headline coverage to the CIA-instigated spying of Assange in the Ecuador embassy, the torture he is enduring by his incarceration, his parlous mental and physical state, the real risk of suicide should he be extradited to the US, almost certainly being dumped into the ‘hellhole’ of a ‘supermax’ US prison. All of this is to ensure that Assange serves as a warning example to anyone — anywhere in the world — who might dare to publish information that the US government does not wish to be made public.

Such grotesquely disturbing details did not even approach becoming ‘slightly repetitive’ to consumers of *BBC News*. Instead, they were buried. The *BBC* could, for instance, have interviewed Fidel Narvaez, former Ecuadorian Consul, to speak about the spying (which took place after Narvaez had been replaced in the embassy, following the election of Ecuador president, Lenin Moreno, who has been bending over backwards to do the US’s bidding under Donald Trump).

*BBC* journalists, and other ‘mainstream’ reporters could have included something of Noam Chomsky’s five-page submission to the hearing in support of Assange. They could have printed just one line, namely that Assange: ‘...has performed an enormous service to all the people in the world who treasure the values of freedom and democracy’.

Reporters routinely behave as stenographers to power — the *BBC*’s political editor Laura Kuenssberg and *ITV*’s political editor Robert Peston are prime examples. But to be a stenographer to cogent commentary from Noam Chomsky is, of course, unthinkable. As we pointed out on Twitter on October 2, the day after the hearing ended, Kuenssberg has mentioned Assange a grand total of four times on her Twitter account — all back in 2014. Then, she had asked blankly: ‘What do you think should happen to him?’

Her silence on the extradition hearing spoke volumes: *BBC News* in a nutshell.

As far as we can tell from Twitter searches, Peston last mentioned Julian Assange on January 29, 2017. When we published a media alert last month that discussed Assange, we challenged Peston and Kuenssberg about their long-term silence on the WikiLeaks founder. Needless to say, they did not reply.

Likewise, other high-profile media figures including the *BBC*’s Andrew Marr, Huw Edwards, Andrew Neil and Nick Robinson, and *Sky News* political editor Adam Boulton, kept quiet when we asked them to explain their silence on Assange. As US comedian Jimmy Dore said: ‘We need everybody exposing war crimes and the crimes of our government... So if you see a newsperson and they’re not screaming about this, the reason why they’re not is because it helps their career.’



‘Free Julian Assange’ campaigner John Mcghee, one of those protesting outside the Old Bailey on the day John Simpson was there, wrote an account of having met the BBC world affairs editor and enjoying a warm friendly exchange: ‘We talked for a few minutes and he revealed to me his incomprehension at the glaring absence of media representatives in or indeed outside the Old Bailey. He was genuinely shocked by the fact that a mainstream media embargo has apparently been imposed on the trial of the century that could sound the death knell for freedom of speech the world over.’

Certainly, some credit is due to John Simpson for reporting on the extradition hearing on that day’s *BBC Radio 4 PM Programme*. But it was a short segment of just 3 mins, 28 secs near the end of the hour-long programme, and it wasn’t even trailed at the start of PM. Shocked or not, Simpson certainly made no mention of his ‘incomprehension’ at the lack of media coverage.

Moreover, although it included short quotes from Stella Moris, Assange’s partner, and Jen Robinson, one of Assange’s lawyers, it was a thin piece that even repeated the debunked claim that US agents and informers had been harmed as a result of the work of WikiLeaks and Assange. It missed out so much of importance that was being diligently chronicled daily by Craig Murray. His detailed updates included copious vital facts that were glaringly absent from almost all ‘mainstream’ coverage; in particular *BBC News*.

Simpson reacted with short shrift (or silence) to those who complained to him on Twitter about the dearth of *BBC* coverage. He replied to one: ‘So how come I reported on this for the *BBC* yesterday? Find another conspiracy theory, is my advice.’

We are aware that the *BBC* did not totally blank Assange. But surely even Simpson could recognise that coverage had been pitifully inadequate given the importance and possible repercussions of the case? No ‘conspiracy theory’ is required. It is simply a fact.

Recently, when Tim Davie, the new *BBC* director general, tried to make his mark by declaring: ‘We are going to be publishing clear social guidelines... the enforcement policies will be very clear... we’ll be able to take people off Twitter’

He was asked by MPs ‘about the impartiality of those who work for the *BBC*’. But so far, none of them have asked about the impartiality of those who work for the *BBC* and have tweeted (or reported) nothing about a hugely significant political trial taking place in this country. It is what John Pilger rightly calls, ‘lying by omission’.

We sent an open tweet to any prospective *BBC* whistleblowers struggling with their consciences: ‘Most large organisations have whistleblowers who step forward when ethics, conscience and courage prevail. Where are the whistleblowers inside *BBC* newsrooms? #JulianAssange’

Nobody has responded, so far.

### ‘Shaming’

Afshin Rattansi interviewed John Pilger about the Assange hearing and its ramifications on the *Going Underground* programme on *RT* (which, as Twitter is keen to tell everyone, is ‘Russia state-affiliated media’. As yet, *BBC News* Twitter accounts have not been labelled as ‘UK state-affiliated media’).

Rattansi asked Pilger to respond to Daniel Sandford’s excuse for not reporting on the hearing as it was ‘slightly repetitive’. Pilger said: ‘For that *BBC* journalist to describe [the hearing] as “repetitive” doesn’t quite leave me speechless. But it leaves me with a sense that it’s over with much of the media.’

He explained: 'To watch this day after day. This extraordinary, important trial telling us so much about how those who govern us, those who want to control our lives, and what they do to other countries, how they lie to us — watch this day after day and see none of it reported. Or, if you do see it reported, you'll see something like "Assange told to pipe down" by the judge on a day — he only did this two or three times, I don't know how he kept his mouth shut — where he stood up and protested at evidence that was clearly false and offensive to him. That was the headline. That was the story of the day.'

One vital example was when Assange was wrongly accused by the prosecution lawyers of having endangered the lives of US agents and their informers in releasing WikiLeaks documents that had not been redacted of names. This endlessly repeated propaganda claim was refuted by the famous *Pentagon Papers* whistleblower Daniel Ellsberg who testified on behalf of Assange:

'I have also spoken to [Assange] privately over many hours. During 2010 and 2011, at a time when some of the published material had not yet seen the light of day, I was able to observe [Julian's] approach. It was the exact opposite of reckless publication and nor would he wilfully expose others to harm.

'Wikileaks could have published the entirety of the material on receipt. Instead I was able to observe but also to discuss with him the unprecedented steps he initiated, of engaging with conventional media partners, [to maximise] the impact of publication [so] it might [best] affect US government policy and its alteration.'

Award-winning Australian journalist Mark Davis was an eye-witness to the preparation of the *Afghan War Logs* in 2010 for newspaper publication, documented in Davis's film, 'Inside Wikileaks'. Davis spoke at a public meeting in Sydney last year and said that he was present alongside Assange in the *Guardian's* 'bunker' where a team from the *Guardian*, the *New York Times* and *Der Spiegel* worked on the publication of articles based on, as the NYT put it: '...a six-year archive of classified military documents [that] offers an unvarnished and grim picture of the Afghan war.'

Davis attests that, far from being 'cavalier' about releasing documents that might endanger lives, it was: '*Guardian* journalists [who] neglected and appeared to care little about redacting the documents.'

Moreover: 'They had a "graveyard humour" about people being harmed and no one, he stated emphatically, expressed concern about civilian casualties except Julian Assange.'

Assange had: '...subsequently requested that the release of the *Afghan War Logs* be delayed for the purpose of redaction, but the *Guardian* not only insisted on the agreed date, they abandoned him to redact 10,000 documents alone.'

In fact, Assange worked through the night to do this, after the *Guardian* journalists had gone home.

Moreover, the claim that lives had been put at risk by WikiLeaks in publishing US cables could not even be substantiated by the US itself. As Patrick Cockburn observed in the *Independent*:

'The Pentagon has admitted that it failed to find a single person covertly working for the US who had been killed as a result of the WikiLeaks disclosures. This failure was not for lack of trying: The Pentagon had set up a special military task force, deploying 120 counter-intelligence officers, to find at least one death that could be blamed on Assange and his colleagues but had found nothing.'

In the same *RT* interview mentioned earlier, Rattansi asked about the role of *the Guardian* in the Assange case; something we have documented at length. Pilger summed up their ‘campaign of vilification against Assange, the way they turned on their source, as ‘a disgrace’.

In an interview for the Australian magazine *Arena*, Pilger expanded on this important component of the Assange story: ‘How shaming it all is. A decade ago, *the Guardian* exploited Assange’s work, claimed its profit and prizes as well as a lucrative Hollywood deal, then turned on him with venom. Throughout the Old Bailey trial, two names have been cited by the prosecution, *the Guardian*’s David Leigh, now retired as “investigations editor” and Luke Harding, the Russiaphobe and author of a fictional *Guardian* “scoop” that claimed Trump adviser Paul Manafort and a group of Russians visited Assange in the Ecuadorean embassy. This never happened, and *the Guardian* has yet to apologise. The Harding and Leigh book on Assange — written behind their subject’s back — disclosed a secret password to a WikiLeaks file that Assange had entrusted to Leigh during *the Guardian*’s ‘partnership’. Why the defence has not called this pair is difficult to understand.’

He continued: ‘Assange is quoted in their book declaring during a dinner at a London restaurant that he didn’t care if informants named in the leaks were harmed. Neither Harding nor Leigh was at the dinner. John Goetz, an investigations reporter with *Der Spiegel*, was at the dinner and testified that Assange said nothing of the kind. Incredibly, Judge Baraitser stopped Goetz actually saying this in court.’

True to their role as ‘leftist’ *Guardian* figleaves, neither Owen Jones nor George Monbiot published an article so much as mentioning Julian Assange during the four-week hearing. Jones tweeted ‘support’ by linking back to an article he published in April 2019. Monbiot stumped up the energy to send out three token tweets. But he tweeted nothing about Nils Melzer, Daniel Ellsberg, Noam Chomsky or the shocking revelations from UC Global whistleblowers about spying on Assange, along with CIA-sponsored plans to kidnap or poison him.

One Twitter user asked: ‘Why are people “spooked” by the Assange case? It’s a genuine question, the media silence is weird, even on the left, @AyoCaesar @AaronBastani @GeorgeMonbiot to name a few. What’s stopping them from screaming this from the rooftops? Are they scared, threatened, what?’

Monbiot at least replied: ‘I’ve tweeted about it many times. But for me it’s one of hundreds of crucial issues, many of which are even more important. It’s terrible, but compared to, say, soil loss, it’s a long way down my list.’

Challenged further about his near-silence, he said: ‘I have nothing to add to what others have already said. I never write about an issue unless I have something new and original to say. It’s not about ticking boxes for me, it’s about expanding the field.’

We responded: ‘What a happy coincidence that @GeorgeMonbiot can find nothing “new and original” to say about Assange, who has been targeted with a ferocious smear campaign by his employer. Try citing @NilsMelzer’s arguments, George, that would be “expanding the field” for most *Guardian* readers.’

As the former *Guardian* journalist Jonathan Cook noted: ‘Monbiot could have served as a counterweight to the relentless maligning of Assange in *the Guardian*’s pages by pointing out how these smears were unfounded. Instead he has either echoed those smears, or equivocated on them, or remained silent.’

Cook added: ‘Monbiot is not the free thinker, the fearless investigator of difficult truths, the leftwing conscience he claims to be. It is not really his fault. It is in the nature of

the function he serves at *the Guardian*...He enjoys the freedom to speak out loudly on the dangers of environmental destruction, but that freedom comes at a price — that he closely adhere to the technocratic, liberal consensus on other issues.'

In short: 'Monbiot, therefore, treads the finest line of all *the Guardian's* columnists. His position is the most absurd, the one plagued with the biggest internal contradiction: he must sell extreme environmental concern from within a newspaper that is entirely embedded in the economic logic of the very neoliberal system that is destroying the planet.'

This is supremely relevant to the Assange case. Because if the US wins, then journalism and the public's ability to know what is going in the world will be even more crushed than they already are. And that spells disaster for avoiding worldwide environmental breakdown in an era of rampant global capitalism.

DC

<https://www.medialens.org/2020/none-of-it-reported-how-corporate-media-buried-the-assange-trial/>

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## **Julian Assange's extradition hearing marred by barriers to open justice**

*Reporters Without Borders*  
October 9, 2020

After monitoring four weeks of evidence in the US extradition proceedings against Wikileaks publisher Julian Assange, Reporters Without Borders (RSF) reiterates concern regarding the targeting of Assange for his contributions to journalism, and calls again for his release. Expert testimony highlighted the political nature of the case against Assange, the US government's lack of evidence for alleged harm caused, and urgent humanitarian concerns related to Assange's physical and mental health. RSF also documented extensive barriers to open justice, which marred proceedings. The extradition decision is expected on 4 January 2021.

"We are alarmed by what we have witnessed in the US extradition case against Julian Assange. We firmly believe Assange has been targeted for his contributions to journalism, and the case against him is clearly a political application of the Espionage Act — which should present a bar to extradition. We also have serious humanitarian concerns, which make Assange's extradition a possible matter of life or death. Finally, we have concerns about extensive barriers to open justice, which made it nearly impossible for us to do our jobs as NGO observers and monitor proceedings. We call again for the charges against Assange to be dropped, and for him to be immediately released — and certainly not extradited to the US," said RSF's Director of International Campaigns, Rebecca Vincent.

### ***Barriers to open justice***

Despite severe restrictions imposed on observers by the court, RSF was the only NGO to monitor the evidentiary portion of the US extradition proceedings against Wikileaks publisher Julian Assange, from 7 September to 1 October at the Central Criminal Court (the Old Bailey) in London. With interventions from diplomatic missions and political observers, and support from grassroots activists who helped

hold places in the queue from the early hours each morning, RSF representatives were able to access the very few seats made available in the public gallery of the overflow courtroom for most sittings of the 18 days of proceedings.

RSF has been in correspondence with UK government officials as well as the court about access to proceedings against Assange since the start of the year. This was first in relation to the first week of proceedings at Woolwich Crown Court in February, in which legal arguments were heard, then with regard to remote access to administrative hearings that took place between March and August, and finally seeking physical and remote access to the evidentiary portion of the extradition hearing in September. At each stage, the court has refused to recognise the role of NGO observers as any different to the public or make specific provisions to allow for professional monitoring of proceedings.

RSF was able to monitor all sittings in proceedings at Woolwich Crown Court from 24 to 27 February only by queuing outside the court for hours each morning, in winter weather, from as early as 5:30 am, to gain access to the 14 spaces made available to members of the public in the public gallery. RSF also attempted to remotely monitor each subsequent administrative hearing via a telephone conference system that was not fit for purpose. When it worked, the quality of the audio connection was insufficient to properly follow proceedings. On three occasions (4 May, 27 July, and 14 August), the court failed to connect the line at all, leaving journalists and observers on hold.

In a letter to RSF dated 4 September, Secretary of State for Justice and Lord Chancellor Robert Buckland stated: "I'm sorry to learn of the issues that NGOs encountered whilst trying to access hearings at Woolwich Crown Court and Westminster Magistrates' Court," as well as "I do accept, and apologise that errors were made by Westminster Magistrates' Court on three occasions where the conference telephone line was not connected to allow accredited media access to proceedings." Buckland noted that a video platform would be used to allow accredited members of the media access to the hearing virtually, and that the public gallery would be open for members of the public and observers, on a first come, first serve basis.

On 1 September, RSF had been notified by a court official that "the Judge has now confirmed that observers, trial monitors and other interested parties can attend the hearing virtually via the Cloud Video Platform (CVP)." RSF was later told that only one representative per organisation could be registered, after which registration for Director of International Campaigns Rebecca Vincent was confirmed.

However, at the start of proceedings on 7 September, RSF received a further communication from the court, stating: "The judge has regretfully decided not to grant requests for members of the public to attend the Julian Assange hearing via CVP... she is concerned about her ability to maintain the integrity of the court if members of the public are able to attend the hearing remotely." On 8 September, Vincent nonetheless attempted to access the CVP via the link that had been provided, and was admitted to the waiting room before being removed and unable to log in again. Amnesty International and other NGOs also reported having their access revoked, along with a number of political observers.

This meant that the only way for NGO observers to monitor proceedings was to gain access to one of the very few spots in the public gallery of the overflow courtroom, next to the courtroom where proceedings were taking **place**. RSF observers could only

view a small television screen from across a large room, on which it was often not possible to see who was speaking or even whether the judge was sitting. It was not possible to clearly see Assange in the glass dock he was held in at the back of the courtroom, or assess his well being, whether he could adequately follow proceedings, or if he could communicate easily with his legal representation — all of which had been issues in the February proceedings.

Due to Covid distancing measures, the court made five spaces available to members of the public, in a gallery with a total of 36 seats. Communications from the court repeatedly stated that these would be allocated on a first come, first serve basis — however this was not respected in practice. For nearly three weeks of proceedings, three seats were held back for unspecified “VIPs” for the first hour and a half each morning, and the first half an hour each afternoon, meaning that often only two members of the public (including NGO observers) were present in the courtroom. After RSF learned that the VIPs were in fact diplomats who were unaware these seats were being held for them, diplomatic intervention with the court finally resulted in all five seats being made fully available to the public from 24 September.

Technical problems also plagued proceedings, particularly during the first week. Hours of scheduled witness testimony were lost due to the court’s inability to connect witnesses remotely via video. When the system was working correctly, audio problems such as a lag in the connection or reverberation sometimes still made proceedings difficult to follow. At one point the audio feed to the overflow courtroom cut for around 10 minutes, meaning the press and observers missed an important argument over whether evidence would be accepted from Khaled El-Masri, a witness for the defence who was found by the European Court of Human Rights to have been mistakenly abducted by the Macedonian police and subjected to torture at the hands of the US authorities.

### *Expert testimony*

A total of 47 witnesses gave evidence to the court (44 for the defence and three for the prosecution); 22 of these testified in person, and the others had their statements read into the record. Evidence focused on a wide range of aspects of the case, including the motivation in the case against Assange, the circumstances of the publication of leaked documents, technical aspects of how the documents were accessed, what sentencing Assange would likely face in the US, surveillance measures targeting Assange and his visitors at the Ecuadorian Embassy in London, his state of mental and physical health, and what detention conditions he would be subjected to in the US.

Crucially, the prosecution — for the US government — failed to produce any evidence of actual physical harm caused to anyone as the result of Wikileaks’ publication of leaked documents, severely undermining their claim that Assange knowingly put sources at risk. Testimony from Khaled El-Masri argued that to the contrary, the information published by Wikileaks exposed the atrocities to which he was subjected and has served as important evidence in his pursuit of justice.

*Pentagon Papers* whistleblower Daniel Ellsberg gave powerful testimony about the political nature of the case against Assange, whom he emphasised would not get a fair trial. He stated that he had not received a fair trial, and no one convicted under the Espionage Act could as it lacks a public interest defence. He rejected attempts to portray the *Pentagon Papers* as “good” and Wikileaks as “bad,” drew similarities between the two cases, and expressed solidarity with Assange. Noam Chomsky’s statement, read into the record, similarly emphasised the political motivations in the case against Assange — a sentiment echoed by several other witnesses.

Journalist John Goetz testified that Wikileaks had republished the unredacted diplomatic cables, which had been published in the first instance by website Cryptome and a number of media outlets. None of these outlets have faced adverse legal consequences for publishing the documents — only Wikileaks. A statement read into the record by Cryptome founder John Young confirmed that the unredacted files remain on the website to this day, and that Cryptome has never been approached by US law enforcement suggesting their publication was illegal.

Among the most alarming evidence was from several medical experts who testified about Assange's state of mental and physical health, making clear his vulnerability and strengthening the case for his humanitarian release. Professor Michael Kopelman and other experts gave evidence on Assange's severe depression, frequent suicidal thoughts, auditory hallucinations, PTSD, anxiety, and sleeping disorder. They emphasised that if extradited to the US, Assange was very likely to attempt suicide. Dr Nigel Blackwood, for the prosecution, did not dispute these conditions, but attempted to downplay their severity and argued that he believed Assange could control his suicidal impulses in US detention.

Dr Sondra Crosby echoed serious concern for Assange's mental health, and agreed with the medical findings of UN Special Rapporteur on Torture Nils Melzer's report, emphasising the psychological trauma Assange had experienced. She also expressed serious concern about Assange's physical health, particularly noting that his osteoporosis left him at high risk of suffering fractures if extradited to the US, also increasing his risk of mortality.

A number of experts spoke of Assange's autistic traits, and the prosecution attempted to argue that Assange's ability to speak at events or give media interviews was inconsistent with his Asperger's diagnosis — a notion countered by several witnesses.

Former US bureau of prisons employee Maureen Baird painted a chilling picture of the inhumane conditions Assange could face if subjected to Special Administrative Measures in detention in the US, including extremely limited human contact, possible solitary confinement for up to 23 hours a day, recreation only in another cell, and phone calls to his family only once a month. Defence attorney Yancey Ellis testified on specific conditions in the Alexandria Detention Center, where Assange is likely to be detained if extradited — the same facility in which Chelsea Manning attempted suicide.

### *Next steps*

At the end of the evidentiary portion of proceedings, the judge granted the defence four weeks to submit a written closing argument, after which the prosecution will have two further weeks to respond. The extradition decision is set to be given in a hearing at the Old Bailey at 10 am on 4 January 2021. Assange is next due to appear before the Westminster Magistrates' Court for a callover hearing on 29 October.

RSF will continue to monitor proceedings in the case against Assange and will ask the court to reconsider its position on access for professional NGO observers, as the court's failure to recognise and accommodate this role presents serious concerns for open justice.

RSF's #FreeAssange petition remains open, following a malicious spambot attack intended to undermine the campaign. RSF will attempt again to deliver the petition to the UK authorities before the 4 January hearing, following 10 Downing Street's refusal to accept the first 80,000 signatures on 7 September. In the meantime, RSF continues to campaign for Assange's release.



The US and UK are respectively ranked 45th and 35th in RSF's 2020 World Press Freedom Index.

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<https://rsf.org/en/news/usuk-julian-assanges-extradition-hearing-marred-barriers-open-justice>



*Assange supporters outside the Old Bailey courthouse in London at the start of the extradition trial of Julian Assange. (You Tube, AcTivism Munich still)*

## **Julian Assange's 'Trial of the Century': 10 Reasons Why it Threatens Freedom of Speech**

*Fidel Narváez was in the court in London for the majority of the hearings and offers this comprehensive summary.*

*Fidel Narváez  
The Grayzone  
October 15, 2020*

At the end of the hearings that seek to extradite journalist Julian Assange to the United States, on Oct. 1, his defense team should have felt triumphant. Because with more than 30 witnesses and testimonies, throughout the whole month of September, they gave a beating to the prosecution representing the U.S.

If the case in London were decided solely on justice, as it should in a state based on law, this battle would have been won by Assange.

However, this "trial of the century" is, above all, a political trial, and there remains the feeling that the ruling was made beforehand, regardless of the law.

The court kicked off on Sept. 7 with hundreds of protesters outside, in contrast with the restrictions that the court imposed inside — in what is the most important case against the freedom of expression in an entire generation.

t only permitted the entry of five people on the list of “family members,” and five people from the public, who were put in an adjacent room, where they were barely able to follow the video transmission.

The judge, Vanessa Baraitser, who is overseeing the case, without a convincing reason cut the access to the video stream that had previously been authorized to nearly 40 human rights organizations and international observers, including Amnesty International, Reporters Without Borders and PEN International.

Each day, starting at 5 am, selfless activists stood in line so that observers like Reporters Without Borders, for example, could enter and take one of the five available seats. Thanks to them, and to family members of Assange, I was able to be in court to attend the majority of the hearings.

Julian himself was also woken up, every day, at 5 am and, naked and handcuffed, subjected to humiliating inspections and x-ray scans, before being put into a police car and crossing through London traffic for more than an hour and a half.

At 10 a.m., when court was finally in session, Julian had already endured five hours of insult, before being put in a glass cage for the rest of the day.

To communicate with his lawyers, Julian had to get on his knees to talk to them through a slit in the cage, just a few meters away from the ears of the prosecution’s attorneys — something that clearly violates due process.

The defense began by requesting deferment of the hearings, in light of the fact that the U.S. had filed a new extradition request at the last minute, with new accusations that not Assange himself was able to look over.

In the previous six months, Julian had practically no access to his lawyers. The judge, however, rejected any deferment.

The defense had based its strategy on proving that the legal process was being abused in many interrelated ways. In this extensive summary, allow me to explain 10 reasons that I identified as important factors against the extradition.

For this exercise I have relied, furthermore, on the reporting of American journalist Kevin Gosztola and that of the former British diplomat Craig Murray, next to whom I shared a seat in the court.

**1) The accusation is for a “political crime,” which is not subject to extradition.  
Publishing classified, and truthful, information is not a crime.**

Julian Assange would be prosecuted under the Espionage Act of the United States for a political “crime,” which is excluded from the extradition agreements between the United Kingdom and U.S.

The U.S. attorney general’s office has furthermore said that Assange, as a foreigner, would not be able to exercise the right of the First Amendment. That is to say, punishments apply to foreigners in the U.S., but not legal protections.

The director of the Freedom of the Press Foundation, Trevor Timm, told the court that the extradition of Assange would be the “end of national security journalism” because it would criminalize all reporters who receive secret documents.

He criticized the accusation that having a SecureDrop is a crime, as *The Guardian*, the *Washington Post*, *The New York Times*, and more than 80 other news organization, including the International Consortium of Investigative Journalists, also currently use SecureDrop.

Timm said the Department of Justice has a political orientation, that the prosecution cannot decide who is a journalist and who is not, and that the charges against Assange “would radically rewrite” the First Amendment.

This was also affirmed in the written testimony by the director of the Knight First Amendment Institute at Columbia University, Jameel Jaffer, who insisted that the accusation against Assange is meant to discourage journalism that is essential for democracy, and represents a grave threat to the freedom of the press.

The professor of journalism and former investigative reporter Mark Feldstein testified that leaks are a “vital element” of journalism, that the collection of classified information is a “standard operating procedure” for journalists, and that WikiLeaks’ publications are constitutionally protected.

The U.S. lawyer Eric Lewis, a former law professor at Georgetown University, noted that the Obama administration had finally decided not to try Assange because of what is known as “the *New York Times* problem” — that is to say, there was not a way to prosecute him for publishing classified information without the same principle applying to many other journalists.

Lewis testified that the Trump administration had put pressure on prosecutors from the Eastern District of Virginia, and cited a *New York Times* article that referenced Matthew Miller, the former Justice Department spokesman under Obama, who warned the case could establish a precedent that threatens all journalists.

This same concern was expressed before the court by the lawyer Thomas A. Durkin, a former assistant United States attorney and professor of law, who warned that “the Trump administration ordering the reopening of the case was clearly a political decision.”

Both Durkin and Lewis affirmed that Assange would be condemned for life, given that the sentences for spying in the U.S. are generally life in prison, and the most lenient are from 20 to 30 years.

The lawyer Carey Shenkman, who wrote a book about the history and use of the Espionage Act, testified that the law is “extraordinarily broad” and one of the most divisive laws of the United States. “Never, in the history of the Espionage Act, has there been an accusation against an American editor ... and neither has there been an extraterritorial accusation against a non-American editor.”

The prosecution, for its part, in what was one of the most terrifying admissions heard in the court, recognized that, while the Espionage Act had never been used against a journalist, its extensive scope would allow them to use it in this occasion.

The lawyer Jennifer Robinson, a member of Assange’s legal team, submitted to the court a written testimony detailing an offer of a pardon by President Donald Trump, in exchange for Assange identifying the source of the leaks that WikiLeaks published from the Democratic National Committee (DNC) in 2016.

The offer was made through the U.S. Representative Dana Rohrabacher during a visit to the embassy of Ecuador. The congressman had explained that the information from Assange about the source of the leaks would be “interest, value, and assistance” for the president, and would “resolve the ongoing speculation about Russian involvement.”

The offer from the White House demonstrated the politicized nature of the case, given that the charges were made after Assange refused to provide any information.

The award-winning journalist Patrick Cockburn, who has written for *The Independent* for more than 30 years, submitted written testimony in which he said that Assange is being persecuted because he “exposed the way the US, as the world’s sole super-power, really conducted its wars — something that the military and political establishments saw as a blow to their credibility and legitimacy.”

For his part, the journalist Ian Cobain, who worked for *The Guardian* during the publication of WikiLeaks materials in 2010, said in written testimony that Assange is being persecuted because, “There is always the understanding — one that is so clear that it needs not be spoken — that anyone who has knowledge of state crimes, and who comes forward to corroborate allegations about those crimes, may face prosecution.”

The renowned professor Noam Chomsky told the court in written testimony that Assange “has performed an enormous service to all the people in the world who treasure the values of freedom and democracy and who therefore demand the right to know what their elected representatives are doing. His actions in turn have led him to be pursued in a cruel and intolerable manner.”

Yet, if there remain doubts about the political nature of the case, there was also Judge Baraitser herself, who in the court said her original intention was to have the verdict before the U.S. presidential elections, and who asked the defense and the prosecution what implications a ruling would have had after said elections.

Why is a British judge, who is supposed to impart justice solely based on facts and evidence, waiting for a purely political event in another country to reveal her verdict?

## **2) There was never a reckless disclosure of names.**

### **No one has been hurt due to WikiLeaks publications.**

The legendary leaker of the *Pentagon Papers*, Daniel Ellsberg, told that court that he “totally disagrees with the ‘good Ellsberg / bad Assange’ theory.” He said Julian did “everything possible” to redact and withhold damaging information, working with media outlets in the redaction process.

The *Pentagon Papers* were top secret, but WikiLeaks’ documents were not classified as restricted and hence, by definition, there should be nothing that is truly sensitive.

Ellsberg said that Assange withheld 15,000 files from the *Afghan War Diary* to protect names, and also requested help from the State Department and Defense Department to redact names, but the U.S. government refused to help, despite the fact that it is standard journalistic practice to consult with officials to minimize damage.

In the court-martial of Chelsea Manning, Ellsberg noted, the Defense Department admitted that it could not identify a single death caused by WikiLeaks publications.

The co-founder of the organization Iraq Body Count (IBC), John Sloboda, whose work has been recognized by the United Nations and European Union, testified that he worked with WikiLeaks and media outlets to prepare the *Iraq War Logs* before their publication. Sloboda recounted that Assange demanded and directed a “very strict redaction process” to prevent possible harm.

WikiLeaks used a software that was able to edit thousands of documents, identifying each word that was not in the English-language dictionary and automatically removing it, such as Arab names for example. Then, the files were scanned again to remove occupations, such as “doctor” or “driver,” in order to better protect identities.

This editing took “weeks” and was a “meticulous process,” Sloboda recounted. “There was considerable pressure on WikiLeaks because other media outlets wanted to push it to publish more quickly,” but “the position of Assange and WikiLeaks was to be excessively cautious.”

John Goetz, the current director of investigations for German public television *NDR*, confirmed that when he worked with Assange in 2010, representing *Der Spiegel*, WikiLeaks had a “rigorous redaction process,” and that Assange was obsessed with keeping classified documents secure and preventing harmful disclosures.

“I remember being very irritated by Assange’s constant and endless reminders that we needed to be safe,” and that WikiLeaks “ended up removing more things than even the Defense Department,” Goetz said. Assange frequently discussed “how to find confidential names so that we can redact them and take measures to make sure that nobody is at risk.”

The journalist Nicky Hager, author of the book *Other People’s Wars: New Zealand in Afghanistan, Iraq and the war on terror*, testified that one of his jobs was to “identify any cable that should not be released for reasons like the personal security of people mentioned,” and that WikiLeaks personnel were “committed to a careful and responsible process.”

He was “shocked” to see the level of care that they were taking to redact information that could hurt third parties. “People were working in silence for hours and hours” reviewing documents,” he recalled.

The veteran Italian journalist Stefania Maurizi, whose persistent reporting showed how British prosecutors pressured their Swedish counterparts to not interrogate Assange in London, said in her written testimony:

“I myself was given access to 4,189 cables... I sat down with Mr, Assange and went through the cables as systematically as possible.... Everything was done with the utmost responsibility and attention... That was the first time I had ever worked in any publishing enterprise involving strict procedures of that kind. Even experienced international colleagues found the procedures burdensome, involving protections considerably beyond those which any of them were accustomed to exercising... Not even the work done by close colleagues about the Italian mafia required such extreme precaution and security, it never rose to those levels.”

### **3) WikiLeaks’ publications are truthful information that is historically relevant.**

The British-American lawyer Clive Stafford Smith, the founder of the human rights organization Reprieve, testified that WikiLeaks shined a light on torture of detainees in Guantánamo, and revealed that many were not terrorists, but rather had been arrested in Afghanistan in a bounty system. The worst accusations had been “staged” against prisoners, who were sometimes forced to admit to them under torture.

Stafford Smith explained that it was thanks to WikiLeaks that the use of these torture techniques are known, such as the pulley, or hanging someone by their wrists until their shoulders are dislocated, and cited as an example Binyam Mohamed, a U.K. citizen whose genitals were on a daily basis cut with a shaving razor.

The lawsuits against the United States' drone assassination program in Pakistan would have been impossible without WikiLeaks, Stafford Smith said.

John Sloboda of Iraq Body Count said that the *Iraq War Logs* constitute "the greatest contribution to public knowledge about civilian casualties in Iraq," revealing around 15,000 deaths that had previously been unknown.

Patrick Cockburn, of *The Independent*, insisted, "WikiLeaks did what all journalists should do, which is to make important information available to the public, enabling people to make evidence-based judgments about the world around them and, in particular, about the actions of their governments."

The files published by WikiLeaks convey the reality of war "far better than even the most well-informed journalistic accounts," Cockburn added, showing how "the dead were automatically identified as 'terrorists' caught in the act, regardless or evidence to the contrary."

The former journalist Dean Yates, who was chief of *Reuters'* Baghdad bureau in 2007 and 2008, said in his written declaration that it was not until 2010, when WikiLeaks published the famous *Collateral Murder* video, that he knew the truth about the death of his journalist colleagues Namir Noor-Eldeen and Saeed Chmagh.

Yates recounted the attempts by the United States to cover up the truth, and that the military only showed him part of the video. The only person who told the truth was Assange.

"Had it not been for Chelsea Manning and Julian Assange, the truth of what happened to Namir and Saeed, the truth of what happened on that street in Baghdad on July 12, 2007, would not have been brought to the world," Yates said. "What Assange did was 100 percent an act of truth-telling, exposing to the world what the war in Iraq in fact was and how the U.S. military behaved and lied."

On this point, Judge Baraitser interrupted Yates' testimony, due to repeated pressure by the prosecution. It is ironic that a court would seek to criminalize journalism, while refusing to hear about the crimes exposed by journalism.

That is what happened in the much-anticipated testimony by the German-Lebanese citizen Khaled el-Masri, who was kidnapped and tortured by the CIA — and who for "technical problems" with the online transmission was not able to testify in person.

The judge stopped listening to him, also under pressure by the prosecution. This is what provoked an indignant reaction from Julian Assange, who shouted, "I will not censor the testimony of a torture victim before this tribunal... I will not accept it!"

The prosecution, finally, allowed the summary of the written statement to be read: El-Masri was brought to a CIA black site in Afghanistan, where he was beaten, strip searched, sodomized, force-fed with a tube through his nose, and subject to total sensory deprivation and other cruel forms of inhumane treatment for six months.

Finally, when the torturers realized that they had the wrong man, El-Masri was abandoned with his eyes blindfolded on a remote road in Albania. When he returned to Germany, his house was empty and his wife and kids had gone.

The journalist John Goetz, on German public television, demonstrated that El-Masri's story was true, and tracked down the CIA agents who were involved. German prosecutors sent out orders for the arrest of the kidnappers, but they were never executed.

WikiLeaks' publications proved that the United States put pressure on the German government to block a legal investigation into the crime.

The European Court of Human Rights, using the WikiLeaks cables, agreed with El-Masri, who wrote to the court: "WikiLeaks publications have been essential to accept the truth of the crime and the cover-up... without dedicated and brave exposure of the state secrets in question, what happened to me would never have been acknowledged and understood."

**4) WikiLeaks was not the first to publish the diplomatic cables without redaction, but only Julian Assange is being persecuted.**

Three of the 18 charges against Assange accuse him specifically of publishing U.S. diplomatic cables without redactions. But the defense and its witnesses showed that WikiLeaks was not the first media outlet to publish these files, and those who did it were not prosecuted. WikiLeaks was careful to encrypt the archive, but actions out of Assange's control led to its publication.

The German computer science professor Christian Grothoff testified about an investigation into the chronology of the events of 2011. Grothoff reviewed the timeline: In the summer of 2010, WikiLeaks shared the cables with *The Guardian* journalist David Leigh, through a file on a temporary website protected with a very strong encryption password. Assange only wrote part of the password on paper. WikiLeaks and its media partners began to publish the edited cables in November 2010.

WikiLeaks suffered constant attacks on its servers and mirror copies of its archive were created around the world to protect the information. Those copies were not accessible without a secure code. In February 2011, *The Guardian* journalists David Leigh and Luke Harding published a book in which the title of a chapter was the complete password for the unredacted cables. When the book published the key, WikiLeaks no longer had the ability to delete the mirror archives or change the encryption.

On Aug. 25, 2011, the German newspaper *Der Freitag* published an article in which it explained that the password revealed by Leigh and Harding could be used, and in a few days the complete archive, without redaction or editing, appeared on Cryptome.org, a page created in the United States. The websites MRKVA and Pirate Bay also published copies of the archive. On Sept. 1, the U.S. government accessed the unredacted cache for the first time, through Pirate Bay.

Professor Grothoff testified that he had not been able to find a single example of the code published online before *The Guardian* journalists published it in their book.

Assange and his WikiLeaks colleague Sarah Harrison called the U.S. State Department to warn that the unredacted cables were online, but their warnings were ignored. The journalist Stefania Maurizi recounted in her testimony that she was meeting with WikiLeaks the same day that she found out that the cables had been published, out of Assange's control.

"I remember that when I arrived there were fierce discussions as to what to do. Julian was clearly acutely troubled by the situation with which Wikileaks was faced," she recalled. For more than a year, he had been taking all of the possible measures to prevent this. "Assange was himself making urgent attempts to inform the (US) State Department the information was circulating out of Wikileaks' control."



WikiLeaks had to release the cables on Sept. 2, 2010, and published an editorial note indicating that “A *Guardian* journalist has negligently disclosed top secret WikiLeaks’ decryption passwords to hundreds of thousands of unredacted unpublished US diplomatic cables.”

The journalist Glenn Greenwald, who won the Pulitzer Prize for the Edward Snowden revelations, wrote that day: “Once WikiLeaks realized what had happened, they notified the State Department, but faced a quandary: virtually every government’s intelligence agencies would have had access to these documents as a result of these events, but the rest of the world — including journalists, whistleblowers and activists identified in the documents — did not. At that point, WikiLeaks decided — quite reasonably — that the best and safest course was to release all the cables in full, so that not only the world’s intelligence agencies but everyone had them, so that steps could be taken to protect the sources.”

The journalist Jakob Augstein, editor of *Der Freitag*, confirmed in his written testimony that, in August 2010, his media outlet published an article titled “Leak at WikiLeaks,” about the release of the password by *The Guardian* journalists. Assange called him and requested that he not publish anything that could reveal where the archive could be found, worried about “the security of the informants” of the U.S. government.

Finally, John Young, the representative of Cryptome.org, confirmed in his written testimony that his U.S.-based website first published the unredacted diplomatic cables, before WikiLeaks republished it: “I published on Cryptome.org unredacted diplomatic cables on September 1, 2011... and that publication remains available at the present... no US law enforcement authority has notified me that this publication of the cables is illegal, consists or contributes to a crime in any way, nor have they asked for them to be removed.”

#### **5) Assange never helped Chelsea Manning access national security information.**

One of the charges against Julian Assange is that he supposedly conspired with the soldier Chelsea Manning to obtain greater access to government databases y hid his identity to do it.

The argument is that Manning spoke in an encrypted chat with the user “Nathaniel Frank” (who the United States alleges, but has not proved, was Assange) and requested help from him to open an encrypted part of a password. The defense argues that Manning asked for help to protect her identity, something that journalists are obligated to do with their sources.

The defense brought before the court the best possible expert on the material: Patrick Eller, a forensic digital expert who worked for two decades for the U.S. Army and now is a professor of forensic evidence and the president of Metadata Forensics, which investigates civil and criminal cases. Eller reviewed the transcriptions from the court-martial of Manning in 2013 and came to the following conclusions:

a) The attempt to decrypt the password was technologically impossible and “computationally not viable” in March 2010, when the conversation took place between Manning and “Nathaniel Frank.”

b) Even if it were feasible, it would not have given Manning greater access to the government databases. At the date of Manning’s chat with “Nathaniel Frank” about the decryption of the key, Manning had already leaked all of the documents to WikiLeaks, excluding the State Department cables, that were being stored on a network that did not require login information, because Manning already had access to it.

c) And even if it were feasible, the purpose would not have been to conceal Manning's identity. What is much more probable, testified Eller, who interviewed members of Manning's military unit, was that they wanted to use the administrative account to download unauthorized movies, music, and games, and this required decrypting the password. Manning, Eller said, was the "person to go to" in her unit to help her colleagues do this.

In his testimony, Eller also established that neither he nor the U.S. government can prove that "Nathaniel Frank" was truly Julian Assange, or any other person.

#### **6) Assange would not have a fair trial in the U.S. 'Spy Court.'**

Julian Assange would be tried in the "Spy Court" of the United States, where "national security" cases go, and which in 2010 opened a "secret" investigation against WikiLeaks and Assange, for which he requested political asylum from Ecuador.

This is the Eastern District of Virginia, where the CIA and major national security contractors are based. The jury, therefore, comes from the place with the largest concentration of the U.S. intelligence community, where Assange would have no chance of getting a fair trial.

Daniel Ellsberg told the court that those accused of espionage cannot even argue reasons that justify their actions. "I did not have a fair trial, no one since me had a fair trial on these charges, and Julian Assange cannot remotely get a fair trial under those charges if he were tried."

This was also confirmed by the lawyer Carey Shenkman, who told the court that the Espionage Act does not allow the accused to argue their defense in the "public interest."

Trevor Timm noted in the court that 99.9 percent of grand juries make charges based on what the prosecution establishes, and that a study of 162,000 grand juries revealed that just 11 rejected the request of a federal prosecutor to press charges.

Eric Lewis said the judge of the Eastern District of Virginia would give Assange an extremely aggressive sentence.

The professor Mark Feldstein told the court that a large amount of academic material demonstrates that grand juries are maleable and do what the prosecutors tell them to do.

#### **7) Assange would face inhumane conditions in the U.S.**

By being accused of spying, Julian Assange would be imprisoned under "Special Administration Measures" (SAMs). He would be in solitary confinement, would not be allowed any contact with family, and would only be able to speak with lawyers, who could not be able to communicate any messages from him or would face criminal punishment. Such conditions are a sentence to a living death.

For his entire trial, Assange would be imprisoned in Alexandria Detention Center (ADC), and he would later serve a life sentence in the maximum security prison ADX Florence in Colorado.

The prosecution has tried to whitewash the conditions, in the written testimony of the assistant United States attorney in the Eastern District of Virginia, Gordon Kromberg, who tried to depict the hell of maximum-security prisons as friendly, which the defense's witnesses said was a fiction.

Yancey Ellis, a former defense lawyer for the U.S. Marines, who has defended many clients from ADC, told the court that the situation with Assange would be "cruel and oppressive," with an unknown time in solitary confinement, where he would be subjected to "torture and inhumane and degrading punishment."

Assange would pass 22 to 23 hours per day without any contact in a cell of less than five square meters. Normally, food is eaten inside the cell, and he would not have access to therapeutic programs of any kind. There is no outside area for recreation or exercise in the Alexandria prison.

The lawyer Joel Sickler, an expert on prison conditions and founder of the Justice Advocacy Group in Virginia, who also has clients in ADC and is familiar with ADX Florence prison in Colorado, told the court that Assange "absolutely won't have communication with other inmates." He added, "Your whole world is the four corners of that room."

In general, they allow one phone call with family for 15 to 30 minutes per month, and all of the calls are monitored, he explained. Sickler described the system as "feudal." He added that the possibility of appealing SAMs cases is "remote to nil," and said that he had a client who was in solitary confinement for 23 years.

The witness Maureen Baird, a former director of three U.S. prisons, including Metropolitan Correctional Center (MCC) of New York, where there are prisoners under SAMs measures, said that Assange would face "desolate and degrading" conditions before and after the trial.

SAMs is not discretionary; it is a directive imposed only by the attorney general, with the backing of intelligence agencies. The prisoners that they put under SAMs are technically in isolation for 24 hours per day. The conditions are so bad that it is hard to believe they still exist, given all of the studies and reports on the horrible physical and psychological effects it has on the prisoners.

Another witness was Lindsay Lewis, the lawyer for the British Muslim preacher Abu Hamza al-Masri, who is detained in ADX Florence in Colorado, despite the fact that the United States guaranteed British courts and the European Court for Human Rights that he would not be detained in such conditions, without an adequate medical examination.

Abu Hamza is an amputee who lost both hands, is blind in one eye, and suffers a skin condition called hyperhidrosis. He has been imprisoned under SAMs and in solidarity confinement for the past eight years. His bed, toilet, and sink were not adequate given his disabilities and other medical conditions, including severe diabetes, hypertension, and depression, which are not adequately treated.

Lewis said that the "unreliable nature of the U.S. government's assurances" should be a concern for British authorities on whether or not to extradite Assange to the United States.

The lawyer said the restrictions are so absurd that Abu Hamza was accused of violated SAMs when he tried to express his love for his grandson, in a letter to one of his children, because the grandchild, a 1-year-old baby, was not a pre-approved contact.

## 8) Assange faces a high risk of suicide in the U.S.

The conditions surrounding the physical and emotional health of Julian Assange were discussed in great detail in the court. This was the only area in which the prosecution presented its mere two witnesses.

It is important to remember that, soon after Assange was detained in Belmarsh prison, United Nations specialists examined him and determined that he was suffering from several effects of psychological torture, a result of nearly a decade of persecution, made even worse by his last year of confinement in the Ecuadorian embassy, when the government of President Lenín Moreno subjected him to isolation and cruel harassment — something that I have personal knowledge of.

Doctor Michael Kopelman, a professor emeritus of neuropsychiatry at King's College London, testified that Assange has been diagnosed with clinical depression and Asperger syndrome, for which he runs a high risk of suicide if he were extradited. Kopelman cited a study that found that suicide is nine times more likely in patients with Asperger's.

Chelsea Manning attempted suicide in the same facilities where Assange would be held in pre-trial detention.

Dr. Kopelman found that Assange showed a "loss of sleep, loss of weight, a sense of pre-occupation and helplessness as a result of threats to his life, the concealment of a razor blade as a means to self-harm and obsessive ruminations on ways of killing himself."

"I am as certain as a psychiatrist ever can be that, in the event of imminent extradition, Mr. Assange would indeed find a way to commit suicide," Kopelman wrote.

His diagnosis was supported by Assange's entire medical history since infancy, multiple interviews with family members and longstanding friends, and a surprising family history of suicide, possibly indicating a genetic disposition.

Assange's depressive state was especially severe in December 2019 when he sent goodbye letters to family members and friends, wrote a will, and even confessed to a Catholic priest.

Doctor Quinton Deeley, a neuropsychiatry specialist in autism and professor at King's College London, testified that Assange took an Autism Diagnostic Observation Schedule (ADOS) test and was diagnosed as having "high-functioning autism" with "rigidity of thought," a typical symptom of Asperger's.

Assange "ruminates about prospective circumstances at length," and it causes a "sense of horror," Deeley said. He believes an "example is being made out of him," which enormously increases the risk of suicide.

Dr. Sondra Crosby, a professor of medicine at Boston University and expert on the psychological impact of torture, visited Assange in the Ecuadorian embassy and Belmarsh prison. In 2018, Crosby published her professional opinion that the continued isolation of Assange was physically and mentally dangerous and a clear violation of his human right to health care.

In the embassy, Assange showed symptoms of post-traumatic stress disorder (PTSD) and psychological distress, an "acute psychological trauma, comparable to refugees fleeing war zones," Crosby said. She added that he runs a high risk of suicide if he is extradited.

“He is in the same psychological state as someone who was being chased by a man with a knife and then locks themselves in a room and won’t come out,” Dr. Crosby explained. In October 2019, Assange “met all of the criteria for major depression... and he had suicidal thoughts every day,” she testified.

**9) Assange and his lawyers were illegally spied on by the U.S., which makes a fair trial impossible.**

The testimonies of two protected witnesses, former employees of the Spanish security firm UC Global, which spied on Julian Assange in the Ecuadorian embassy, were partially read in court.

The witnesses confirmed that the company, following the instructions of the director David Morales, recorded conversations between Assange and his lawyers and gave the information to U.S. intelligence officials.

Morales, a former Spanish military officer who called himself a “mercenary,” even discussed poisoning Assange or allowing him to be kidnapped.

According to the witnesses, around 2016, Morales attended a security conference in the United States, where he obtained a lucrative contract with the firm Las Vegas Sands, the property of a close friend and billionaire financier of Donald Trump.

Upon returning, Morales met with his employees and told them, “from now on we are playing in the Big Leagues.” Later, he privately admitted that they had passed over to the “dark side,” referring to their cooperation with U.S. authorities, and that “the Americans will get us contracts across the world.”

Morales began to make regular trips to the United States to speak with “our American friends,” and when he was asked who those friends were, he replied, “U.S. intelligence.”

According to protected Witness No. 1, Morales developed a sophisticated system to compile information in the embassy, replacing the internal camera system to be able to record audio. UC Global put together reports that Morales personally brought to the U.S. authorities, with details that violated the privacy of Assange, his lawyers, doctors, and other visitors.

Morales was obsessed with recording the lawyers of the “guest,” Assange, because “the American friends” had told him to, the witness said.

The protected Witness No. 2 admitted to the court that he had installed secret microphones and new cameras with audio recording, and that, at David Morales’ orders, denied to Ecuadorian diplomats that the cameras could record audio.

Around June 2017, Morales requested that the cameras be able to livestream, so that “our friends in the United States” could have access to the inside of the embassy in real time.

The witness confessed, “I did not want to collaborate in an illegal act of that magnitude,” adding that “Morales told me to put a microphone in the meeting room... and another microphone in the bathroom at the end of the embassy, a place that had become strategic for Mr. Assange, who suspected that he was a target of spying, and held many meetings there to try to keep them private.”

"All of the embassy came to have microphones," the witness said. Morales also insisted on "putting certain decals on all of the external windows of the embassy," which would allow sophisticated external laser microphones to "capture all of the conversations" for "our American friends."

Witness #2 also said, "On one occasion, David [Morales] said the Americans were so desperate that they even suggested taking extreme measures against the 'guest.'" He added, "In concrete, the suggestion was that they leave open the door of the embassy, which would allow them to argue it was an accidental error, and which would allow people to enter and kidnap the asylee."

Moreover, the witness continued, "they discussed the possibility of poisoning Mr. Assange. All of those suggestions, Morales said, were being considered in negotiations with his contacts in the United States."

A professor of international law at Oxford University, Guy Goodwin-Gill, gave written testimony in which he said that, when he attended a meeting in the embassy about "international legal aspects of asylum," on June 16, 2016, his electronic devices were spied on by UC Global.

This was confirmed by protected Witness #2, who recalled that one of the employees of UC Global showed him the iPad of Goodwin-Gill with "many messages and emails in the home screen," assuring him that "the contents of the iPad had been copied."

Professor Goodwin-Gill called the spying a form of "legal interference" in the "sovereign affairs" of Ecuador, with the goal of carrying out a trial against a person whom the embassy was trying to protect. "The violation of one state's sovereignty would then be joined by the likely violation of the individual's fundamental rights to due process and equality of arms," he said.

He added that the spying and exchange of "confidential privileged information" should be considered a sign of political motivation, with the intention and goal of influencing the extradition request.

On this point, I should add that, in my capacity as a former diplomat in the embassy of Ecuador in London, I am a witness in the criminal investigation against UC Global in Madrid, and I have been able to review, personally, an abundance of evidence not only against Assange and his lawyers, but also against all of his visitors and even the officials at the embassy.

The spying included, furthermore, tracking my activities outside of the embassy, which has been confessed by witnesses under oath.

As for the U.S. spying, the prosecution instructed the court to neither confirm nor deny if the statements by the witnesses are "true or false."

Nevertheless, former CIA director Leon Panetta told German state television, "It does not surprise me... That kind of thing goes on all the time. In intelligence business, the name of the game is to get information any way you can, and I'm sure that's what was involved here."

**10) Ecuador illegally gave the U.S. confidential materials about Assange, including documents about his legal defense.**

The renowned human rights lawyer Gareth Peirce, a member of Julian Assange's legal team, submitted her own written testimony to the court, affirming that since April 8, 2019 — three days before the arrest of Assange in the embassy — the U.S. Department of Justice had ordered Ecuador to confiscate property and give "evidence" to a "representative of the UK FBI," as journalist Kevin Gosztola documented.

A document from April 9, 2019, marked "highly confidential from the Deputy Director's Office of International Affairs," contained instructions to give Assange's property to the U.S. government.

"One record of [Assange's] entire archive" was basically robbed, and without that it has been more difficult for the defense to make the case against his extradition. According to Peirce, the day Assange was arrested, she "made immediate contact with the embassy in regard to legally privileged material, an issue of huge concern," but "Repeated requests by telephone, email and recorded delivery mail were entirely ignored by the embassy."

When Assange's legal team was able to gather his belongings soon after, "All legally privileged material was missing save for two volumes of Supreme Court documents and a number of pages of loose correspondence."

The U.K. Metropolitan Police denied any involvement in seizing legally privileged materials. This suggests that it was Ecuador, then, that illegally gave the documents to the United States.

Gareth Peirce testified that, in the days following the arrest of Assange, security guards "went in and out of relevant rooms" of the embassy, along with a diplomatic official named Pablo Roldan, who is related to the Ecuadorian ambassador and close to President Lenín Moreno.

"Although rooms were purported to be sealed, Embassy staff who were not permitted to return for approximately one week saw the original seals had been replaced, the re-seals marked 'for judicial purpose,'" Peirce testified.

As Gosztola also reported, Carlos Poveda, an Ecuadorian attorney representing Assange, requested that the prosecutor in Ecuador make a copy of the documents on Assange's belongings for December 2019 extradition proceedings." But Peirce noted, "The Ecuadorian prosecutor refused that request."

Among the documents reviewed by Assange's lawyer were photographs that showed that the seals on doors in the embassy were broken.

In her testimony, Peirce confirmed that she was spied on when she attended legal meetings in the embassy.

In January 2021, Judge Vanessa Baraitser will issue a ruling on the most important extradition of the century, deciding, for the first time in history, if a journalist will be prosecuted under the U.S. Espionage Act.

The importance of that decision is that it not only threatens the life of Julian Assange, which is already being destroyed in a London prison, but rather the very future of investigative journalism.

I would add, moreover, that that verdict will determine the validity of the rule of law, and even the sovereignty of the United Kingdom.

The judge has an entire legal arsenal on the table to prevent this extradition, protect the future of journalism, and put herself on the right side of history. The question is, will she do it?

*Fidel Narváez is an Ecuadorian human rights activist and former diplomat who served as consul and then first secretary at the Ecuadorian embassy in London from 2010 until July 2018, while WikiLeaks publisher Julian Assange was a political refugee in the building.*

*Translated by Ben Norton*

<https://thegrayzone.com/2020/10/12/julian-assange-trial-freedom-speech/>

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## **Steal This Secret: CIA Does Exactly What it Accuses Assange of Doing**

*While the spy agency boasts about its record, WikiLeaks is subject to prosecution.*

*Edward Hunt  
The Progressive  
October 15, 2020*

Over the past few decades, several directors of the U.S. Central Intelligence Agency (CIA) have openly admitted to doing exactly what U.S. officials are now accusing WikiLeaks founder Julian Assange of doing: stealing the secrets of other nations.

As Assange faces extradition to the United States over his role in publishing classified information, U.S. officials are charging him with conspiring to steal classified information, an action that the CIA conducts on a routine basis.

“Hell yeah, we steal secrets,” Mike Pompeo acknowledged in 2017, when he was the director of the CIA. “That’s what we do. It’s in our charter.”

WikiLeaks denies its own engagement in this practice, saying it does not steal, but reveals. The organization identifies itself as a media organization that specializes in publishing secret information about war and espionage. In recent years, WikiLeaks has partnered with several leading news organizations, including *The New York Times*, to expose lies, misconduct, and criminal activities by governments around the world.

U.S. officials, on the other hand, repeatedly brag that they steal secrets. They argue that their efforts are noble and legitimate. “We make no apologies for doing so,” Pompeo said in 2017. “It’s hard stuff and we go at it hard.”

Some of the confusion over WikiLeaks is attributable to a 2013 documentary film titled *We Steal Secrets: The Story of WikiLeaks*. The film’s title, “We Steal Secrets,” does not come from WikiLeaks but is actually a quote from General Michael V. Hayden, a former CIA director who boasted in the film about the U.S. government’s involvement in espionage. “We steal other nations’ secrets,” Hayden said.

Critics of WikiLeaks have also sown doubts about the organization by accusing it of interfering in the 2016 presidential election. In the months before the election, WikiLeaks repeatedly published damaging information about Hillary Clinton and the Democratic Party that was allegedly stolen by hackers.



The U.S. government has indicted a dozen Russian officers for conspiring to hack into the computers of the Democratic National Committee and Clinton's presidential campaign, but it has not charged WikiLeaks with stealing those documents. The U.S. government's attempt to prosecute Assange stems from unrelated events that took place several years earlier, such as his effort to help protect Chelsea Manning, another one of his sources.

"If Assange is extradited to face charges for practicing journalism and exposing government misconduct," Noam Chomsky and Alice Walker warned in an op-ed last month in the *Independent*, "the consequences for press freedom and the public's right to know will be catastrophic."

Attempts to portray WikiLeaks as an organization that steals secrets are all the more confounding given the long history of CIA directors openly acknowledging that they oversee a vast and sweeping infrastructure to steal the secrets of other nations.

In 1998, Director of Central Intelligence George Tenet told the editorial board of *Studies in Intelligence* that one of the core functions of the CIA is stealing secrets. "Let's be blunt about what we do," Tenet said. "We steal secrets for a living. . . . I do not know how else to tell people what we do."

Despite such admissions, the official CIA line is that, as CIA Director John Brennan told National Public Radio in 2016, "Everything we do is consistent with U.S. law."

Some of the strongest pushback to this claim came from the intelligence community, as a number of former intelligence agents castigated Brennan for misrepresenting their work.

"Every aspect of what the CIA does overseas is illegal," John Maguire, a retired CIA officer, told NBC News. "We don't 'solicit' secrets — we steal them. What does he call breaking into an embassy?"

Brennan's remarks caused such an uproar in the intelligence community that one of his successors, Mike Pompeo, made it a point to rebut his comments. In several defiant talks and speeches in 2017, Pompeo insisted that the purpose of the CIA is to conduct espionage, which he defined as "the art and science of running assets and stealing secrets."

"The CIA, to be successful, must be aggressive, vicious, unforgiving, relentless — you pick the word," Pompeo said.

While CIA officials boast about their mission of stealing secrets, U.S. officials continue tarnishing WikiLeaks. Pompeo has described WikiLeaks as a "non-state hostile intelligence service."

Undoubtedly, the CIA has a strong motive for discrediting WikiLeaks. In early 2017, WikiLeaks published a trove of documents that allege to show how the CIA hacks into computers and smartphones. The documents indicate that the CIA employs a vast array of tools to steal secrets from its targets.

Given the hundreds of thousands of additional documents that WikiLeaks has published over the past several years, the organization has clearly been in the work of publishing information, not stealing it. While U.S. officials attempt to discredit Assange by portraying him as a criminal hacker, the Central Intelligence Agency remains at the forefront of stealing secrets, just as multiple former directors have acknowledged.

"We lied, we cheated, we stole," Pompeo acknowledged in a talk last year, in reference to his earlier work at the CIA. **"We had entire training courses."**

*Edward Hunt writes about war and empire. He has a PhD in American Studies from the College of William & Mary.*

<https://progressive.org/dispatches/cia-does-exactly-julian-assange-hunt-201015/>

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## 'The Guardian's silence has let the UK trample on Assange's rights in effective darkness'

Jonathan Cook  
21 October 2020

WISE Up, a solidarity group for Julian Assange and whistleblower Chelsea Manning, is due to stage a demonstration outside *the Guardian* offices on October 22 to protest the paper's failure to support Assange as the US seeks his extradition in an unprecedented assault on press freedom.

The date chosen for the protest marks the tenth anniversary of *the Guardian's* publication of the Iraq war logs, leaked by Manning to Assange and which lie at the heart of the US case to reclassify journalism exposing crimes against humanity as "espionage".



Emmy Butlin  
@greekemmy



Protest Call Out! Thursday 22/10/20 at 12 noon The Guardian's Role in the Persecution and Prosecution of Julian #Assange



Protest Call Out! Thursday 22/10/20 at 12 noon The Guardian's ...  
Please join us in calling out The Guardian for its role in the persecution and prosecution of Julian Assange publisher of  
wiseupaction.info

5:52 PM · Oct 20, 2020



Here is my full statement, part of which is due to be read out, in support of Assange and castigating *the Guardian* for its craven failure to speak up in solidarity with its former media partner:

\* \* \*

Julian Assange has been hounded out of public life and public view by the UK and US governments for the best part of a decade. Now he languishes in a small, airless cell in Belmarsh high-security prison in London — a victim of arbitrary detention, according to a UN working group, and a victim of psychological torture, according to Nils Melzer, the UN's expert on torture.

If Judge Vanessa Baraitser, presiding in the Central Criminal Court in London, agrees, as she gives every appearance of preparing to do, Assange will be the first journalist to face a terrifying new ordeal — a form of extraordinary rendition to the United States for “espionage” — for having the courage to publish documents that exposed US war crimes and crimes against humanity.

*The Guardian* worked with Assange and Wikileaks on vitally important documents — now at the heart of the US case against Assange — known as the Afghanistan and Iraq war logs. The latter were published exactly a decade ago today. They were a journalistic coup of global significance, and the paper ought to be profoundly proud of its role in bringing them to public attention.

#### Iraq: the war logs

## Iraq war logs: secret files show how US ignored torture

- Massive leak reveals serial detainee abuse
- 15,000 unknown civilian deaths in war
- Full coverage of the Iraq war logs
- Datablog: every death mapped



▲ Insurgent suspects are led away by US forces. Some of those held in Iraqi custody suffered appalling abuse, the war logs reveal. Photograph: Sean Smith for the Guardian

**Nick Davies, Jonathan Steele and David Leigh**

Fri 22 Oct 2010 21.26 BST

*The Guardian*

During Assange's extradition hearing, however, *the Guardian* treated the logs and its past association with Assange and Wikileaks more like a dirty secret it hoped to keep out of sight. Those scoops furnished by Assange and whistleblower Chelsea Manning enriched the paper financially, and bolstered its standing internationally. They also helped to pave its path into the lucrative US market.

Unlike Assange and Manning, *the Guardian* has suffered no consequences for publishing the logs. Unlike Assange and Manning, the paper has faced no retribution. While it profited, Assange continues to be made an example of — to deter other journalists from contemplating following in his footsteps.

*The Guardian* owes Assange.

- It owes him a huge debt for allowing it to share in the journalistic glory of Wikileaks' revelations.
- It owes him a duty of care as its partner in publishing the logs.
- It owes him its voice loudly denouncing the abuse of a fellow journalist for doing the essence of journalism — holding the powerful to account.
- It owes him and its own staff, and the young journalists who will one day take their place, its muscle in vigorously defending the principle of a strong and free press.
- It owes him, and the rest of us, a clear profession of its outrage as the US conducts an unprecedented assault on free speech, the foundation of a democratic society.

And yet *the Guardian* has barely raised its voice above a whisper as the noose has tightened around Assange's — and by extension, our — neck. It has barely bothered to cover the dramatic and deeply disturbing developments of last month's extradition hearing, or the blatant abuses of legal process overseen by Baraitser.

*The Guardian* has failed to raise its editorial voice in condemnation either of the patently dishonest US case for extradition or of the undisguised mistreatment of Assange by Britain's legal and judicial authorities.



Chris Hedges  
@ChrisLynnHedges



Chris Hedges speaks with former UK Ambassador Craig Murray about how the extradition hearing for Julian Assange, which Murray attended, has become a Dickensian farce.



Assange Extradition Hearing  
On the show this week, Chris Hedges discusses  
Craig Murray, a former British Ambassador, the  
[youtube.com](https://www.youtube.com/watch?v=ZtwpzqAJMBo)

3:24 PM · Oct 4, 2020



<https://www.youtube.com/watch?v=ZtwpzqAJMBo>

The paper's many columnists ignored the proceedings too, except for those who contributed yet more snide and personal attacks of the kind that have typified *the Guardian's* coverage of Assange for many years.

It is not too late for the paper to act in defence of Assange and journalism. Assange's rights are being trampled under foot close by *the Guardian's* offices in London because the British establishment knows that these abuses are taking place effectively in darkness. It has nothing to fear as long as the media abdicates its responsibility to scrutinise what amounts to the biggest attack on journalism in living memory.

Were *the Guardian* to shine a light on Assange's case — as it is morally obligated to do — the pressure would build on other media organisations, not least the *BBC*, to do their job properly too. The British establishment would finally face a countervailing pressure to the one being exerted so forcefully by the US.

*The Guardian* should have stood up for Assange long ago, when the threats he and investigative journalism faced became unmistakable. It missed that opportunity. But the threats to Assange — and the causes of transparency and accountability he champions — have not gone away. They have only intensified. Assange needs *the Guardian's* support more urgently, more desperately than ever before.

*Jonathan Cook, former Guardian journalist (1994-2001) and winner of the Martha Gellhorn Special Prize for Journalism*

<https://www.jonathan-cook.net/blog/2020-10-21/the-guardians-silence-has-let-the-uk-trample-on-assanges-rights-in-effective-darkness/>

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## **People Need to Reclaim the Internet**

*Craig Murray*  
*Information Clearing House*  
*October 21, 2020*

No matter how much you dislike Trump, only a fool can fail to see the implications for public access to information of the massive suppression on the internet of the Hunter Biden leaks.

This blog has been suffering a ratcheting of social media suppression for years, which reached its apogee in my coverage of the Julian Assange trial. As I reported on 24 September:

Even my blog has never been so systematically subject to shadowbanning from Twitter and Facebook as now. Normally about 50% of my blog readers arrive from Twitter and 40% from Facebook. During the trial it has been 3% from Twitter and 9% from Facebook. That is a fall from 90% to 12%. In the February hearings Facebook and Twitter were between them sending me over 200,000 readers a day. Now they are between them sending me 3,000 readers a day. To be plain that is very much less than my normal daily traffic from them just in ordinary times. It is the insidious nature of this censorship that is especially sinister — people believe they have successfully shared my articles on Twitter and Facebook, while those corporations hide from them that in fact it went into nobody's timeline. My own family have not been getting their notifications of my posts on either platform.



It was not just me: everyone reporting the Assange trial on social media suffered the same effect. Wikileaks, which has 5.6 million Twitter followers, were obtaining about the same number of Twitter “impressions” of their tweets (ie number who saw them) as I was. I spoke with several of the major US independent news sites and they all reported the same.

I have written before about the great danger to internet freedom from the fact that a few massively dominant social media corporations — Facebook, Twitter, Instagram — have become in effect the “gatekeepers” to internet traffic. In the Assange hearing and Hunter Biden cases we see perhaps the first overt use of that coordinated power to control public information worldwide.

The way the power of the “gatekeepers” is used normally is insidious. It is quite deliberately disguised. “Shadow banning” is a term for a technique which has many variations. The net result is always that the post is not ostensibly banned. Some people see it, so that if the subject of the suppression claims to be banned they look stupid. But it is in fact shown to far, far less people than it would normally be. So even members of my own immediate family find that my posts no longer turn up in their timeline on either Facebook or Twitter. But a few followers, presumably at random, do see them.

Generally, though not always, those followers are apparently able to retweet or share, but what they are not told is that their retweet or share is in fact put in to very, very few people’s timelines. The overall audience for the Tweet or Facebook post is cut to as little as 1% of what it might be without suppression. As 90% of the traffic to this blog comes in clicks from these social media posts, the effect is massive.

That was the technique used on the Assange hearing. In normal times, the ratchet on traffic can be screwed down or released a little, from week to week or post to post....

The development of social media gatekeeping of internet traffic is one of the key socio-political issues of our time. We need the original founders of the internet to get together with figures like Richard Stallman and — vitally — Julian Assange — to find a way we break free from this. Ten years ago I would not have thought it a danger that the internet would become a method of political control, not of political freedom. I now worry it is too late to avert the danger.

*Craig John Murray is a British former diplomat turned political activist, human rights campaigner, blogger and whistleblower. Subscriptions to keep Craig’s blog going are gratefully received. Visit his website — <https://www.craigmurray.org.uk/>*

<http://www.informationclearinghouse.info/55745.htm>

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## THE REVELATIONS OF WIKILEAKS: No. 9

### Opening the CIA’s Vault

*As its publisher remains in prison awaiting judgment on his extradition case, we continue our series of looking at WikiLeaks’ significant revelations contributing to the public’s right to know.*

*Patrick Lawrence  
Consortium News  
October 26, 2020*

On Feb. 6, 2017, WikiLeaks released documents detailing the Central Intelligence Agency's espionage program in the months leading up to and following France's presidential election in 2012.

The agency used spies and cyberweapons to infiltrate and hack into the major political parties with competing candidates — the Socialists, the National Front and the Union for a Popular Movement. Their candidates — respectively François Hollande, Marine Le Pen and incumbent Nicolas Sarkozy — were also spied upon individually, as were many other prominent political figures.

The objectives of the program included ascertaining the contending parties' political strategies and platforms, their views of the U.S., and their relations with the European Union, with other European nations (Germany, Britain) as well as Israel, Palestine, Libya, Syria, and others. The CIA's French operation lasted 10 months, beginning in November 2011 and enduring until September 2012, several months after Hollande won the election and formed a Socialist government.

WikiLeaks' disclosure of the agency's project bears a special irony: It was just as WikiLeaks published this material in 2017 that the CIA helped propagate unsubstantiated (and later discounted) "intelligence" that Russian hackers and propagandists were interfering with France's presidential election that year. Similar allegations (similarly lacking in evidence) were floated as the European Union held parliamentary elections in May 2019.

As WikiLeaks reported at the time of the releases on the CIA's covert activities in France, those revelations were to serve "as context for its forthcoming CIA Vault 7 series." WikiLeaks' apparent intent was to display a CIA's hacking operation in action.

Vault 7, the subject of this latest report on the history of WikiLeaks disclosures, stands as the most extensive publication on record of classified and confidential CIA documents. Never before and not since have the agency's innumerable programs and capabilities been so thoroughly exposed to public scrutiny.

### *Biggest Since Snowden*

Julian Assange, WikiLeaks founder and publisher, described the Vault 7 publications as the most significant since Edward Snowden, the former CIA data analyst, released an unprecedented trove of National Security Agency documents in the summer of 2013.

The Vault 7 series concerns the extraordinarily sophisticated inventory of cyber weapons the CIA has developed to spy on or hack into the communications of any person or entity it targets. Apart from the espionage function, certain of the programs in Vault 7 — this designation is WikiLeaks', not the CIA's — can also plant documents and data without being detected as the source — when, for example, the agency wishes to compromise an adversary via a false-flag operation.

The program wherein this capability was developed, called Marble, may have been crucial to creating the orthodox "narrative" that Russia was responsible for the theft of Democratic Party email in 2016 — the cornerstone allegation in the construct we now call Russiagate.

The Vault 7 releases expose the CIA's hacking activities from 2013 to 2016. The series began on March 7, 2017, with the publication of "Year Zero," an introductory survey and analysis of the agency's globally deployed hacking programs. The Vault 7 series ran for six months, concluding on Sept. 7, 2017.

Complete as of that date, the series is comprised of 23 publications, each of which focuses on an individual hacking or cyber-espionage program. Marble is one of these.

The CIA's development of its hacking capabilities began as a joint effort with the National Security Agency. But the Sept. 11 terrorist attacks and the subsequent wars in Afghanistan and Iraq, begun in 2001 and 2003 respectively, proved a turning point for the agency. It was during this time that the CIA, as WikiLeaks puts it in its introduction to the Vault 7 series, "gained political and budgetary preeminence over the NSA."

According to former U.S. intelligence sources, the CIA has invested some \$175 billion in its vast variety of cyber programs in the post-2001 years. "The agency's hacking division, WikiLeaks notes, "freed it from having to disclose its often controversial operations to the NSA (its primary bureaucratic rival) in order to draw on the NSA's hacking capacities."

### *A Near Deal to Free Assange*

WikiLeaks launched the Vault 7 series at a delicate moment for Assange, who was at the time taking asylum at the Ecuadoran embassy in London.

Shortly after Donald Trump took office in January 2017, Assange's attorneys approached a lawyer named Adam Waldman, who was noted for his Washington connections.

Assange's team proposed negotiations that would commit the U.S. to granting Assange limited immunity and safe passage from the Ecuadoran embassy in exchange for his agreement to limit publication of classified CIA documents.

The agency knew by this time that WikiLeaks had an extensive inventory of CIA documents it was prepared to publish. These included what WikiLeaks soon named Vault 7.

Crucially, Assange signaled that he was also willing to reveal technical evidence that would shed light on who was not responsible for the theft of email from the Democratic National Committee in mid-2016. This was key: By this time the "narrative" that Russia had hacked the DNC's computer servers was well-established; the Democratic Party, the intelligence agencies, the Federal Bureau of Investigation and the media were heavily invested in it. Assange, while observing the WikiLeaks principle of not revealing sources, had by this time asserted that Russia had nothing to do with the intrusion.

The Justice Department and Assange's attorneys drafted an immunity deal in the course of the negotiations that both sides agreed to pursue. The attorneys' initial contact, through Waldman, was a DoJ official named Bruce Ohr. The lead DoJ negotiator was named David Laufman. When WikiLeaks released "Year Zero" on March 7, 2017, these negotiations were still in progress; the release had no apparent impact on the talks.

But at this point the contacts between Assange and the U.S. government took a fateful turn. The only full account of the events summarized below was written by John Solomon, who has followed the Russiagate phenomenon from the first, and was published in *The Hill* on June 25, 2018.

Shortly after negotiations began, Waldman, the go-between, contacted Mark Warner, the Democratic senator from Virginia, to see if the Senate Intelligence Committee, of which Warner was vice-chairman, wished to contact Assange on its own in connection to matters related to Russia. This proved a miscalculation.



Warner, who had vigorously pressed the Russiagate narrative from the first, soon contacted James Comey, then the FBI director. Comey was also an aggressive Russiagate advocate and had a direct interest in sustaining the official account of events: It was while he ran the FBI that the bureau worked with CrowdStrike, the infamous cybersecurity firm hired by the DNC, to build what is now demonstrated to be an entirely false case to support the Democrats' assertions of Russian responsibility for the mail intrusion.

Any proof that Russia had no role in the DNC mail theft would have discredited the FBI and Comey and very likely destroyed the career of Comey and numerous others.

Comey, working through Sen. Warner, immediately ordered Waldman to cut off the Assange–DoJ talks. Although negotiations continued a brief while longer, Comey had effectively dealt them a soon-to-be-fatal blow. By this time WikiLeaks had released two other Vault 7 document collections, including what it called the Marble Framework.

The DoJ finally broke off the negotiations on April 7, when WikiLeaks released a fourth set of documents, this one called Grasshopper. Six days later Mike Pompeo, then CIA director, gave a notably aggressive speech at the Center for Strategic and International Studies, the Washington think tank, in which he called WikiLeaks “a nonstate hostile intelligence service often abetted by state actors like Russia.”

With the CSIS speech, Pompeo effectively opened the Trump administration's rigorously pressed campaign to have Assange extradited from Britain. The WikiLeaks founder appears never to have had another chance to negotiate an agreement providing for his freedom.

### ***Run Amok***

The Vault 7 releases continued at a steady pace, roughly four a month, for the next five months. The documents WikiLeaks made public, along with descriptions of the programs WikiLeaks deemed significant, can be found via its “Vault 7: Projects” report. Taken together they describe an expensively funded U.S. government organization that has run frighteningly amok, operates with no regard for U.S. or international law, and stands entirely beyond civilian control. Many of the projects exposed in the Vault 7 releases, and very likely most or all, violate Fourth Amendment rights to privacy and the CIA's charter, which bars the agency from activity on U.S. soil.

The history of the CIA, reaching back to Allen Dulles' tenure as director (1953 to 1961), indicates that from its earliest days it entertained a diabolic desire to accumulate the power to operate with no reference to constraints of any kind, including those imposed by ordinary standards of decency. In this way it was effectively the id of America's exceptionalist consciousness. What we see in the Vault 7 series is the perversely logical outcome of this culture of limitless impunity and immunity.

By the end of 2016, the hacking division of the CIA's Center for Cyber Intelligence had more than 1,000 hacking, malware, virus-implanting, remote-control and Trojan-horse programs in its inventory. These comprised more than 700 million lines of computer code.

Former CIA and NSA officials told *Consortium News* that a line of code costs roughly \$25 to produce, putting the cost of the agency's hacking tools over the years these programs were developed at \$175 billion. “The CIA had created its ‘own NSA,’” WikiLeaks noted when it began releasing the Vault 7 publications, “with even less

accountability and without publicly answering the question as to whether such a massive budgetary spend on duplicating the capacities of a rival agency could be justified.”

What follows are accounts and summaries of the most significant of the 23 Vault 7 releases. We present these chronologically, the earliest first, to give readers a clear idea of how WikiLeaks organized and presented the Vault 7 project.

## Year Zero

**March 7, 2017**

With the publication of “Year Zero,” it was immediately clear that WikiLeaks had penetrated into or very near the core of the CIA’s cyberoperations. This first Vault 7 release is comprised of 8,761 documents and files obtained from what WikiLeaks describes as “an isolated, high-security network situated inside the CIA’s Center for Cyber Intelligence in Langley, Virginia, the agency’s headquarters.



*CIA headquarters in Langley, Virginia. (Carol M. Highsmith, Wikimedia Commons)*

As WikiLeaks notes, the agency had “lost control of the majority of its hacking arsenal” shortly before it published “Year Zero.” There had been a massive leak, to put this point in simple terms. “The archive appears to have been circulated among former U.S. government hackers and contractors in an unauthorized manner,” WikiLeaks reported, “one of whom has provided WikiLeaks with portions of the archive.” This occurred at some point in 2016.

“Year Zero” serves as an overview of “the scope and direction of the CIA’s global hacking program” and an introduction to material included in the Vault 7 releases to follow. The agency’s inventory of tools was the purview — and we can assume continues to be so — of the Engineering Development Group (EDG), a technology department under the authority of the Center for Cyber Intelligence.

The EDG also tests and operates its products once they are perfected and added to the agency’s arsenal. The engineering group, Wikileaks reported, has developed some 500 projects, each with its own malware and hacking tools. The EDG’s focus is on penetration, implanting, control and exfiltration. “Year Zero” analyzes the most important of these.

High among the objectives of Vault 7 programs was to achieve the capability of penetrating the manufacturers of cellular telephones and other electronic devices for a variety of operations. Among the products targeted for this purpose were Apple's iPhone and iPad, Google's Android operating system, Microsoft Windows and Samsung televisions.

Programs included in the Vault 7 collection were designed to hack these and other commonly used devices and systems remotely so they can corrupt the targets and also send the CIA the owner's geographic location and all audio and text communications. Other programs were capable of turning on a device's microphone and camera without the owner's knowledge. Other attack-and-control programs targeted MAC OS X, Solaris and Linux operating systems.

A number of the CIA's programs revealed in the Vault 7 releases focus exclusively on one or another of these companies, most commonly Microsoft.

"Grasshopper" (April 7, 2017) is a platform for the development of malware designed for attacks on Windows operating systems. "AfterMidnight" (May 12, 2017) and "Brutal Kangaroo" (June 22, 2017) also target the Microsoft Windows platform, while "Weeping Angels" (April 21, 2017) infiltrated Samsung televisions. "Outlaw Country" (June 30, 2017) is designed for attack on computers that use the Linux OS.

"Year Zero" also details the CIA's use of what the agency calls "zero days." These are commonly occurring software code imperfections and vulnerabilities in electronic devices that the CIA knows and makes use of but does not disclose to manufacturers or the public.

In some respects, zero days are treated as commodities. While the CIA discovered some zero days on its own, it obtained others from the NSA, GCHQ (the NSA's British counterpart), or the FBI. It also purchased zero days from private cyber-weapons manufacturers much as the Pentagon would buy a weapons system from a defense contractor.

The CIA's stockpile of zero days enables it to bypass encryption systems installed in such communications applications as WhatsApp, the widely used long-distance telephone and text service. This makes zero days, which can be used either locally or remotely, especially significant in extending the reach of the agency's hacking operations. The CIA's practice of keeping zero days secret — effectively hoarding them, as WikiLeaks notes — is especially cynical and dangerous.

As WikiLeaks explains: "If the CIA can hack these phones then so can everyone else who has obtained or discovered the vulnerability. As long as the CIA keeps these vulnerabilities concealed from Apple and Google (who make the phones) they will not be fixed, and the phones will remain hackable. The same vulnerabilities exist for the population at large, including the U.S. Cabinet, Congress, top CEOs, system administrators, security officers and engineers. By hiding these security flaws from manufacturers like Apple and Google, the CIA ensures that it can hack everyone — at the expense of leaving everyone hackable."

Most malware developed by the EDG and related units in the CIA's organizational structure is designed to remain in implanted devices for considerable lengths of time — in some cases years — after it is installed. So long as it is present it communicates regularly and in two-way fashion with the CIA's Command and Control systems.

While many programs are implanted remotely, some require a physical presence. This typically means an agent infests a targeted device on site. But in some cases, the CIA covertly intervened into supply chains and delivery services, including postal services, by opening, infecting, and on-sending products without the knowledge of either the manufacturer or the purchaser.

As it began its Vault 7 series with “Year Zero,” WikiLeaks took the occasion to note “an extreme proliferation risk in the development of cyber ‘weapons,’” as Assange put it at the time. He drew a comparison between these weapons and the global arms trade, noting “the inability to contain them, combined with their high market value.”

The source of the Vault 7 trove, who was among the former government hackers and contractors circulating the Vault programs among themselves, shared these and other concerns:

“In a statement to WikiLeaks the source details policy questions that they say urgently need to be debated in public, including whether the CIA’s hacking capabilities exceed its mandated powers and the problem of oversight of the agency. The source wishes to initiate a public debate about the security, creation, use, proliferation, and democratic control of cyber-weapons.”

This is *Consortium News*’s intent in publishing its report on Vault 7.

Mindful of the risks attached to proliferation, and perhaps of past (and unfounded) charges that its publications compromised U.S. national security and American personnel, WikiLeaks notes that it was careful to avoid distributing what it termed “‘armed’ cyber-weapons” as it published the Vault 7 series.

It also said it redacted “tens of thousands of CIA targets and attack machines throughout Latin America, Europe, and the United States.” In a note in an FAQ section appended to “Year Zero,” WikiLeaks states, “Names, email addresses, and external IP addresses have been redacted in the released pages (70,875 redactions in total) until further analysis is complete.”

## **Dark Matter** **March 23, 2017**

Projects developed in the “Dark Matter” program were designed to penetrate Apple Macs and iPhones with what is called firmware — that is, malware that continues to infect the units attacked even if the OS is reinstalled. “Sonic Screwdriver,” a sub-project in this group, allowed attackers to install and activate computer code while users booted up these Apple devices.

WikiLeaks’ “Dark Matter” release also included the manual for using the agency’s “Nightskies” program, “a beacon/loader/implant tool” intended for attacks on Apple iPhones. “Nightskies” had been upgraded by the time WikiLeaks received the Vault 7 documents. “Noteworthy is that Nightskies had reached Nightskies 1.2 by 2008,” WikiLeaks observed, “and is expressly designed to be physically installed into factory fresh iPhones, i.e., the CIA has been infecting the iPhone supply chain of its targets since at least 2008.”

## **Marble Framework**

### **March 31, 2017**

The “Marble” program, consisting of 676 source code files, was specifically intended to incapacitate anti-virus software programs and block the work of forensic scientists and investigators attempting to trace the origin of malware, hacking attacks and Trojan horse attacks.

The core function of Marble is what the CIA terms “obfuscation,” that is hiding all traces of an agency intervention from investigators. Marble also has a “deobfuscating” capability. This enables the agency to reverse an obfuscation so that investigators detect what appears to be evidence of an attack’s origin.

It is with this deobfuscating tool that the CIA can mislead investigators by implanting false evidence in the attacked device or program — for example, by leaving signs that the language used in a malware attack was not English but, say, Chinese. In addition to Mandarin, the languages Marble was capable of false-flagging were Russian, Korean, Arabic and Farsi, Iran’s national language.

Marble’s anti-forensics capability made “Marble Framework” among the most significant of the Vault 7 releases. As the DNC, the FBI, and the CIA constructed their case purportedly proving Russia’s responsibility for the theft, they cited malware metadata with extensive script in Cyrillic.

There is no direct evidence that the CIA used its Marble program in the DNC case, but the presence of Cyrillic in the metadata suggests this may have been the case. It is highly unlikely that a Russian intelligence agency would have amateurishly left behind Cyrillic characters as prominently in the metadata as U.S. authorities presented them.

Ellen Nakashima of *The Washington Post* reported on the Marble program when WikiLeaks released it March 31, 2017. “WikiLeaks’ latest disclosure of CIA cyber-tools reveals a technique used by the agency to hide its digital tracks,” she wrote, “potentially blowing the cover on current and past hacking operations aimed at gathering intelligence on terrorists and other foreign targets.” We note that this remains the only mention of the Marble program in mainstream media.

## **Weeping Angel**

### **April 21, 2017**

The agency’s Embedded Services Branch, tasked with developing programs that worked by way of physically implanted devices, built a program called “Weeping Angel” specifically to compromise Samsung’s F Series line of “smart televisions.”

This program is a measure of the exceptional reach the agency’s hacking division has achieved. When a target TV is infested, the implant gives a “fake off” mode so that the owner is deceived into thinking the TV is off when it is still on and operating as a standard bug to record conversations and send them over the internet to a remote CIA server at Command and Control. In effect, televisions were turned into listening devices capable of surveilling entire offices or households.

“Weeping Angel” was developed jointly with MI5, Britain’s domestic intelligence service, and a U.K. intelligence entity called BTSS. The program requires a tool to be

physically implanted in targeted televisions. Given it is intended to attack an ordinary consumer product, “Weeping Angel” is likely to count among those tools that were implanted on a mass basis via intrusions into Samsung’s supply chains or delivery services.

### **Archimedes**

**May 5, 2017**

The CIA’s “Archimedes” program developed the agency’s capability to attack computers connected by a Local Area Network, or LAN. With the Archimedes tool, CIA hackers can compromise the network to divert message traffic from the targeted device or devices by infecting and controlling a computer in the LAN. In addition to message traffic, the targeted devices’ web browsers are also redirected to the covert server while maintaining the appearance of a normal browser for the targeted computer’s user.

Archimedes was effectively a self-expanding tool. It was designed to invade protected environments, as WikiLeaks put it, by attacking one or more computers in a LAN and using those to infect other devices in the network.

### **CherryBlossom**

**June 15, 2017**

The CIA developed its “CherryBlossom” programs in cooperation with the Stanford Research Institute International, or SRI, a Menlo Park, California, scientific research organization with long-established ties to the CIA, notably in the field of parapsychology research.

CherryBlossom programs are dedicated to penetrating wireless networking devices such as commonly used routers with the intent of monitoring internet activity and implanting targeted devices with malware that enables the agency to execute a variety of operations: With CherryBlossom, CIA hackers can monitor, control and manipulate the internet traffic of those connected to a compromised wireless device; they can also implant malware and malicious content into data streams by taking advantage of “zero day” vulnerabilities in operating systems or computer applications.

The intricacies of the CherryBlossom program are worth noting, as they are typical of the sophistication common to the hacking operations WikiLeaks exposed in its Vault 7 releases. The program’s ability to engage in two-way communication between infected devices and the agency’s Command and Control unit, and control’s ability to assign tasks to the program, are especially to be noted:

“The wireless device itself is compromised by implanting a customized Cherry-Blossom firmware on it; some devices allow upgrading their firmware over a wireless link, so no physical access to the device is necessary for a successful infection. Once the new firmware on the device is flashed, the router or access point will become a so-called FlyTrap. A FlyTrap will beacon over the Internet to a Command & Control server referred to as the CherryTree. The beacons contain information that the CherryTree logs to a database. In response to this information, the CherryTree sends a Mission with operator-defined tasking. An operator can use CherryWeb, a browser-based user interface to view Flytrap status and security info, plan Mission tasking, view Mission-related data, and perform system administration tasks.”

Many of the programs detailed in the Vault 7 series were designed for deployment via remote hacking operations; products that required physically implanted devices in targeted hardware or software were the responsibility of the agency's Embedded Services Branch, which focused in part on "the Internet of Things," or IoT.

"Weeping Angels" is an example of an ESB product. Another program of this kind, which WikiLeaks reports was under consideration as of 2014, was conceived to infiltrate the computer systems in motor vehicles and override the driver's ability to control the vehicle by, for example, causing it to accelerate beyond safe speeds.

"The purpose of such control is not specified," WikiLeaks notes, "but it would permit the CIA to engage in nearly undetectable assassinations." WikiLeaks came upon a reference of this project in notes of a Branch Direction Meeting held Oct. 23, 2014. It is not clear if this project has since been completed and gone operational.

### ***Official Reaction: Get Assange***

The Trump administration, two months in power when WikiLeaks released "Zero Day" and announced the Vault 7 series, reacted swiftly and vigorously to the news.

Sean Spicer, the White House press secretary at the time, told reporters, "Anybody who leaks classified information will be held to the highest degree of law. We will go after people who leak classified information. We will prosecute them to the full extent of the law."

It was at this time President Donald Trump announced his determination to extradite and prosecute Assange. But even as the White House reacted with fury, the Justice Department was well along in its negotiations with Assange via Waldman, the go-between attorney Assange's legal team had contacted after Trump's inauguration in January. While there is no evidence that the CIA had a role in these talks, it is clear the DoJ was negotiating for the purpose of limiting the damage to the agency's covert hacking operations.

While the CIA was also stunned by WikiLeaks' penetration of the walls of secrecy erected around its extensive inventory of cyber-weapons, the events of March 7, 2017, may not have landed in Langley by surprise. A news report by the Australian Broadcasting Corporation published a day after the "Year Zero" release indicated that the agency was aware of a significant breach of its Center for Cyber Intelligence by the end of the previous year.

However, the CIA's WikiLeaks Task Force final report of Oct. 17, 2017, which probed the leak, says the agency was not aware of the breach until it read about it in WikiLeaks on March 7 of that year:

"Because the stolen data resided on a mission system that lacked user activity monitoring and a robust server audit capability, we did not realize the loss had occurred until a year later, when WikiLeaks publicly announced it in March 2017. Had the data been stolen for the benefit of a state adversary and not published, we might still be unaware of the loss — as would be true for the vast majority of data on Agency mission systems."

The CIA did know by then that over the previous three years it had sustained (along with NSA, other intelligence agencies and contractors such as Booz Allen Hamilton) what WikiLeaks described as "an unprecedented series of data exfiltrations by its own workers." Until Vault 7, the Snowden releases in 2013 were the most prominent such case.



By the time “Year Zero” was published, WikiLeaks noted, “a number of intelligence community members not yet publicly named have been arrested or subject to federal criminal investigations in separate incidents.” WikiLeaks singled out the case of Harold T. Martin III, who, a month before “Year Zero” came out, was indicted by a grand jury on 20 counts of mishandling classified information.

Martin was accused of hacking some 50 terabytes of data from the NSA while working as a contractor for Booz Allen. He was sentenced to nine years in prison in July 2019.

Vault 7 comprises what remain among WikiLeaks’ most extensive publications for their penetration into the CIA’s culture of secrecy. As earlier noted, it was in apparent response to the launch of the Vault 7 series that Director Pompeo signaled the U.S. government’s campaign to extradite Assange from Britain.

This case is now proceeding. If Assange is extradited to the U.S., he faces 18 charges of espionage and conspiracy to intrude into a government computer system with combined maximum sentences of 175 years.

There is a final irony here of the sort typical of the Trump administration. Jennifer Robinson, one of Assange’s attorneys, testified last month at Assange’s extradition hearing in London that Trump offered to pardon Assange in the course of 2017 if he had agreed to reveal the source of the DNC email trove leaked in 2016 that was published on WikiLeaks.

The offer was conveyed at a meeting with Assange by Dana Rohrabacher, the then Republican congressman, and Charles Johnson, an associate of Rohrabacher’s with ties to the Trump administration. Given that confidentiality is WikiLeaks’ most fundamental principle, Assange declined the offer.

### ***Media Reacts***

By the time WikiLeaks began the Vault 7 series, U.S. media in particular, and Western media altogether, had followed the U.S. government’s lead and turned decisively against the publisher with which they had previously collaborated. Press and broadcast coverage of Vault 7 releases reflected this. Reporting of the Vault 7 series was minimal and avoided any examination of the profound political and legal questions Vault 7 raised.

*The New York Times* and *The Washington Post* reported the release of “Year Zero” as a spot news story. Both papers reviewed in broad-brush fashion a few of the programs contained in the first Vault 7 release, as for example, in these paragraphs from the *Times* story:

“The documents amount to a detailed, highly technical catalog of tools. They include instructions for compromising a wide range of common computer tools for use in spying: the online calling service Skype; Wi-Fi networks; documents in PDF format; and even commercial antivirus programs of the kind used by millions of people to protect their computers. A program called Wrecking Crew explains how to crash a targeted computer, and another tells how to steal passwords using the autocomplete function on Internet Explorer. Other programs were called CrunchyLimeSkies, ElderPiggy, AngerQuake and McNugget.”



This quick-gloss treatment was typical of U.S. press coverage. Without exception, it was arms-length, incurious, minimally dutiful, and at bottom unserious. No major news outlet published a news analysis or addressed questions related to the CIA's Fourth Amendment abuses, its compromises of individuals and private and publicly listed corporations, or its breach of its charter.

None quoted transparency or anti-secrecy advocates, public policy analysts, or defenders of individual privacy. Consumer Reports published a "what consumers need to know" piece.

"There is no evidence that the C.I.A. hacking tools have been used against Americans," the *Times* reported in contradiction to the list of devices and services the agency's tools were designed to attack. The paper went on to quote an analyst at CSIS, where Pompeo was shortly afterward to speak forcefully against Assange, suggesting "that a foreign state, most likely Russia, stole the documents by hacking or other means and delivered them to WikiLeaks." This ignored WikiLeaks forthright account of the source of the documents — which the *Times* quoted earlier in its story.

The U.S. press effectively dropped the Vault 7 story after "Year Zero" was published. There was very little reporting on any of the other releases. As noted, the *Post's* Nakashima was the only reporter to put out a story on the highly significant "Marble" program.

This year Nakashima was also among the few journalists to report on an internal CIA report concluding that the leak of the documents collected as Vault 7 "was the result of a workplace culture in which the agency's elite computer hackers 'prioritized building cyber weapons at the expense of securing their own systems.'"

*Patrick Lawrence, a correspondent abroad for many years, chiefly for the International Herald Tribune, is a columnist, essayist, author and lecturer. His most recent book is Time No Longer: Americans After the American Century (Yale). Follow him on Twitter @thefloutist. His web site is Patrick Lawrence. Support his work via his Patreon site.*

<https://consortiumnews.com/2020/10/26/the-revelations-of-wikileaks-no-9-opening-the-cias-vault/>

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## **Australia raised Assange case with US, UK**

*Matt Coughlan  
Canberra Times  
28 October 2020*

Australia's foreign minister has revealed she made high-level representations to the US secretary of state about Julian Assange's right to a fair legal process.

Australian citizen Assange is in a UK prison awaiting a decision on whether he will be extradited to the US to face spying charges over the release of confidential diplomatic cables by WikiLeaks.

Foreign Minister Marise Payne raised the issue with US Secretary of State Mike Pompeo during an official visit to Washington in July.

"I have indicated Australia's views in terms of the importance of appropriate legal process," she told a Senate estimates hearing in Canberra on Wednesday.

"Secretary Pompeo listened to me with courtesy and acknowledged my point."

Senator Payne also raised the issue with UK Foreign Secretary Dominic Raab.

Australia's high commissioner George Brandis continues to seek assurances from the governor of Belmarsh Prison, where Assange is detained, about his detention conditions.

Consular officials have written offering support to Assange 16 times since he withdrew consent for Australia to consult with the prison over his personal circumstances in June last year.

"Assange has his reasons why he refused consular assistance," Greens senator Janet Rice told the hearing.

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6 November 2020

## **NUJ calls on all unions to support Assange**

In a dramatic call the National Union of Journalists has asked every trade union in the UK to campaign to stop the extradition of Julian Assange to the US.

Michelle Stanistreet, the NUJ's general secretary, has written a letter to the general secretaries of all other unions pointing out the danger to a free press that would be triggered if Assange is extradited.

Writing of the US Espionage Act of 1917 under which Assange could face a lifetime in jail, the NUJ leader wrote: 'This is a repressive statute that has in the past been used to jail trades union activists and working-class leaders. More particularly, the charges themselves seek to criminalise activity that for many NUJ members is their daily work — cultivating sources who are willing to share sensitive information that reveals incompetence, corruption, and illegality'.

The NUJ has been at the forefront of campaigning to stop Assange's extradition and in the letter Michelle Stanistreet addresses her fellow general secretaries directly: 'It is vital that we build a campaign to oppose Mr Assange's extradition and prosecution that is located in the mainstream of progressive concerns — and only trades unions have the reach to achieve this. I am hoping that you will join in this campaign.' The letter contains a model motion that other unions can use to align their policy with this call for solidarity from the NUJ.

The train drivers union (ASLEF) has already adopted national policy to support the Assange campaign and this letter from the NUJ is sure to see other unions join the campaign.

The NUJ is offering to send its executive members to meetings organised by other trade unionists to explain why the union is appealing for support for Julian Assange. The NUJ recently held an online rally to discuss the case with former Guardian editor Alan Rushbridger, NUJ executive member Tim Dawson, the union's Assistant General Secretary Seamas Dooley, and Julian Assange's lawyer Jen Robinson.

<https://dontextraditeassange.com/wp-content/uploads/2020/11/Assange-letter-6-November-2020-.pdf>

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## **Arne Ruth intervjuar Günter Wallraff**

*Följande två artiklar är publicerade i FiB/K nr 11-2020*

*Webbredaktören  
2020-11-11*

Några inledande ord: Julian Assange och hans föregångare Chelsea Manning satte sina liv på spel för att ge världen insyn i amerikanska krigsförbrytelser i Afghanistan och Irak. Via Wikileaks har vi alla fått en inblick i den amerikanska militärmaktens löpande rapportering om sina egna övergrepp mot civila. Vi har fått kunskap om det kollektiva mordandets psykologi: att upprätthålla en känslodistans mellan bödel och offer.

Chelsea Manning dömdes till 20 års fängelse för sina avslöjanden om hur detta har gått till: Du hör en av piloterna säga "Han är sårad", och direkt efteråt "Jag skjuter." Och sedan hörs skratt. En minibuss kör fram för att rädda de sårade. Föraren har två barn med sig. Soldaterna säger: "Du får skylla dig själv om du tar med barn till slagfältet." Och sen skjuter de. Fadern och de sårade dödas direkt, barnen blir allvarligt skadade.

Förövarna av dessa och andra massakrer har aldrig ställts till ansvar. Det var inte krigsförbrytarna eller våldtäktsmännen som bestraffades. Det var avslöjarna som har förföljts i efterhand. USA har anklagat dem för "konspiration" och "spionage". Att avslöja ett brott blir ett brott i sig.

Chelsea Manning benådades av president Obama. Men hon har vägrat att ställa upp som vittne i domstolsdramat som pågår i London där det ska avgöras om Julian Assange kommer att utlämnas till USA.

FN:s rapportör om tortyr, Nils Melzer, har anklagat Sverige för att ha utsatt Assange för psykologisk tortyr i maskopi med USA och Storbritannien. Sveriges regering har vägrat att ens kommentera hans anklagelser. Med ett undantag, den partilösa Amineh Kakabave, har Sveriges riksdagsledamöter slutit upp bakom den kollektiva tystnaden.

Günter Wallraff leder en bred stödrörelse för Assange i Tyskland. Tre tyska toppolitiker har ställt upp som frontfigurer för hans upprop. Den viktigaste tyska morgontidningen, Frankfurter Allgemeine Zeitung, har upplåtit en helsida åt namnlistan.

Den svenska namnlistan har tre tusen underskrifter med global räckvidd. Inget svenskt medium har ens kommenterat att den finns. Folket i Bild / Kulturfront har däremot uppmärksammat den.

\* \* \*

## Wallraff om den svenska tystnaden

*Intervjua av Arne Ruth*

*Berätta först: hur och när bestämde du dig för att aktivt stödja Julian Assange?*

— Det var en artikel i den seriösa veckotidningen Die Zeit som fick mig att reagera. Jag insåg att detta inte bara var ännu ett i raden av internationella rättsövergrepp. Jag lyckades samla drygt hundra underskrifter bakom ett upprop, och vi fick in det som en helsidesannons i den mest inflytelserika tidningen i Tyskland, Frankfurter Allgemeine. Normalt är den en konservativ röst. Men vi fick rabatt på annonspriset, vi betalade bara en tredjedel. Och vi hade tunga politikernamn på listan, bland dem en tidigare utrikesminister, en inrikesminister och partiledaren för miljöpartiet De gröna. Alla tre fanns med på presskonferensen när vi lanserade upppropet. Och det fanns också kända kulturpersonligheter och journalister bland undertecknarna. Detta blev genombrottet för en tysk försvarsrörelse för Julian Assange.

*När jag fick reda på ditt initiativ ringde jag dig. Vi ville skapa en liknande rörelse i Sverige med en hård kritik mot Sveriges regering. På en dryg vecka fick vårt upprop 72 undertecknare. Mer än 3000 internationella namn anmälde sig på vår hemsida. Men vi fick ingen reaktion på våra krav. Regeringen teg. Och svenska medier valde att tiga både om upppropet och om regeringens val att tiga.*

— Före vårt initiativ fanns nästan inga rapporter om Assange i Tyskland. När han nämndes handlade det om nedlåtenhet och ett ifrågasättande av hans motiv. Han skulle tigas ihjäl. Men när vi lyfte fram fakta i målet ändrades opinionen. Vi lyckades få den att vända.

— Som jag ser det sitter Sverige fortfarande fast i samma fördomar som präglade Tyskland i början av året. Vad som pågår liknar en personlig hämndaktion från krafter i det svenska rättsväsendet. Assange har blivit ett offerlamm. Det är obegripligt att en rättsurholkning av den storleken har ägt rum i en demokrati som Sverige.

— När jag hotades av det tyska rättssystemet efter mina avslöjanden kunde jag alltid räkna med stöd från ditt land. Det svenska samhället var en demokratisk förebild. Sverige stod upp för internationella rättsprinciper. Och det var inte bara i teorin. Sverige hade en statsminister som vågade tala klarspråk om Vietnam. Olof Palmes ställningstaganden fick uppmärksamhet över hela världen. Han förkroppsligade globala rättsprinciper. Allt detta tycks nu ha vänts upp och ned både i praktik och teori.

— FN-rapportören om tortyr, Nils Melzer, har granskat rättshandlingarna om Assange i svenska arkiv. Han behärskar svenska. Hans slutsats är att det officiella Sverige lanserade en anklagelse om våldtäkt som har saknat en rättslig grund. Man skulle ha väntat sig att en så laddad anklagelse skulle väcka uppmärksamhet i Sverige. Men den svenska regeringen kallade Melzer oseriös, och svenska medier reagerade varken på Melzers slutsatser eller på regeringens val att avfärda honom.

— För mig framstår detta handlingssätt som oförsvarligt. Melzer är ju ett nyckelvittne till de samlade systematiska övergreppen mot Julian Assange. När han besökte honom i fängelset i London tillsammans med två specialister på psykologisk tortyr fick deras kritik ett internationellt genomslag.

*Hur bedömer du följderna av den svenska tystnadskulturen?*

— Behandlingen av Assange kan ses som en måttstock, ett lackmustest för de framtida globala gränserna för journalistik och yttrandefrihet. Det är ett skrämmande perspektiv. Nils Melzer kallar den pågående behandlingen av Assange i Belmarshfängelset för en medveten form av psykologisk tortyr. Normala fångar, inklusive de som dömts för mord, får ta emot barn och släktingar. De får föra konfidentiella samtal med sina advokater. Assange förvägras allt detta. Man skapar medvetet svårigheter i hans dagliga tillvaro. Man vill göra honom desperat genom en medveten form av desorientering. Styrkan i övergreppen ökar ständigt. Assange hindras från att delta i rättegången på normala villkor. I rättssalen placeras han bakom en glasvägg, ungefär som ett djur som ska observeras och samtidigt hållas åtskilt från människor. Han kan isoleras elva timmar om dagen. Han får inte ens krama sina egna barn. Och han vägrades kontakt med sina advokater i flera månader.

— Allt detta handlar om att beröva honom hans värdighet, att bryta ner honom som människa. Det är en utdragen form av avlivning. Han förtjänar att kallas martyr. Men en martyr behöver inte vara ett helgon. Assange har haft problem i sitt känsloliv, men han har tagit sig igenom sina svårigheter och är tillbaka som en fullvärdig person.

— Han förtjänar vårt stöd utan reservationer. Men vår medkänsla med honom måste också ha en politisk inriktning. Vi får inte blunda för den politiska skulden hos de som kallar honom förbrytare. Blir han utlämnad till USA handlar det om en samtidig utlämning av alla demokratiska värden.

— Följderna kommer att träffa oss var vi än bor. Den internationella urholkningen av rättsprinciper är redan i full gång. Om han utlämnas till USA från London innebär detta en kollaps för trovärdigheten i det brittiska rättsväsendet. Dödsdomen är i så fall redan fälld. Distriktet i Virginia, där domstolen finns, är samtidigt centralort för amerikanska underrättelsetjänster. Alla som hittills har ställs inför rätta där har dömts enligt en förutbestämd plan. Jurymedlemmar kan rekryteras bland CIA-agenter.

*Om du jämför dina egna arbetsmetoder med Assanges, ser du likheter och skillnader?*

— Jag arbetade på ett annat sätt och vid en helt annan tidpunkt. Mina arbetsmetoder är också annorlunda. Det jag avslöjar måste jag först uppleva inifrån, på egen hand. För Assange är Wikileaks ett nätverk där man kan tränga in för att få en överblick över helheten. När jag själv gick in i maktstrukturer som jag ville granska stannade jag kvar i ytterkanten. Jag fick stöd av andra som befann sig längre in i systemet. De hjälpte mig att leta efter maktmissbruket som pågick där inne.

— Vid sidan av Assange vill jag betyga min stora respekt för Chelsea Manning. De lever båda med bördan av att ständigt bli fördömda. Manning skulle förtjäna Nobels fredspris.

— Journalisten som avslöjade Hitlers upprustningar, Carl von Ossietzky, fick fredspriset 1935. Det var en viktig politisk markering. Jag vill inte jämföra USA med Tyskland på 1930-talet. Men vi måste förhålla oss till ett faktum: det finns en amerikansk stat i staten som handlar på ett sätt som ingen utomstående kan förutsäga — underrättelsetjänsterna. Lägg till detta att en än mer oförutsägbar president kan kalla all politisk kritik för falska nyheter. Det är oundvikligt att en sådan maktstruktur själv kommer att tillämpa terrormetoder. Där ingår manipulation av journalister. Målet är att Washingtons definition av "nationell säkerhet" ska påverka maktstrukturer i alla andra stater.

— Carl von Ossietzky angav en moralisk paroll som borde vägleda oss i vår syn på Julian Assange och Chelsea Manning: "Vi kan inte förlita oss på världens samvete så länge vårt eget samvete sover." De drevs båda i handling av sina samveten. Wikileaks frilade krigsförbrytelser av värsta slag. Som i ett dataspel kan vi iaktta hur människor massakreras, och uppleva hur mördarna markerar sin skadeglädje i fortlöpande glädjerop. Barn skadas allvarligt, allt detta beskrivs i detalj. Men krigsförbrytarna får inga påföljder. De bär inget personligt ansvar. Vi behöver nya medier som rapporterar systematiskt om krigsförbrytelser, och vi måste bygga gränsöverskridande opinioner som ser till att de skyldiga ställs inför rätta.

— Fallet Julian Assange handlar inte bara om rättvisa, om skuld eller oskuld. Amerikanska underrättelsetjänster strävar efter att utöva en global makt. De vill kunna påverka oss alla. Vi måste skapa demokratiska motkrafter som inte låter sig stängas in i nationella rättsföreställningar som de tyska eller de svenska. Om demokratiska principer ska ha en chans att överleva måste vi främja nya former av gränsöverskridande rörelser. Vi måste hitta allierade även bland aktiva politiker. Jag tror på den möjligheten.

*Dessa artiklar publicerades samtidigt i den norska tidningen NY TID.*

<https://fib.se/antiimperialism/arne-ruth-intervjuar-gunter-wallraff/>

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## **Unite statement on Julian Assange**

*Unite welcomes NUJ condemnation of Julian Assange detention*

*UniteLive  
November 12th, 2020*

Unite welcomes the National Union of Journalists (NUJ) condemnation of the detention of Julian Assange pending his extradition proceedings. We applaud the NUJ's campaign to draw to broad attention concern about the implications of this for free speech.

Unite further joins the NUJ in further condemning the attempted use of the US Espionage Act to prosecute Assange for his work exposing the war crimes committed by US service personnel in the Iraq and Afghan war logs. The Espionage Act has also been used in the past to jail trade unionists and criminalise the activities of those who wish to report on the incompetence, corruption and illegality of the powerful.

Unite believes that the use of these judicial measures by the US constitutes a grave threat to free speech and a free press and that this attempted prosecution is without precedent in US law.

The report of UN Special Rapporteur on Torture, Nils Melzer, concluded that there was "overwhelming evidence that Assange had been subject to psychological torture". This report also notes the conclusion of more than 60 doctors from around the world that Assange's health has deteriorated to such an extent that he is in no fit state to stand trial.

Unite calls on all trade unions and civil society to support this campaign and to oppose the persecution of Julian Assange.

<https://unitelive.org/unite-statement-on-julian-assange/>



## **EFJ calls on all journalists' organisations to support Assange**

*European Federation of Journalists*  
2020-11-13

The European Federation of Journalists (EFJ) joins its affiliate in the UK, the National Union of Journalists (NUJ), in condemning the detention of Julian Assange pending his extradition proceedings. We call on journalists' organisations in Europe to support the NUJ's DEA campaign to draw to broad attention concern about the implications of this lawsuit for free speech.

The EFJ joins the NUJ in further condemning the attempted use of the US Espionage Act to prosecute Assange for his work exposing the war crimes committed by US service personnel in the Iraq and Afghan war logs. The Espionage Act has also been used in the past to jail trade unionists and criminalise the activities of those who wish to report on the incompetence, corruption and illegality of the powerful.

The EFJ calls on all Journalists' trade unions and associations to support the DEA campaign and to oppose the persecution of Julian Assange.

You can read the NUJ letter to trade unions [here](#).

In the UK, some of the biggest unions (Unite, the NEU, Aslef...) have come out in support of the DEA campaign.

Following the EFJ call, several journalists' unions joined the campaign:

- The Association of Professional Journalists of Albania (Albania)
- DJV (Germany)
- JUADN (Greece)
- FNSI (Italy)
- The Norwegian Union of Journalists (Norway)
- Sinos (Serbia)
- FeSP (Spain)
- TUCJ (Croatia)
- UBJ (Bulgaria)

Below we publish an article by our NUJ colleague Tim Dawson, who has been following the trial hearings, on why journalists should feel concerned about these lawsuits.

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### **Unfettered reporting threatened — What Assange extradition hearings reveal**

Julian Assange's extradition hearing took its last evidence at the Old Bailey, London. Closing submissions will be made in writing and Judge Baraitser's ruling will be handed down on 4 January at The Old Bailey.

Until 23 May 2019 journalists quite reasonably held opinions about Julian Assange and his legal tussles that were every bit as multitudinous as those of the public at large.

These might include the view that he is an irresponsible narcissist; that he is tainted by the Swedish sexual assault allegations; or, that he is a seer whose revelations have unmasked the shocking truths of modern warfare.

By the middle of spring last year, the Metropolitan Police had arrested Assange and he had been jailed for skipping bail in 2012. The US government had requested his extradition on a single charge of computer hacking. If convicted, he might serve five years in prison.

Then in May last year, in the upmarket Washington suburb of Alexandria, Virginia, the pursuit of Julian Assange took a new and deeply troubling twist. A grand jury returned a second, superseding indictment that included 18 charges, 17 of them for violations of the Espionage Act.

Assange himself now faced a potential sentence with a release date more than a century beyond his most optimistic lifespan. It was in the detail of the charges, however, that a critical juncture for media freedom stood out.

The indictment includes charges that Assange had: “unlawfully obtaining and disclosed classified documents related to the national defense”; “actively solicited United States classified information, including by publishing a list of ‘Most Wanted Leaks’ that sought, among other things, classified documents”; “engaged in real-time discussions regarding (Chelsea) Manning’s transmission of classified records”; and, “actively encouraged Manning to provide more information and agreed to crack a password”.

What this amounts to is cultivating a source to provide information — the most basic and universal journalistic activity. Jameel Jaffer, professor of Law and Journalism at Columbia University, put it bluntly in his evidence to Assange’s extradition hearing. “The indictment is mainly a description of Mr Assange engaging in core journalistic activities. These are activities that the government’s apparent theory of liability would criminalise”.

Whether or not you consider Assange a journalist, as some had agonised over, is rendered irrelevant. He is being prosecuted for activities that a great many journalists undertake every day of their working lives.

Nor is concern about such a precedent merely rhetorical. Following the ‘9/11’ attack in 2001 successive US administrations have become increasingly aggressive about secrecy.

The quantity of government documents that are classified has increased exponentially. Paul Feldstein, a former ABC investigative reporter and now professor of history at the university of Maryland told the court that: “over-classification of government records is widely acknowledged as rampant to the point of absurdity. Every government study of the issue over the last six decades has found widespread classification of information that the government had no basis to conceal”.

Nor is the greater proportion of official documents being marked ‘secret’ the only change. Tougher sanctions for at least some government employees who leaked classified documents are also evident post 9/11. More whistleblowers were prosecuted under the Espionage Act during the Obama administrations than under any previous presidency. The current Whitehouse incumbent looks set to trump that record. Of course such prosecutions are highly selective. The more senior the leaker, it seems, the greater the chance of lenient treatment. “Five years ago the government considered filing Espionage Act charges against General David Petraeus”, Jaffer told



the court. “(It had) concluded that he shared classified information, including code words for secret intelligence programs and the identities of covert agents. The government ultimately allowed him to plead guilty to a misdemeanour charge of mishandling sensitive material.”

Not so lucky Chelsea Manning, Reality Winner and a clutch of other relatively junior workers handed long jail sentences for Espionage Act violations. All of these prosecuted whistleblowers, however, were government employees who chose to share restricted material with non-security-cleared outsiders. Pursuing a foreign publisher of leaked information is wholly new territory.

The theoretical possibility of the Espionage Act being used against journalists and publishers is not new — but its deployment for this purpose is unprecedented.

The Espionage Act — a First World War knee-jerk statute — deploys terms that are unusually broad and vague. It provides not only for the prosecution of the unauthorised publishers of classified information, but also all subsequent publishers. Anyone repeating contents from a story in the public domain that is based on classified document could, theoretically, be in the firing line. “It’s a loaded gun pointed at the head of the press” said legal scholars Harold Edgar and Benno Schmidt Jr.

“Various administrations have considered prosecuting journalists under the Espionage Act”, said Trevor Timm, director of the San Francisco-based Freedom Of The Press Foundation. “In each case, prosecutors have accepted that it would be unconstitutional”.

Assange’s case is groundbreaking — it is the first to be pursued this way against a publisher. Most disturbing of all, it would create a precedent that US administrations could deploy against journalists anywhere in the world if their stories relied upon information gleaned from classified documents.

Of course, no one believes that if Assange is successfully prosecuted, the US will initiate actions against every reporter who relies for a story on leaked or classified documents. The US government would have neither the time nor the resources, and anyway frequently leaks material deliberately in pursuit of its own ends.

A legal menace selectively deployed, however, is the more deadly.

Any journalist in receipt of classified information might reflect that, in all probability, they could rely on the leaked material with impunity. But certitude there would be not. Any story that happened to rub up the US administration the wrong way might provoke an indictment similar to the one currently levelled against Assange.

By then, of course, Assange may well have disappeared into the ‘supermax prison’ ADX Colorado for a term and in conditions that would make a medieval jailer blush. The public might well forget his name — but Assange’s head on a spike will cast a darkening shadow over any reporter offered a classified document. Whistleblowers will be advised to shut up and knuckle down while beneficial sunlight will fall on fewer and fewer of the actions taken in the name of the public.

It is a fate to be feared by any journalist who cares about the trade we ply.

*Tim Dawson*

<https://europeanjournalists.org/blog/2020/11/13/efj-calls-on-all-journalists-organisations-to-support-assange/>

## Farcical Coverage of Julian Assange's Farcical Hearing

Joshua Cho  
*Fairness & Accuracy In Reporting*  
November 13, 2020

WSJ: "Julian Assange's Request to Delay  
His Extradition Hearing Is Rejected by U.K. Judge"

The *Wall Street Journal* (9/7/20) reported that WikiLeaks published "a huge trove of classified material that painted a bleak picture of the American campaigns in Iraq and Afghanistan."

US corporate media have buried coverage of WikiLeaks founder Julian Assange's extradition hearing in the UK, despite its being the media "Trial of the Century" (FAIR.org, 9/25/20). But even in the scarce coverage that does exist of this unprecedented case with immense implications for freedom of expression, one would hardly get the impression that the US and British governments are involved in an illegal conspiracy — in violation of their own laws — to punish Assange for the "crime" of journalism.

Coverage before and at the start of the trial by establishment media outlets like the *New York Times* (9/7/20), *Wall Street Journal* (9/7/20), *USA Today* (9/6/20) and the *Associated Press* (9/6/20) largely omitted simple facts, like Assange displaying signs of abuse. Of these reports, only *USA Today* cited Nils Melzer, a UN special rapporteur on torture, who observed that when he visited him last year, Assange displayed symptoms of "psychological torture," likely caused by extreme stress, chronic anxiety and isolation.

AP framed Assange's visible and prolonged abuse at the Belmarsh maximum security prison in London and the Ecuadorian embassy — where he sought asylum for seven years — in a partisan way, presenting it as a charge of his "supporters" rather than the judgment of professionals:

In fact, Melzer's assessment is corroborated by other experts. *The Lancet* (2/17/20) published an open letter by 117 doctors and psychologists calling for the end to what they called the "torture and medical neglect of Julian Assange." Dr. Sondra Crosby, one of the first doctors to independently examine Guantánamo captives, who possesses extensive experience treating torture victims around the world, later testified at Assange's hearing that he met "all of criteria for major depression," and is at "high risk of completing suicide if he were to be extradited" to the US (*Shadowproof*, 9/24/20).

Torture and arbitrary detention are human rights violations of international conventions that both the US and Britain have signed, which obligates them to conduct prompt and impartial investigations whenever there are reasonable grounds to believe someone has been and is being tortured. In Assange's case, these violations have been downplayed or even celebrated by US and British media (FAIR.org, 4/18/19). AP (9/22/20) reported on psychiatric expert Michael Kopelman of King's College London testifying to Assange's "intense suicidal preoccupation" and "auditory hallucinations," without once noting the obvious connection to psychological torture.

Another human right enshrined in international conventions and in US and British domestic law is the right to a fair trial, which is precisely what has been and is currently being denied to Assange, although one wouldn't know this from corporate

media coverage. Establishment media omitted, for example, that Assange was sent to these hearings by a judge who ruled on his case despite having several undisclosed conflicts of interest.

*Declassified UK* (2/21/20) revealed that “the senior judge overseeing the extradition proceedings of WikiLeaks publisher Julian Assange received financial benefits from two partner organizations of the British Foreign Office.”

Before the hearing, journalists Matt Kennard and Mark Curtis of *Declassified UK* published several damning reports revealing that Emma Arbuthnot — the chief magistrate who had previously overseen Assange’s extradition proceedings before informally stepping aside in December, 2019 for “perception of bias” — had failed to disclose several conflicts of interest before delivering two rulings that prevented Assange from taking up asylum in Ecuador. Kennard and Curtis (11/14/19) reported that Arbuthnot had been receiving gifts and hospitality from Bechtel, a US military and cybersecurity company that had been exposed by WikiLeaks.

She has also taken part in junkets, along with her husband, paid for by two partner organizations of the British Foreign Office, which has long taken an anti-Assange position (*Declassified UK*, 2/21/20). (Her husband, James Arbuthnot, is a former Conservative Defense minister who has also worked closely with the neoconservative Henry Jackson Society — *Declassified UK*, 9/4/20). One of the junkets involved a meeting between James Arbuthnot and Turkish Energy Minister Berat Albayrak — the son-in-law of President Recep Tayyip Erdoğan — whose personal emails were published by WikiLeaks.

Arbuthnot’s son, Alexander Arbuthnot, is the vice president of Vitruvian Partners, a private equity firm heavily invested in Darktrace — a company founded by GCHQ and MI5 to stop data leaks, which is staffed by veterans of the NSA and CIA, intelligence agencies behind the US government’s persecution of Assange (*Declassified UK*, 11/15/19).

Although UK legal guidance requires British judges to declare any conflicts of interest before the courts, Arbuthnot has a history of stepping aside from adjudicating cases only after media investigations expose them. Because she refused to disclose her conflicts of interest and only informally stepped away from Assange’s case, her previous rulings in February 2018 and June 2019 — which brought Assange to his extradition hearings in 2020 — couldn’t be revisited by his defense. Although she is no longer personally hearing Assange’s extradition proceedings, she remains the chief magistrate, and is still responsible for supporting and guiding the junior judges in her jurisdiction, like Judge Vanessa Baraitser, who presided over Assange’s extradition hearings and is responsible for delivering her verdict on January 4, 2021.

*The New York Times* (9/16/20) found the technical difficulties one of the more interesting things about the Assange hearings. (NYT: “At Assange’s Extradition Hearing, Troubled Tech Takes Center Stage”)

But can any of this scandalous information make it through the filters of US media? Aside from trivial reporting that focused on technical “glitches” on the first day of the hearing (*New York Times*, 9/16/20; *Washington Post*, 9/7/20), the media blackout from establishment outlets like the *Times*, *Post*, *Journal*, *USA Today* and *CNN* has largely forced US audiences to rely on reprinted *AP* reports to get any idea of what was going on during the trial.

To *AP*’s credit, it has covered important topics that other US outlets have ignored, such as US whistleblower Daniel Ellsberg’s defense of Assange (9/16/20), and testimony confirming that the US prosecution was lying when it claimed Assange

wouldn't be held in solitary confinement if he were to be extradited (9/29/20). It also covered crucial testimony from whistleblowers at the Spanish security firm UC Global, revealing that for their "American friends," the firm had covertly installed in the Ecuadorian embassy microphones, cameras and special stickers that disrupt white noise machines (9/30/20).

As British media watchdog *Media Lens* (10/7/20) pointed out in its critique of the British media blackout, the mere fact that Assange's confidential conversations with his lawyers had been violated under the auspices of the CIA "should have been sufficient to throw out any court case against Assange." Journalist Kevin Gosztola (*Shadowproof*, 10/3/20) later reported that in the UK, the FBI had enlisted the Ecuadorian government's help in stealing legally privileged material from Assange's lawyers, which made it more difficult for his lawyers to prepare a defense for his extradition hearing.

However, when it came to the substance of what was actually argued by both the defense and prosecution, and the case's evolving implications for the future of journalism, even the *AP* joined in the atrocious US media blackout. Without indispensable coverage from outlets like *Shadowproof*, *Consortium News* and former UK ambassador Craig Murray's blog updates, one wouldn't know that the prosecution had shifted its arguments from the claim that Assange isn't a journalist — making a specious distinction between his behavior and those of other media professionals—to asserting the US government's "right" to prosecute, under the 1917 Espionage Act, all journalists around the world who publish classified US information. These new US government charges could criminalize even receiving classified information, which is standard practice in journalism.

The prosecution was forced to do this because their unsubstantiated arguments collapsed under their own lies, such as when they falsely charged Assange with aiding whistleblower Chelsea Manning in a "conspiracy to commit computer intrusion," or that WikiLeaks disclosures resulted in material harm, in order to dodge claims that the trial is politically motivated (*Shadowproof*, 9/26/20; *Independent*, 10/5/20).

At other times, *AP* reports focused on relatively trivial matters compared to reports by other observers at the extradition hearings. For example, *AP* (9/8/20) published an article focusing on Judge Baraitser instructing Assange to stop interrupting witnesses. On that same day, Craig Murray (9/8/20) reported on Baraitser's blatantly inappropriate practice of reciting pre-written judgments prepared before she heard any lawyers argue their case in front of her, and preventing the defense from having adequate time to prepare for superseding indictments and present their case in court. Eyewitnesses to the trial, like Australian journalist John Pilger (*Arena*, 10/2/20), described it less as due process and more as "due revenge."

*AP*, and corporate US news outlets more generally, never followed up on *Consortium News'* revelation (9/28/20) that the US government's lawyers had been relying not on actual witnesses but on a 2011 book by two *Guardian* journalists, Luke Harding and David Leigh, who are known to be hostile to Assange. Neither of them have been called to give evidence under oath about the contents of their book, which would require them to be cross-examined by Assange's lawyers. Yet when the defense called former *Der Spiegel* journalist John Goetz to give evidence under oath refuting the book's claim that Assange had remarked that informants deserved to die — a comment supposedly made at a dinner Goetz attended — Baraitser sided with the prosecution to prevent Goetz from giving firsthand testimony about the allegation (*Consortium News*, 9/16/20).

From top to bottom, the trial itself is a farce, since no one should be prosecuted for working with a whistleblower to expose war crimes, yet there are few reports questioning its legitimacy (FAIR.org, 4/12/19). On the contrary, it appears that major US news organizations have buried all the ways that the US and UK governments have already stacked the deck against Assange, in order to give the illusion that he's receiving a fair trial.

*Joshua Cho (@JoshC0301) is a writer based in Virginia.*

<https://fair.org/home/farcical-coverage-of-julian-assanges-farcical-hearing/>

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## **Assange 'under lockdown' in Belmarsh amid coronavirus outbreak**

*Prison Service confirms 'further safety measures' introduced after multiple cases detected*

*Andy Gregory  
The Independent  
18 November 2020*

Julian Assange has been placed in lockdown at Belmarsh prison after a coronavirus outbreak was detected in his block. The Wikileaks founder said all exercise has been stopped, while showers have been prohibited and meals are to be provided directly to prisoners in their cells.

Mr Assange, who has been held at the London prison since April 2019, said he and a number of fellow inmates had received a letter from the governor notifying them that authorities had identified several Covid-19 cases.

All prisoners and staff are to be swabbed to detect for coronavirus in the next 48 hours, he said.

A Prison Service spokesperson confirmed that "further safety measures" had been introduced following a number of positive cases, and the PA news agency reports that one wing of the prison is affected.

Mr Assange is currently awaiting the judgement from 4 January hearing on his possible extradition to the US, where he faces a possible maximum sentence of 175 years in jail if convicted.

Among the 18 charges, he is accused of conspiring to hack government computers and violating an espionage law over the release of leaked security cables.

Lawyers for Mr Assange — who has served a 50-week sentence in Belmarsh for breaching bail conditions by fleeing to the Ecuadorian embassy — have said he should be granted bail because of the pandemic, as he has suffered from respiratory infections and heart problems.

But a judge has ordered him to be kept in prison because he is considered a flight risk. With court backlogs exacerbated by the pandemic, new legislation has been introduced to allow prisoners to be held in custody for longer before trial.

His partner Stella Moris, the mother of their two young children, said: "Keeping Julian in the UK's harshest prison, exposed to a deadly virus and away from his family is not only cruel, it offends British values and democracy itself."

“He is a political prisoner being held on behalf of a foreign nation, whose war crimes he exposed. I am extremely worried about Julian. Julian's doctors say that he is vulnerable to the effects of the virus.”

Strict new measures were introduced in UK prisons at the outset of the pandemic in a bid to stop the virus from running rife through their trapped populations.

Ministry of Justice figures show that 32 people have died with Covid-19 in UK prisons, and at least 1,529 had been infected by the end of October.

During an inquiry into the response to the pandemic, MPs were told in July that prisoners had been kept in conditions akin to social confinement for nearly four months, with some inmates only allowed out of their cells for half an hour a day.

<https://www.independent.co.uk/news/uk/home-news/julian-assange-belmarsh-coronavirus-lockdown-latest-b1725295.html>

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## Where is Canadian Media on the Assange File?

*‘Canadian mainstream press have undermined the public’s right to know while ignoring the significance of WikiLeaks releases themselves. That needs to change.’*

Peter Biesterfeld

J-Source

2020-11-20

After 10 years of restricted freedom, political exile and incarceration, Julian Assange finally came face-to-face with his accusers at the Old Bailey Criminal Court in London. For three weeks in September, a team of English lawyers argued on behalf of their client, the U.S. Department of Justice, that the beleaguered WikiLeaks founder and publisher should be handed over to a U.S. national security court to face 17 counts under the 1917 Espionage Act.

If convicted by the District Court of Eastern Virginia, where the indictments originated, Assange will spend the rest of his life in an American supermax facility for having published evidence of United States war crimes, torture and a host of other government wrongdoing.

“The decade-long saga that brought us to this point should appall anyone who cares about our increasingly fragile freedoms,” blogged former *Guardian* reporter and Martha Gellhorn prize winner Jonathan Cook on the eve of Assange’s extradition hearings.

“Right now, every journalist in the world ought to be up in arms, protesting at the abuses Assange is suffering, and has suffered, and the fate he will endure if extradition is approved.”

If you go by years of Canadian reporting on Assange and WikiLeaks, Canadian journalists don’t share Cook’s sentiment. When asked in the summer if advocacy group Canadian Journalists for Free Expression has plans to advocate for Assange’s freedom, CJFE president Philip Tunley responded, “I am not seeing any consensus at CJFE to weigh in on behalf of Mr. Assange, though some clearly still support him and wish him well.”

The premise that it takes an informed citizenry to run a true democracy is being seriously subverted by the Canadian fourth estate itself. By distracting attention away from the press freedom principles of Assange's extradition case and obsessing over his character, Canadian mainstream press have undermined the public's right to know while ignoring the significance of WikiLeaks releases themselves. That needs to change.

As a Canadian freelancer, enduring 10 years of biased and inaccurate reporting in the Canadian press about Assange has been a source of dismay and frustration. Petitioning and complaining to senior editors and broadcast gatekeepers was clearly naïve given the paucity of responses.

One response that did come back signposted a troubling predicament in Canadian Assange and WikiLeaks coverage.

CBC had posted a Thomson Reuters story in August about a U.S. Senate Committee report that claimed WikiLeaks worked with Russian Intelligence to release the Democratic National Committee emails in 2016.

When I suggested in my complaint that the report provides no evidence for this classic claim against WikiLeaks and that repeating official unsubstantiated narratives does not make them true, CBC director of journalistic standards Paul Hambleton emailed back:

"I fully understand that you may hold a different view than that of the Senate committee. It is not the CBC's obligation to determine what is 'truth' (a truly dangerous notion for any broadcaster), but only to present differing views fairly and accurately affording Canadians the opportunity and the information they need to make up their own minds about the nature or quality of the views expressed."

I argued back: "The predicament here is that journalism is not principally about 'the nature or quality of views.' Journalism is foremost about presenting facts, checked and verified."

What's seriously worrying in the Assange and WikiLeaks coverage I complained about to CBC and other news outlets is that for the public, the repetition of established narratives — including unsubstantiated claims and assertions — eventually becomes a substitute for fact or truth.

I haven't heard back from Mr. Hambleton.

When I wasn't writing complaint emails to news outlets, I was busy pitching Assange stories and opinion pieces of my own. Except for two queries, most were politely (but outright) rejected, citing issues with space and timing.

*Canadaland* published one submission that called out Canadian Assange coverage for ignoring the United States' attempt to criminalize whistleblower journalism.

The *National Observer* posted my opinion letter after negotiating with the editor who asserted one of the classic positions held by many in the legacy press. "Assange is a programmer and a hacker, but never worked as a journalist. You're framing the issue as a journalism freedom issue. For me this is still a problem in your framing."

The problem with my "framing" was resolved when I pointed out that Assange and WikiLeaks won a string of journalism awards over the years including the 2011 Martha Gellhorn Award for Journalism awarded annually to a journalist "whose work has penetrated the established version of events and told an unpalatable truth that exposes establishment propaganda, or 'official drivel', as Martha Gellhorn called it."



We find ourselves in a time when unauthorized ideas are no longer guaranteed to make it into the mainstream, even when those ideas have been fact-checked and proven to be true.

The crisis in Canadian journalism isn't underfunding and it isn't the concentration of media ownership. The plight of Canadian journalism, if reportage on Assange is the yardstick, are the signposts that fearless independent reporting that holds governments and institutions to account has all but vanished from the mainstream, which is where most Canadians get their news.

In 2010, WikiLeaks released 750,000 pages of the Manning leaks, "the largest leak of classified documents in U.S history" declared the Pentagon — State Department cables, Guantanamo secrets, Afghan war diaries and Iraq war logs which included collateral murder, the helicopter gunsight video that shows unprovoked slayings of civilians by U.S. troops in the streets of Baghdad.

Australian journalist John Pilger said Assange and WikiLeaks were in the crosshairs of United States authorities years before the publicity around the war logs releases made WikiLeaks a household name.

"The aim was to silence and criminalize WikiLeaks and its editor and publisher. It was as if they planned a war on a single human being and on the very principle of freedom of speech," Pilger told a crowd of Assange supporters in front of the Old Bailey.

Pilger described in detail the campaign to discredit Assange led by the Cyber Counter-Intelligence Assessments Branch of the U.S. Defense Department after a 2007 WikiLeaks post of a U.S. Army manual of standard operating procedures for soldiers overseeing al-Qaida suspects held in Guantanamo military prison.

Pilger refers to the extradition hearings as "the final act to bury Julian Assange. It's not due process, it's due revenge."

According to independent observers, the structural inequalities of the extradition proceedings alone, as overseen by Westminster District Judge Vanessa Baraitser, provide plenty of cause to have the U.S. extradition request dismissed outright.

During his incarceration at maximum security Belmarsh facility, Assange had only restricted access to his legal team and was only permitted to hold on to case files for a limited time. In court Assange sat in the back of the room behind a glass partition and wasn't permitted confidential communications with his lawyers.

Two protected defence witnesses, former employees of Spanish security firm UC Global, confirmed that they recorded conversations in the Ecuadorian embassy between Assange and his lawyers and gave the information to U.S. intelligence officials.

*Pentagon Papers* whistleblower Daniel Ellsberg, also a witness for the defence, had his case thrown out for less, after president Richard Nixon operatives broke into Ellsberg's psychiatrist's office to steal mental health information that might discredit him.

Former UK diplomat and independent journalist Craig Murray, who reported in his daily blog from Courtroom 10 at the Central Criminal Court of England, wrote in his Day 6 report from the hearings: "What came over most strongly was the desire of both judge and prosecution to railroad through the extradition with as little of the case against it getting a public airing as possible."

None of the abuses of process were reported by establishment reporters. The only Canadian report from inside the courtroom, by the *Globe and Mail*, validated Murray's observations and helped ensure judge and prosecution had their way.

*Globe and Mail* Europe correspondent Paul Waldie concludes in his Sept. 16 report about Daniel Ellsberg's testimony, "At one point he (Assange) started heckling Judge Vanessa Baraitser who threatened to kick him out."

However, according to Court News UK reporter Charlie Jones, what actually happened was that when U.S. prosecutors objected to the live testimony of German-Lebanese citizen Khaled El-Masri — a survivor of CIA kidnapping, torture, and rendition — Assange stood up and "heckled" from behind the glass partition at the back of the courtroom, saying "Madame, I will not accept you censoring a torture victim's statement to this court."

Waldie made no mention of defence witness El-Masri's testimony, which confirmed what WikiLeaks' publication of U.S. diplomatic cables had revealed in 2010, that significant U.S. pressure was brought on German authorities not to arrest and prosecute CIA actors.

Waldie also didn't bring up that lawyers for the U.S. prosecution argued vehemently to keep all references to U.S. torture and wrong doing out of the proceeding's transcripts.

Noam Chomsky was one of the defence witnesses whose full testimony Baraitser and the prosecution didn't want to hear. His live testimony was replaced by a four-minute summary read into the court records.

An excerpt from Chomsky's written submission: "In my view, Julian Assange, in courageously upholding political beliefs that most of us profess to share, has performed an enormous service to all the people in the world who treasure the values of freedom and democracy and who therefore demand the right to know what their elected representatives are doing. His actions in turn have led him to be pursued in a cruel and intolerable manner."

Canadian coverage of Assange's extradition consists almost entirely of the same *Thomson-Reuters* and *Associated Press* dispatches posted on various Canadian news sites. If you held them up against independent accounts, you'd think indie journos and wire service reporters attended different events.

Fidel Narváez, the Ecuadorian diplomat who granted Julian Assange political asylum, was one of only a handful of observers permitted into the courtroom. Narváez reports that on the first day, Baraitser cut access to the video stream in Courtroom 9 that had been previously authorized for nearly 40 human rights organizations and international observers, including Amnesty International, Reporters Without Borders and PEN International.

"If the case in London were decided solely on justice, as it should in a state based on law, this battle would have been won by Assange," writes Narváez in one of his daily dispatches.

Narváez and other independent observers suggest that what was adjudicated was not whether Assange should be extradited for violating the Espionage Act, but rather the criminality of the American state itself.

The chilling claim put forward by U.S. prosecutors that the United States has jurisdiction over any journalist, any publication, anywhere in the world to prosecute under the Espionage Act for publishing classified U.S. information hasn't gone unnoticed by the Canadian Association of Journalists.

"I can assure you that I, as president, as well as the CAJ's advocacy committee, are keeping a very close eye on the Assange case," said Brent Jolly. "The CAJ still believes the United States should immediately drop its attempts to extradite Mr. Assange."

"Encouraging sources to leak information that is in the public interest to the media is a basic practice of journalism which must be defended. Journalists and whistleblowers have a role to play in protecting citizens in a democracy," Jolly's predecessor, Karyn Pugliese, told me after Assange was arrested and imprisoned at Belmarsh in 2019.

The CAJ's position has yet to translate into accurate and unbiased reporting on the Assange-WikiLeaks file by Canadian journalists and news organizations. However, coverage of domestic occurrences of the 'Assange effect' — attempts to criminalize journalism, such as Justin Brake's and Karl Dockstader's arrest for covering Indigenous land disputes — have been diligently reported.

"There is a vague but widely held notion among the Canadian press that Assange's troubles are not terribly important and not particularly newsworthy," *Canadaland* publisher Jesse Brown told me in October after the hearings. "To actually engage with the facts invariably means accepting that Julian Assange is being persecuted for telling the public things about the American government that they did not want known, and that means accepting that Julian Assange's cause is every journalist's cause."

The hearings wrapped up three weeks of witness testimonies in September. Assange's lawyers submitted their closing arguments to the court on Nov. 6 arguing that the request for Assange's extradition is the result of U.S. President Donald Trump's political agenda.

"It is politically motivated, it is an abuse of the process of this court, and it is a clear violation of the Anglo-U.S. treaty that governs this extradition."

Prosecutors will submit their closing arguments on Nov. 20. Baraitser is expected to hand down her judgement on Jan. 4.

<https://j-source.ca/article/where-is-canadian-media-on-the-assange-file/>

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### **Video: Pink Floyd's Roger Waters on Biden, Trump, Israel/Palestine, Assange & Censorship**

*Matt Taibbi, Katie Halper and Roger Waters*  
*Rolling Stone/YouTube*  
*20 November 2020*

<https://www.youtube.com/watch?v=0IBW8DWtsh8&feature=youtu.be>

## Join my fight to free Julian Assange and stop US extradition

*Stella Moris*

2020-11-21

I am the partner of Julian Assange and the mother of his two sons. I am fighting against his extradition to the United States.

### *Julian's story*

The charges Julian faces concern the WikiLeaks exposures ten years ago of US war crimes and human rights abuses. As a result, the detail then hidden is now known to the world.

From 2010 until 2017 the Obama administration decided he could not be prosecuted — otherwise every newspaper publishing the same data should be prosecuted too. However, the Trump administration, from the outset, targeted him and charged him under US laws which date back 100 years, during which time they have never been used to prosecute any publisher or journalist. The US legislation allows for no defence of public interest.

He has been in Belmarsh Prison for 16 months, confined to a cell throughout the Covid pandemic for at least 23 hours a day. He has no visitors. Neither I nor his sons can see him. It is very difficult for us as a family.

### *The chilling effect*

Most important of all, though, is that his “crime” is to have reported on matters the US would rather have kept hidden from view. He helped expose war crimes and human rights abuses. He revealed the killing of unarmed civilians and the torture of innocent people. No-one has been held responsible for the serious crimes Julian has exposed. If he, an Australian citizen living in the UK can be successfully prosecuted, so too can journalists and publications everywhere.

The politics of the intention are clear; brought by an administration that refers to the press and whistleblowers as the “enemy” and news of importance as “fake”.

Why are we raising funds?

Our resources are very limited. The Wikileaks releases were all issued, in an enormous exercise over a period of more than a year, without receiving payment. However, the legal costs to fight Julian's extradition have already exceeded £500,000 — and will continue to increase. We are trying to raise as much as possible to contribute to those costs. Now it is a matter of David against Goliath.

In April last year, Julian was charged with 18 counts relating to receiving and publishing government documents, for which he faces a sentence of 175 years. A few weeks ago, just as his lawyers were consolidating preparation for a three-week hearing of defence evidence in September, the prosecution announced it was changing the indictment, hoping to double the reach of its claims, though the charges remained the same.

Despite the clear weakness of the core allegations, it triggers many important legal issues. Doing justice to Julians' case, that on its merits, factual and legal, ought without question to succeed, is a vast undertaking.

Investigating and understanding the detail, even before the threatened new indictment, is like climbing the Himalayas whilst the person most able to contribute is locked in a prison — and disabled, mentally and physically, from the level of engagement he wants and needs to give. Many witnesses need to be called, including experts from a range of disciplines -- all essential to what is an unprecedented legal battle.

Everyone involved in the legal case is doing so at minimum remuneration or *pro bono*. Nevertheless, the sheer volume and range of work required, means that we need to continue to raise funds to cover the mounting costs.

### ***Julian's extradition hearing***

This CrowdJustice appeal is to raise funds to cover the legal costs of Julian's extradition hearing in the Magistrates Court in England.

The full extradition hearing is due to begin on the 7th September 2020 at the Old Bailey which is being used as a Magistrates Court for this hearing. This is an unprecedented forum for an extradition case which acknowledges that the case has huge importance beyond Julian himself.

How can you help?

We all recognise the responsibility placed upon us, and what is at stake, and express our gratitude to anyone who feels able to contribute. Even small amounts, which might not feel like they make a difference, will collectively be of huge benefit - and will be gratefully received.

Please do share the link on this page with anyone who may think they might want to help.

Thank you for your support,

*Stella Moris*

### **Julian Assange's defence submissions**

Read Part 1 of Julian's defence [here](#).

Read Part 2 of Julian's defence [here](#).

<https://www.crowdjustice.com/case/julianassange/>

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### **Chomsky: Prosecution of Assange Reflects "Extreme" Use of State Power**

*Noam Chomsky in conversation with Patrick Farnsworth  
TruthOut  
November 25, 2019*

Without whistleblowers and investigative journalism, governments are free to abuse their power and keep the population in the dark about the atrocities they commit, not only to others, but also to the citizens they supposedly represent. With WikiLeaks editor and publisher Julian Assange facing an extradition hearing in February, and whistleblowers like Chelsea Manning serving time for repeatedly refusing to testify

before a grand jury against Assange, we are witnessing the harsh consequences of challenging state power. If there were any illusions about what the price is for holding systems of power accountable for their crimes, these two cases in particular should dispel those notions indefinitely.

In the transcript of my interview with world-renowned political dissident Noam Chomsky presented below, we begin with an examination of the current state and trajectory of the United States empire within the broader scope of recent history, highlighting the alleged “withdrawal” of the U.S. military presence in Northeast Syria as an indication of what the U.S. geopolitical influence in the region currently is. From there, we speak of the responsibility journalists have, especially in this time of increasingly hostile attacks by the Trump administration against whistleblowers, journalists and publishers, to speak truth to power.

To examine this latter point, we focus on the current situation of Julian Assange, imprisoned in the high-security Belmarsh Prison in London. He is awaiting an extradition hearing set for February, after his asylum at the Ecuadorian Embassy in London was revoked and was handed over to British authorities in April. “Assange basically is being murdered by the British government,” states Professor Chomsky, as Assange’s health continues to rapidly deteriorate from his time holed up in the Ecuadorian Embassy, and more recently, by his treatment under British authorities in Belmarsh Prison.

The WikiLeaks publisher faces 18 charges, including conspiracy to hack government computers and violation of espionage law, with the real possibility of being extradited to the United States, “where he’ll be tried with crimes that, even theoretically, can lead to the death sentence, which he’s already practically suffering [from] now.” Chomsky compares this attack on press freedoms and whistleblowers to the Red Scare post-WWI, in which there was a massive attack on human rights, mass deportations, and independent and dissident media was effectively crushed.

The U.K. and U.S. governments are using the horrendous treatment of whistleblowers like Chelsea Manning, and publishers like Julian Assange, to set an example. The treatment of Julian Assange is one of the most extreme cases of this. Regardless of your personal opinions about his decisions as a publisher, it needs to be understood that this case is symbolic of the lengths the State will go to crush dissent. The health and well-being of the WikiLeaks founder is being destroyed, blatantly and in public view, for daring to reveal the truth about the U.S. government and its numerous war crimes in Iraq, Afghanistan, and the world over. It is the responsibility of journalists, and of people who care about the truth and exposing the abuses of state and corporate power, to speak up for Assange and anyone who puts their lives and freedom on the line. If there ever was a time to speak truth to power, it is now.

\* \* \*

*Patrick Farnsworth: The first thing I wanted to discuss [is what] your general sense of what’s going on geopolitically with the United States. The very general question I would ask right away is, do you get the sense that the United States, as a global empire and as a geopolitical force in the world, is it expanding, is it a stable entity, or is it in decline? What is your general sense based on the trends of what’s going on in that realm?*

*Noam Chomsky:* Well, if we look over the long term, the United States has been in decline since 1945. The U.S. had reached the peak of its power in 1945 at the end of the Second World War. In fact, [it’s] a level of power that had never existed in world history, the United States’ control. It was far and away the richest country in the world [and] had gained enormously through the war. Industrial production quadrupled.

The United States was, of course, untouched by the war. Its rivals had been seriously harmed or destroyed. It had probably 40 to 50 percent of world wealth. Statistics weren't very good in those days, but something roughly like that. Security was incomparable. [The U.S.] controlled the western hemisphere, controlled both oceans, controlled the opposite sides of both oceans. It was just incomparable, but it started to decline right away. The first step was in 1949 when China became independent. In the United States, that's called "loss of China," which is a pretty revealing expression. It was just known that we owned the world and the loss of China was a terrible event. It goes on.

By the 1970s, the world economy was pretty much tripolar with U.S.-based North America, German-based Europe, and at that time, Japan-based Northeast Asia (already the most dynamic region, without leaving out China and the East Asian Tigers). The U.S. share of global income had declined to maybe 25 percent, which is still enormous, but not like in 1945. If we proceed further, pretty much the same tendencies.

I mean, militarily, of course, the U.S. is just totally incomparable. No other country has 800 military bases around the world, nobody has even a dozen. If you look at global power, the U.S. is incomparable. You can see it very clearly in the use of sanctions. No other country can impose sanctions. The U.S. can impose sanctions wherever it wants and it forces other countries to adhere to them, because the U.S. controls the global financial system.

There's another change that's taken place during the neoliberal globalization process. The national income, which is what is usually measured, doesn't mean as much as it used to. A different measure which may be more insightful of global power is the amount of global wealth owned by domestically based multinationals. And if you look at those figures, it's astonishing. U.S. based multinationals control about half of all the world's wealth, and by now the statistics are good. They're first in practically every category. This is changing somewhat under Trump's wrecking ball. We don't know exactly how that'll work out, but it's fundamentally the same. So yes, the U.S. is still the dominant global power, but it has limits that it didn't have in the past.

*Okay, and that's something I wanted to discuss. The United States pulled out of — well, I shouldn't say that it pulled out of Syria, but it withdrew support of the Kurds, of the people of northern Syria, which is a rather controversial move. There was a lot of blowback or reaction to that decision. I wanted to get your sense of whether other world powers are coming in and filling in the role that the United States played particularly in Syria, and maybe in other regions around the world as well, which can be an indication of the U.S. military's lack of control that it may have once had in these regions. So, maybe using Syria as a specific example, what do you make of that?*

Well, first of all, Trump's sudden withdrawal of a small U.S. contingent in the Kurdish dominated areas and his invitation to Turkey to expand their aggression and atrocities against the Kurds, that was a grotesque betrayal, and not the first. There's a long history of it. Now the Kurds in Syria are basically handed over to their main enemies, Turkey and Assad's Syria. The Russians stepped in and are in control. [Trump] basically invited Russia to intervene, to be the moderate power that tried to calm things down and to some extent, they're doing it. The United States didn't leave Northeast Syria, they just moved troops to the oil producing regions. The number of troops is about the same. Other troops went to Iraq right across the border, and the Iraqi government didn't want them there.

If you look back a couple of years to around 2011 and 2012, the United States and other Western powers assumed that it would be possible to overthrow the Assad regime, and not just them, but the Gulf states, too — and they were all intervening,

supporting their local allies, pouring arms in in an effort to overthrow the Assad regime. The CIA sent advanced weapons to the groups they were supporting, anti-tank weapons, and that did succeed in stopping Assad's forces.

But quite predictably, it brought the Russians in. In 2015, the Russians intervened and neutralized the U.S. weapons. The U.S./Gulf [states] supported, by then, mostly jihadi-based elements. And Russia — the U.S. was not going to counter Russia, it could lead to a nuclear war. So, they sort of pulled back and Assad has slowly, with Russian and Iranian aid, reconquered most of the country. There are some parts that are not yet under Assad's control. And they leave most of the problems, most of the ISIS and other jihadi groups located in the Northeast Syria, which is under Kurdish control — that would probably now be abandoned to some combination of Assad and Turkey with Russia being [another ] external force.

There are more U.S. troops remaining in the South, but in effect, Trump did authorize Turkey, Russia, and Iran to expand their [influence]. This was strongly opposed by the U.S. military and diplomatic centers, not for good reasons in my opinion. But anyway, those under President Trump obviously will keep shifting around terms.

But in general, the U.S. is very far from withdrawing troops from the region. In fact, while all this is going on, Trump sent thousands of additional troops to Saudi Arabia to support their murderous war in Yemen. So, it's very far from withdrawal from the Middle East.

There is kind of a geostrategic strategy, in the background: to construct an alliance of the most reactionary states in the region — the Gulf dictatorships, Sisi's Egypt — a brutal dictatorship. Israel, which has moved very far to the right — its alliance with the Gulf states has become more evident in the last couple years, especially under Trump. And to link this alliance with other reactionary forces, Modi in India, some of the so-called illiberal democracies in Europe, in Orban's Hungary or Salvini's Italy and so on. This is incidentally described fairly openly and frankly by Steve Bannon, who's kind of in the background as an advisor. But that's what's been taking shape as a kind of a base for U.S. power in the region with many uncertainties as to how it will develop. But the general point is the U.S. is not withdrawing from what Trump calls endless wars. Still, deeply involved in them.

*The next thing that I would like to discuss is the state of journalism and particularly whistleblowing in this time. I want to point to Julian Assange, at least at first, and get your thoughts on what's currently unfolding with him. He is in Belmarsh Prison in London. He's been there since April, since he was forcibly removed from the Ecuadorian Embassy and the asylum that he had there. There was recently a report that came out [of a recent court appearance]. The report says that he was fighting back tears, that he couldn't think properly, that he couldn't understand the court proceedings. He had a hard time even recalling, I think, his own name, the date even. What do you make of this case, and not just of Assange, but also how the U.S. media in particular has covered what's happening to Assange, WikiLeaks, and whistleblowing in general?*

[It's the] U.S. media and the British media, as well. Assange basically is being murdered by the British government. His being sequestered in the Ecuadorian Embassy was bad enough. The embassy (incidentally I visited him there) is kind of like a small apartment. He was basically stuck in a couple, one or two rooms. In many ways it's worse than being in prison, at least prisoners are allowed to go into the yard and see the sun. He couldn't go out. It was plainly psychologically very difficult, it would be for anyone.

Now after the rightwing government in Ecuador expelled him, he was taken over by the British. He's in a high security prison under very harsh conditions. All of this



for the crime of skipping bail.... And his treatment, the people that have seen him at that court scene that you mentioned say that his health is sharply deteriorating. He's being treated in a way which is basically destroying him.

There is an extradition hearing coming up. How it'll turn out, we don't know. The British will probably extradite [him] to the United States, where he'll be tried for crimes that, even theoretically, can lead to the death sentence, which he's already practically suffering [from] now. And as for the media, they're simply supporting this, or even not reporting it, or saying, "yeah, it's the right thing because he's a hideous criminal who revealed to the world the things that the U.S. government doesn't want populations to know." Meanwhile, the same media eagerly exploit the revelations that come out from WikiLeaks. So, that's basically what I have to say about Assange.

*Is there any legal precedent to this, though? I feel like what's happening is extralegal, as in, what they're doing seems to be outside of the bounds of international law. Is that true or is this something that can be seen as a precedent? Is there something we can look to in the past as being an example of what they're doing today?*

It's probably not technically — I mean, the U.N. rapporteur has described it as in violation of conventions on torture and treatment of prisoners. But whether that's in violation of international law, you could debate. However, talking about international law is rather difficult. I mean there are gross violations of international law that nobody even mentions. So, in this century, the most extreme violation of international law was the U.S. / U.K. invasion of Iraq. That's a textbook example of aggression with no credible pretext. It's what the Nuremberg Tribunal [and in] general International Law regard as the supreme international crime, differing from other war crimes in that it encompasses the totality of what happens then and afterwards. [This] includes the creation of the breakup of Iraq, the killing of hundreds of thousands of people, [generating] millions of refugees, inciting ethnic conflicts, which are tearing the whole region apart, leading to the birth of ISIS and so on. That's an extraordinary international crime, has anybody said anything about it?

*Yeah, no.*

International law is for the weak.

*Okay, this really comes back to the threat — what are the implications of this court case, this extradition hearing for Assange? What is, do you think, the long term implications of this, as far as our ability to have whistleblowers, and the kind of information that journalists are able to use in general? Whether or not you love or hate Assange as a person and what he may have done personally as a publisher of this information, the real fear is that [this case is] going to have a real impact on freedom of the press. Do you get that sense, or is that already long gone? Are we way past that point?*

I'm afraid it's another case, and an extreme case, of the use of state power. The U.S. is in the background, but Britain is the country that is implementing the use of state power to prevent, to punish, the release to the public of information that power systems don't want them to have. That's basically what it amounts to.

*Okay.*

And yes, that's certainly a message to journalists everywhere, not that it's new. It's by no means the first time, or even the most extreme, after all people have been deported, imprisoned, and all sorts of things.

*To you, is this an indication that we are at the point where real substantial journalism is being thoroughly undermined and threatened? I really think about what it means to be a journalist in an authoritarian state and what the real risks that come with doing real journalism are right now. It's rather bleak, I guess. For people that are getting into journalism right now, what they can expect? What they're coming up against?*

Well, you know, I wouldn't say it's crossed a border, we've been through much worse in the past. So take Woodrow Wilson's Red Scare in 1919, right after the First World War. I mean, thousands of people were deported. The independent press was virtually crushed. There was a massive attack on human rights. The so-called McCarthy period was bad enough even though not that severe.

The Trump period is innovating in a way which is familiar from totalitarian states. The entire system in the United States under Trump is becoming a kind of proto-fascism without the ideology, just the appurtenances of fascism. One of those is to totally destroy the information system so that the concept of truth, fact, accuracy just fades into oblivion. And the way they're doing it is just by flooding the information system with fakery, perfectly conscious lying and deceit on every imaginable topic, trivial or important, to the point where people have to sort of abandon the effort to try to find out what's true or false.

Of course, you can still do it if you work at it. But for much of the population, it means that the whole concept of accuracy, truth, fact and so on, kind of dissolves. Well, that's a very effective way of undermining public engagement in many of the decisions that matter in the world. In other words, it's destroying democratic functions. And Trump is a master at it, and that's working very well. He's got an adoring constituency where he can do no wrong. Facts are what he says. They're maybe about forty percent of the population or more, very solid base. The Republican Party is terrified of that base, won't do anything to cross Trump, he's their God. Some sectors of it, like evangelicals, who are a big segment of the population in the United States, are almost totally in line in support of their [leader] and so on.

It's wrong to describe this as fascism. Gives it too much credit, it has basically no ideology. The ideology for Trump is just Me. Whatever is important for me. But it has some of the features of totalitarian systems [with] undermining of the media, creating anger and distrust regarding the media as some kind of enemy. That's a good way to undermine democratic functioning. That's happened for sure.

*This interview was recorded and released in audio form Nov. 7th, 2019. This article was edited by Mirna Wabi-Sabi, and originally published at Gods & Radicals Press.*

<https://chomsky.info/20191225/>

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## **EU Parliament Votes Against Referring to Julian Assange in Final Draft of Fundamental Rights Report**

Mohamed Elmaazi  
Sputnik  
2020-11-25

Any mention of the prosecution of Julian Assange has been removed from the EU's latest report on fundamental rights, despite the best efforts of MEPs such as Ireland's Clare Daly.

The European Parliament passed the final version of the fundamental rights report for 2018 - 2019 on 25 November, excluding any mention of imprisoned publisher and WikiLeaks founder Julian Assange. An amendment to include reference to Mr Assange lost with 408 votes against its inclusion, 191 votes in favour and 93 abstentions.

Chris Williamson, a former Labour MP and long-time supporter of Mr Assange, lamented the final vote, saying: "This is a sad day for European democracy, freedom of speech and human rights. The European Parliament has failed to live up to its rhetoric about standing for fundamental rights. It has shown itself to be nothing more than a paper tiger that is content with being the US administration's poodle".

The original draft of the fundamental rights report contained a passage saying that "the detention and criminal prosecution of Julian Assange sets a dangerous precedent for journalists as affirmed by the Parliamentary Assembly of the Council of Europe"

But, according to Irish MEP Clare Daly, a committee of European parliamentarians made up of the European People's Party (EPP), the Socialists and Democrats (S&D) and the Renew Europe party voted to remove the passage from the report, on 23 November.

The Left group of MEPs (European United Left/Nordic Green Left) and Ms Daly, who was actually in charge of preparing the original draft report, lobbied heavily for the passage to be returned into the final draft.

In a video published on 23 November, Ms Daly called upon EU citizens to contact their MEPs and push them to reinsert the paragraph mentioning Mr Assange, via Amendment 44, in their final vote.

"I believe that no report on the situation of fundamental rights in the European Union could possibly be taken seriously if it fails to mention the Trump administration's radical and dangerous prosecution of a journalist for important journalism that was carried out in the European Union", Ms Daley said in her message.

The vote was originally expected to occur on 24 November, but was moved to the afternoon of the following day.

After the results of the vote were published in the late afternoon, Ms Daly took to Twitter to call out what she considered to be the "failure" of the EU to stand up for press freedom: "There is not a more elementary test of whether we care about press freedom -- protected by Article 11 of the Charter -- than whether our report on fundamental rights could find words to mention what is being done to Julian Assange. Today the European Parliament failed that test."

In September, over 167 current and former heads of state, government ministers and parliamentarians signed onto a letter criticising the detention and prosecution of Mr Assange and calling for him to be freed.

The award-winning publisher and journalist remains incarcerated in Belmarsh maximum-security prison as he awaits a decision from Judge Vanessa Baraitser on whether he should be extradited to the United States. Mr Assange faces up to 175 years in prison on charges related to his and WikiLeaks' role in publishing classified US documents that revealed war crimes, crimes against humanity and other forms of corruption and malfeasance.

Judge Baraitser has said that she will deliver her decision 4 January 2021, although both the prosecution and defence may appeal to the High Court and then the UK Supreme Court thereafter.

<https://sputniknews.com/news/202011251081268992-eu-parliament-votes-against-referring-to-julian-assange-in-final-draft-of-fundamental-rights-report/>

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## **Gabbard Calls on Trump to Pardon Snowden, Assange**

*Zachary Stieber  
Epoch Times  
November 26, 2020*

President Donald Trump should pardon former National Security Agency contractor Edward Snowden and WikiLeaks founder Julian Assange, Rep. Tulsi Gabbard (D-Hawaii) said Thursday.

Hours after Trump pardoned former national security adviser Michael Flynn, Gabbard called for the Republican to extend more reprieves.

“Since you’re giving pardons to people, please consider pardoning those who, at great personal sacrifice, exposed the deception and criminality of those in the deep state,” Gabbard wrote in a tweet, tagging the president.

Gabbard and Rep. Matt Gaetz (R-Fla.) introduced a resolution earlier this year calling on the federal government to drop all charges against Snowden, who leaked files to journalists and was forced to flee to Russia to avoid prosecution.

“All charges against Edward Snowden should be dropped. We need to protect whistleblowers, not the powerful elite,” Gabbard said at the time. Gaetz alleged Snowden “has been unfairly villainized and persecuted for disclosing the true scope of illegal government surveillance.”

Gabbard also introduced a resolution calling for all charges against Assange to be dropped, asserting WikiLeaks’ publication of classified material is protected by the First Amendment of the U.S. Constitution.

A third bill would adjust federal law to protect whistleblowers.

None have yet gained traction in Congress.

Trump told reporters in August that he was going to be “looking” at a pardon for Snowden.

Snowden’s attorney has argued the United States should drop all prosecutions against his client.

“It seems to be a split decision,” Trump said. “Many people think he should be somehow treated differently. And other people think he did very bad things.”

Snowden’s leaks exposed domestic spying operations that U.S. officials claimed not to exist.

Assange, whose company [sic] has released scores of confidential documents, was arrested in the United Kingdom last year after taking safe harbor in 2012 in the Ecuadorean embassy. U.S. officials are trying to get him extradited.

He's been charged with 18 counts, including conspiracy to hack government computers.

Like Snowden's representatives, Assange's lawyers say he wouldn't get a fair trial in the United States.

Trump regularly praised WikiLeaks before he became president, but told reporters last year that he does not know anything about WikiLeaks.

"It's not my thing. And I know there is something having to do with Julian Assange. I've been seeing what's happened with Assange. And that will be a determination, I would imagine, mostly by the attorney general, who's doing an excellent job," he said.

Attorney General William Barr later said he was "vehemently opposed" to a pardon for Snowden.

The White House didn't respond to a request for comment.

[https://www.theepochtimes.com/gabbard-calls-on-trump-to-pardon-snowden-assange\\_3594469.html](https://www.theepochtimes.com/gabbard-calls-on-trump-to-pardon-snowden-assange_3594469.html)

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## **UK: RSF calls for Julian Assange's urgent release as Covid infections rise at Belmarsh Prison**

*November 26, 2020*

Reporters Without Borders (RSF) calls for the urgent release of Wikileaks publisher Julian Assange as an alarming increase of Covid infections has been reported at Belmarsh prison. Assange has been held in his cell 24 hours a day since 18 November and missed his callover hearing scheduled for 26 November.

RSF attempted to monitor the callover hearing scheduled for 26 November at Westminster Magistrates' Court; however the hearing was adjourned until 11 December as Assange's lawyers reported that due to the rapid increase of Covid infections in Belmarsh prison, it was not safe for him to be taken to the video conference room to appear before the court — a concern that had also prevented Assange from attending hearings during lockdown earlier in the year.

Assange's partner Stella Moris reported that a total of 56 cases of Covid infections have been confirmed in Assange's wing of Belmarsh prison, including prisoners and staff. She said he has been confined to his cell 24 hours a day for nine consecutive days, since 18 November, apart from 20 minutes outside on 23 November.

"We are alarmed by reports of a rapid increase in Covid infections at Belmarsh prison, resulting in Julian Assange being held in de facto solitary confinement. His physical and mental health history leaves him highly vulnerable, and it is clearly unsafe for him to be detained in these conditions. We continue to call for Assange's unconditional release, but this situation adds urgency to the need for his humanitarian release without further delay", said Rebecca Vincent, RSF's Director of International Campaigns.

Assange has a history of respiratory infections that leave him at high risk if exposed to Covid, as well as a history of mental health issues — including depression and frequent suicidal thoughts — that could worsen in conditions of prolonged confinement in his cell. On 2 November, a prisoner who was reportedly a friend of Assange's and was held on the same wing of Belmarsh prison committed suicide — an incident that is currently being investigated.

The next callover hearing at Westminster Magistrates' Court on 11 December will be the last before the extradition decision is due to be given at a hearing at the Central Criminal Court (the Old Bailey) on 4 January 2021.

RSF was the only NGO to monitor four weeks of extradition proceedings against Assange at the Old Bailey in September, despite severe restrictions placed on observers by the court. Following these proceedings, the court stopped sharing remote access details with NGO observers even for the monthly callover hearings, meaning that despite the current national lockdown in the UK, the only option to monitor proceedings is in person.

The UK is ranked 35th out of 180 countries in RSF's 2020 World Press Freedom Index.

<https://rsf.org/en/news/uk-rsf-calls-julian-assanges-urgent-release-covid-infections-rise-belmarsh-prison-0>

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## **A Secret Australia: Why Julian Assange's own country ignored him and WikiLeaks' exposés**

*How could Australians possibly not be proud of a citizen who exposed war crimes and human rights violations?*

*Benedetta Brevini  
New Daily  
Nov. 28, 2020*

As a journalist, scholar and media reformer, I have been following the activities of WikiLeaks for over a decade, assessing the disrupting force of new radical platforms for disclosure. WikiLeaks is a crucial example of a digital platform that exposes the contradictions of the internet as a tool for openness and secrecy, freedom and surveillance, free speech and censorship. But it is much more. I don't think that anyone would dispute the incredible impact that WikiLeaks revelations have had, not just to disconcert and embarrass power elites, not just to expose crimes in the public interest, but also for bringing renewed debates on free speech, digital encryption and quests for better protections for whistleblowing to the mainstream.

When I moved to Australia about six years ago, with the first academic book on WikiLeaks hot in my hands, I genuinely expected to find Julian Assange hailed as patriotic and a global, tech-savvy freedom of speech star. After all, how could liberal Australians possibly not be proud of a citizen who exposed war crimes and human rights violations?

Assange was by then the winner of *The Economist* New Media Award 2008, the popular vote for *Time* magazine's 'Person of the Year' 2011 and *Le Monde's* 'Man of the Year', as well as receiving the Sydney Peace Foundation's Gold Medal in 2011.

Surely, I thought, most Australian media outlets, if not regular citizens, would be grateful for the huge reserve of leaked documents providing an immense treasure for Fairfax newspapers leading to an array of major exclusives for *The Age* and *The Sydney Morning Herald*.

I also distinctly remember reading an essay in 2011, when living in London, by Australian emeritus professor of politics Robert Manne, reassuring readers that ‘if Rupert Murdoch, who turns 80 this month, is the most influential Australian of the post war era, Julian Assange, who will soon turn 40, is undoubtedly the most consequential Australian of the present time’

During the months spent editing an early collection, *Beyond WikiLeaks*, I became even more convinced of the incredible importance of WikiLeaks for journalism, international relations, transparency activism, human rights and social justice. I was sure the Australian public and leaders would share a similar understanding.

WikiLeaks was founded in 2006 as an online platform for whistleblowers and the publication of information censored by public authorities and private actors. Its goal was to harness the speed, interactivity and global reach of the internet to provide a fast and secure mechanism to anonymously submit information that would then be accessible to a global audience.

### ***WikiLeaks: Background***

In its first few years of existence, WikiLeaks electronically published a range of documents of varying significance in mixed media. The revelations included: secret Scientology texts; a report documenting extensive corruption by the family of former Kenyan President Daniel Arap Moi; proof that British company Trafigura had been illegally dumping toxic waste in Côte d’Ivoire (a story that the British media was legally barred from reporting); the financial dealings of Icelandic banks that led to the collapse of the country’s economy (a story the local media, too, were banned by court order from reporting); the private emails of then US Republican vice-presidential candidate Sarah Palin; member lists of a British right-wing party; the internet filter lists of several countries; and many other disclosures of information that were previously hidden from the public eye.

These releases, occurring between 2006 and 2009, were only the warm-up acts for the torrent of information that WikiLeaks unleashed in 2010, the year when the global interconnected public sphere discovered the disruptive power of the platform. On 5 April 2010, WikiLeaks published a video online evocatively titled ‘Collateral Murder’. It was an edited version of a classified US army video taken from an Apache helicopter depicting a controversial 2007 US Baghdad airstrike that resulted in the deaths of Iraqi civilians and two *Reuters* employees. On 25 July — in collaboration with established newspapers *The New York Times*, *The Guardian* and *Der Spiegel* — WikiLeaks published the *Afghan War Diary* before releasing the *Iraq War Logs* on 22 October.

Altogether, the two dispatches comprised almost 500,000 documents and field reports, providing a comprehensive and unprecedented account of the two wars, and revealing thousands of unreported deaths, including many US army killings of civilians.

Finally, on 28 November 2010, WikiLeaks and its partner newspapers began publishing select US diplomatic cables in what became known as ‘Cablegate’. Taken from a pool of over 250,000 cables, the communications offered a fascinating perspective on

international diplomacy. They revealed many backroom deals among governments and between governments and companies, as well as US spying practices on UN officials, cover-ups of military airstrikes and numerous cases of government corruption, most notably in Middle Eastern and North African (MENA) countries, where the revelations fueled the population's growing anger towards their national elites.

Nine months after the first releases were published in its partner newspapers, WikiLeaks made the full tranche of cables available on its website. It has since published other materials, such as the 'Guantánamo Bay Files', information about the digital surveillance industry (Spy Files) and emails from political figures and companies tied to Syria (Syria Files).

As I was editing the collection, due for publication in 2013, it became clear how 2010 was the critical turning point that changed the fate of WikiLeaks and the dominant narratives about it.

In fact, precisely in the wake of Cablegate, WikiLeaks' operations became increasingly hampered by government investigations into its staff (particularly founder and Editor-in-Chief Julian Assange), internal frictions, and extralegal economic blockades that have choked WikiLeaks' access to financial resources. As I detailed in an essay on the political economy of WikiLeaks, WikiLeaks' then funding model had at its core a German foundation, the Wau Holland Foundation, which processed personal donations to WikiLeaks.

As Cablegate brought WikiLeaks to the mainstream, the platform has seen constant attacks from both public and private actors, sustained attempts to shut down its operations and even calls for Julian Assange's assassination. WikiLeaks clearly enraged Washington by publishing hundreds of thousands of secret US diplomatic cables that exposed critical US appraisals of world leaders, from Russian President Vladimir Putin, to the then UK Prime Minister David Cameron, to members of the Saudi royal family. Senator Joe Lieberman, Chairman of the Homeland Security Committee, famously declared that 'Wikileaks' deliberate disclosure of these diplomatic cables is nothing less than an attack on the national security of the United States, as well as that of dozens of other countries'.

WikiLeaks' activities resumed after a prolonged financial struggle, exacerbated by the legal difficulties of Assange who from 2012 had to take refuge at the Ecuadorian Embassy in London, fearing extradition to the US.

Disclosures had another major peak during the US election campaign, on 22 July 2016, when WikiLeaks released over 20,000 emails from the Democratic National Committee (DNC), the governing body of the US Democratic Party, including key DNC staff members. Later in October the same year, WikiLeaks began releasing emails from John Podesta, the chairman of Hillary Clinton's 2016 presidential campaign. In 2017, WikiLeaks published internal CIA documents concerning sophisticated clandestine hacking programs, and spy software targeting cell phones, smart TVs and computer systems in cars.

### ***US and UK media responses***

As we discussed in *Beyond WikiLeaks*, it was not just politicians who were disgruntled with the platform; it was also the media organisations most openly associated with the WikiLeaks exposés that quickly became its primary critics. As Benkler recalled:



It was *The Times*, after all, that chose to run a front page profile of Assange a day after it began publishing the *Iraq War Logs* in which it described him as ‘a hunted man’ who ‘demands that his dwindling number of loyalists use expensive encrypted cellphones and swaps his own the way other men change shirts’ and ‘checks into hotels under false names, dyes his hair, sleeps on sofas and floors, and uses cash instead of credit cards, often borrowed from friends’.

And the UK press, following Cablegate, was certainly overall unsupportive as well. After very successful collaborations with him at *The Guardian*, for example, many editors fell out with him, with David Leigh and Luke Harding describing him as having a ‘damaged personality’. They continued by explaining that ‘collaborators who fell out with him — there was to be a long list — accused him of imperiousness and a callous disregard for those of whom he disapproved. Certainly, when crossed, Assange could get very angry indeed.’

However, although Assange could not count on sympathetic media support in the UK and in the US, I was not fully prepared for what I thought was extraordinary of Assange’s own country: the striking absence of a solid debate on WikiLeaks in Australian mainstream public discourses, especially in light of the growing legal complications following his granted asylum at the Ecuadorian Embassy in London.

Surely, I thought, there would be a discussion of his request for asylum? Surely, the Australian government was negotiating behind the scenes to avoid an extradition to the US, to make sure that an Australian citizen had adequate legal protection, also in consideration of the global relevance of the leaks?

While I could not make sense of the blackout then, I am now sure there are two major factors that contributed to this silence.

Firstly, Australia’s strong political ties to the US: politicians and civil servants have considered Assange a problem, rather than a facilitator of US/ Australia diplomatic relations. Additionally, Australia’s membership in the ‘Five Eyes’ alliance on intelligence cooperation between Australia, Canada, New Zealand, the United Kingdom and the United States adds to the hostility towards activities that challenge state secrets.

Five Eyes countries have notoriously built one of the most sophisticated international systems of mass surveillance and intensification of government secrecy: Australia is no exception in this rush to intensify its surveillance capabilities. After WikiLeaks and the Snowden leaks challenged the status quo, the Australian government hurried to implement new metadata laws through three major pieces of new national security legislation in 2014 and 2015.

As Attorney-General George Brandis explained during the reading of the bill amending the Australian Security Intelligence Organisation Act 1979 (ASIO Act) and the Intelligence Services Act 2001 (IS Act), the reform was justified by a clear intent to curb whistleblowing activities:

As recent, high-profile international events demonstrate, in the wrong hands, classified or sensitive information is capable of global dissemination at the click of a button. Unauthorised disclosures on the scale now possible in the online environment can have devastating consequences for a country’s international relationships and intelligence capabilities.

The second and crucial factor explaining the lack of a thorough and sustained debate on WikiLeaks and Assange is the fact that Australia has one of the most concentrated media markets in the world.

Without even considering the recent upheaval of the Australian media markets, with the takeover of Fairfax Media by Nine and the planned closure of 100 local and regional newspapers (although owned by the same company, News Corp), the biggest study on media ownership and concentration in the world conducted by Eli Noam at Columbia University found that Australia has the most concentrated newspaper industry out of any country studied, with the exception of China and Egypt which are not liberal democracies.

Excessively concentrated media power in the hands of few owners does not just entail unchecked ties between political and media elites, as the UK Leveson inquiry demonstrated.

The exercise of such power also entails the establishment of a system of control that does not allow space for dissent, for resistance, for minority voices. This is why it has been so difficult for Assange's supporters to bring the debate to the main-stream, to generate an informed public discussion, to question political leaders on their inaction.

As Barnett explains, 'The fewer owners or gatekeepers, the fewer the number of voices and the more damaging the consequences for diversity of expression'. As a result, 'the powerful are able to fix the premises of discourse, to decide what the general populace is allowed to see, hear and think about, and to "manage" public opinion by regular propaganda campaigns'.

With the few notable exceptions of *Crikey*, *The Saturday Paper* and *The Guardian* (due to its UK ties), and the relentless efforts of Philip Dorling, Phillip Adams, Geoffrey Robertson and Mary Kostakidis, an informed public sphere discussion about Assange and WikiLeaks failed to materialise in his own country.

When Assange was removed from the Ecuadorian Embassy in London in April 2019, in violation of political asylum, the global debates about Assange and his arrest picked up again. Lawyers, politicians, freedom of speech advocates and activists saw his arrest, pushed by the Trump administration, as a clear attack on press freedom.

A year later, we are becoming accustomed to the harassment of journalists by police and authorities of the Trump administration. Police brutality and racism in the US are rightly challenged with protests that have spread across the globe, starting with the demands for justice for the murder of George Floyd. Continuous arrests and persecution of journalists are occurring during the protests, and US Press Freedom Tracker has registered at least 74 reports of journalists being physically attacked, with 21 arrested and many more targeted by police using rubber bullets.

In April 2019, Assange was indicted by the US Justice Department of the same Trump administration with 18 charges, of which 17 are under the Espionage Act, for his role in receiving and publishing classified defence documents both on the WikiLeaks website and in collaboration with major publishers. Not even the Obama administration, notoriously rapid in making use of the Espionage Act, dared to cross the line of free speech protection to prosecute a non-American citizen for his activities as a journalist.

Clearly, if Assange is extradited to the US for espionage, it will establish a worrying precedent that could then be used against reporters and editors of major publications, generating a chilling effect for any news organisations that dare to publish classified US government documents in the public interest, regardless of their country of origin. Reporters Without Borders has written that the arrest would 'set a dangerous precedent for journalists, whistleblowers, and other journalistic sources that the US may wish to pursue in the future'.

In January 2020, the Parliamentary Assembly of the Council of Europe voted to oppose Assange's extradition to the US. Both Agnes Callamard, the United States human rights expert, and Nils Melzer, the United Nations Special Rapporteur on Torture, spoke of severe risks of human rights violations if Assange were extradited to the US.

In particular, there are new disconcerting aspects of the UK hearing and possible US extradition that make it hard to believe in the possibility of a fair trial for Assange in the US. In a Spanish court at the end of last year, it was alleged that a Spanish security firm hired by the Ecuadorian Embassy illegally recorded Assange's meetings with his team of lawyers and passed these recordings on to the US intelligence services. During those meetings, Assange prepared his legal defence against an extradition request to the US, so any such recording would be in breach of legal professional privilege.

In the months before the June 2020 hearing, politicians from the UK and Europe also joined the fight against the extradition of Assange, including former Labour leader Jeremy Corbyn, who said that Assange had revealed 'atrocities in Iraq and Afghanistan' and that his extradition 'should be opposed by the British government'.

### *Australian media response to extradition hearings*

One would have expected that considering the gravity of the recent developments, and the documented health problems of Assange, this animated international discussion would have been reflected by Australian mainstream media. However, it is rarely featured in mainstream news outlets, being mainly covered by outlets that have a small audience share compared to the colossal News Corp, Fairfax and the ABC, which have been spasmodic in their coverage of WikiLeaks.

Despite the unfavourable media landscape, in October 2019 eleven federal MPs created a cross-party group to put pressure on the Australian government to intervene in defence of Assange. Additionally, just before the extradition hearing of June 2020, over 100 Australian politicians, lawyers, activists and journalists wrote to Foreign Minister Marise Payne asking her to request the UK government to have Assange released on bail, because of his serious and ongoing health issues.

Why do I need to follow Assange's mother on Twitter to hear about these crucial debates? Why aren't the major television news shows more willing to engage with a topic — protecting freedom of speech — that should be top priority for the Australian public, especially in light of the recent AFP raids against ABC and News Corp journalists?

For Australia the combination of this anti-democratic media concentration and the old colonial habit of passivity to the (now declining) US empire is perhaps too arduous to overcome.

*Benedetta Brevini is a journalist and media activist. Dr Brevini lectures in the political economy of communication at the University of Sydney.*

*This is an edited extract from A Secret Australia: Revealed by the WikiLeaks exposés, edited by Felicity Ruby and Peter Cronau, available December 1 from Monash University Publishing.*

<https://thenewdaily.com.au/news/national/2020/11/28/julian-assange-wikileaks-australia/>

## **WikiLeaks 'Cablegate' 10 years on: An unvarnished look at US foreign policy**

*Ten years ago, the release of 250,000 classified US State Department cables caused a political earthquake. It also made WikiLeaks founder Julian Assange public enemy Nr. 1 in the United States.*

*Matthias von Hein  
Deutsche Welle  
28.11.2020*

November 28, 2010, was the day the bomb dropped — with five leading Western publications initiating the simultaneous publication of secrets from the engine room of American diplomacy. Their raw material: 251,287 documents from the superpower's State Department, most of them top secret and confidential, gathered by American embassies around the world. Together, they gave a less than pretty picture of US foreign policy.

The embassy cables had been made available to the publications by the whistle-blowing website WikiLeaks. Never before had journalists been able to access such a large cache of secrets at once. Among other things, they proved that Washington had instructed its diplomats to spy on people working at the United Nations, up to and including the UN secretary-general. The cables also revealed that Arab states had called for airstrikes on Iranian nuclear installations, that Beijing was losing patience with North Korean dictator Kim Jong-Il, and included many unflattering assessments of leading politicians in the American diplomats' host countries.

"From our point of view, the embassy cables were the climax of the 2010 WikiLeaks revelations," recalls journalist Marcel Rosenbach of Germany's weekly magazine *Der Spiegel*.

WikiLeaks was founded in 2006 by Julian Assange but its big breakthrough did not come until 2010. It started in April, with the publication of the video "Collateral Murder," a video of attacks by two US helicopter gunships on civilians in Baghdad — two Reuters journalists were among those killed in the attack. The "Afghan War Diary" and "Iraq War Logs," published in collaboration with international media outlets, provided a shocking, unsparing look beyond the well-oiled PR machinery of the State Department and the Pentagon and into the harsh reality of those two theaters of war.

Initially, the embassy cables were published by WikiLeaks' media partners in installments. But a data breach resulted in the entire cache of unredacted Cablegate material becoming, and remaining, publicly accessible. Names, including the people American diplomats were communicating with, were not blacked out — something Wikileaks was heavily criticized for.

"The material is still topical," Marcel Rosenbach tells DW. "It's become something like a public archive, and it's still relevant for reports, even now. We keep seeing references to WikiLeaks and to these cables in contemporary reporting."

In the archive, one can read, for example, how in 2009 a former US official in Brussels was astonished at "how easy EU institutions are to penetrate and how malleable they can be if approached with an apt understanding of the EU coalition building process."

WikiLeaks also exposed corruption and the abuse of power in the Arab world — for instance in Tunisia — in great detail. It highlighted government doublespeak in which real aims were the opposite of those announced in public. The publication of the embassy cables also coincided with the first sparks of protest in the Arab world. Rosenbach believes the cables were, "at least a factor in what came to be known as the Arab Spring and everything that transpired in the months that followed."

But the WikiLeaks revelations had consequences for journalism, too, says Rosenbach: "It was an example of a new way of dealing with geopolitical material of potentially global interest. And it established itself as the journalistic standard for dealing with mass document leaks like these."

WikiLeaks has also altered our understanding of information in general, says Sam Forsythe, an information warfare expert who works for the Peace Research Institute Frankfurt (PRIF). Forsythe explains that, with WikiLeaks, a non-state actor capable of disrupting international relations arrived on the scene. One that acted on a strategic level — but using journalistic methods. One of the consequences of this, he says, has been the intensification of conflicts in the information realm: "Nowadays, everyone understands that you have to control communication. You have to actively produce streams of communication that allow you to control the narrative."

WikiLeaks received its explosive Cablegate material from Chelsea Manning. Still known as Bradley at the time, Manning was serving with the US military in Iraq — and had access to US government databases. "If you had free reign (sic) over classified networks... and you saw incredible things... things that belonged in the public domain, and not on some server stored in a dark room in Washington DC, what would you do?" Manning asked American hacker Adrian Lamo in a chat in May 2010, adding that the cables from the US embassies and consulates explain, "how the first world exploits the third, in detail, from an internal perspective."

Manning, then 23, thought Lamo was trustworthy but was wrong. Lamo betrayed the whistleblower, who was arrested shortly afterward. Manning was court-martialed and sentenced to 35 years in prison but had her sentence commuted after seven. Manning's assessment of the effect the leaks would have on America's top diplomat at the time was nearer the mark: "Hillary Clinton and several thousand diplomats around the world are going to have a heart attack when they wake up one morning, and find an entire repository of classified foreign policy is available, in searchable format, to the public."

In her initial response, Clinton said: "It is an attack on the international community, the alliances and partnerships, the conversations and negotiations, that safeguard global security and advance economic prosperity." The anger in Washington was palpable: Some called for the assassination of Julian Assange; WikiLeaks was removed from Amazon's servers; PayPal, MasterCard and Visa blocked donations to the site; Wikileaks' website was attacked; and US politicians attacked the whistle-blowing platform as a terrorist organization. As recently as 2017, when current US Secretary of State Mike Pompeo was still CIA director, he denounced Wikileaks as a "hostile intelligence service."

American politicians have repeatedly accused WikiLeaks of having "blood on its hands," saying its exposés had endangered the lives of informants and opposition activists living under authoritarian regimes. "These claims have proven untrue," clarifies *Spiegel* journalist Marcel Rosenbach, "the Pentagon itself also confirmed this, repeatedly, months after the publication."

Above all, Julian Assange himself came under massive pressure when the US declared him an enemy of the state. Assange then sought asylum in the Ecuadorian embassy in London, where he lived for seven years. Now, the publicist is being held in a British high-security prison, awaiting a court's decision on a US extradition request. If extradited, Assange faces a possible sentence of up to 175 years in prison. Judge Vanessa Baraitser is due to hand down her verdict on January 4.

<https://www.dw.com/en/wikileaks-cablegate-10-years-on-an-unvarnished-look-at-us-foreign-policy/a-55755239>



*Lifesize bronze sculpture featuring (L-R) former National Security Agency (NSA) contractor and whistleblower Edward Snowden, WikiLeaks founder Julian Assange and former US soldier Chelsea Manning convicted of violations of the Espionage Act, at Alexanderplatz square in Berlin. (AFP Photo / Tobias Schwarz) © AFP*

## **The Slow-motion Assassination of Julian Assange**

*People of Conscience Must Stop It*

*Kim Petersen  
Dissident Voice  
November 30th, 2020*

Another Iranian nuclear scientist has been assassinated. Mohsen Fakhrizadeh was killed by an elaborately planned and executed ambush. The complexity of the attack and the resources required to carry it out strongly indicate a state actor. Fingers of blame quickly pointed at a likely assassin: Israel. The United States was probably in some form of collaboration since it is widely considered that before Israel carries out such killings it informs the US.

Assassinations are nothing new to Israel or the US. The US admitted to the assassination of Iranian major general Qasem Soleimani earlier in 2020.

At the time of this writing, no one has admitted to the extra-judicial killing of Mohsen Fakhrizadeh. Usually targeted killings are carried out in the dark.

Currently, there is an attempt using the machinery of the state to try and beat down a man in the darkness of Belmarsh prison and a British kangaroo court in London. Big media, however, has marginalized coverage of the Assange case even though the outcome is bound to have an enormous impact on journalism.

Despite whatever charges Julian Assange may be accused of, it is well known that the WikiLeaks publisher was targeted for exposing the war crimes of the US government. In an upside-down Bizarro World, the screws are being ever so gradually tightened on Assange by the war criminals and their criminal accomplices. It is, in fact, a slow-motion assassination being played out before the open and closed eyes of the world.

Following the geopolitically coordinated undertaking to abrogate Assange's asylum in the Ecuadorian embassy in London, Assange was arrested and imprisoned in Belmarsh maximum security prison for the relatively minor charge of skipping bail. He continues to be held pending an extradition request from the US for violating its 1917 Espionage Act for "unlawfully obtaining and disclosing classified documents related to the national defense."

Incarceration has been woeful for Assange in Belmarsh. The UN special rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Nils Melzer, has been highly critical of the treatment of Assange, describing it as "psychological torture."

Since 2010, when Wikileaks started publishing evidence of war crimes and torture committed by US forces, we have seen a sustained and concerted effort by several States towards getting Mr. Assange extradited to the United States for prosecution, raising serious concern over the criminalisation of investigative journalism in violation of both the US Constitution and international human rights law.

Since then, there has been a relentless and unrestrained campaign of public mobbing, intimidation and defamation against Mr. Assange, not only in the United States, but also in the United Kingdom, Sweden and, more recently, Ecuador.

Melzer has called for the "collective persecution" to end.

The medical profession has also spoken out against the mistreatment of Assange. A top medical journal, *The Lancet*, carried the message of 117 physicians in its headline: "End torture and medical neglect of Julian Assange."

The US extradition case against Assange was pursued during the Trump administration, but one should not expect clemency for Assange from president-elect Joe Biden. Biden has argued that Assange is "closer to being a high-tech terrorist than the *Pentagon Papers*."

One brave Democrat, though, has bucked her party's mainstream. The Hawaiian congresswoman Tulsi Gabbard introduced H.R. 8452, the Protect Brave Whistle-blowers Act. Gabbard also called for the immediate dismissal of charges against Edward Snowden and Julian Assange.

Recently, circumstances have become bleaker for Assange because of a reported COVID-19 outbreak where "at least 56 people in his house block in Belmarsh prison, including staff and inmates, were found to have been infected."



Wikileaks earlier reported that Assange, along with almost 200 other inmates of his house block, have been under lockdown since November 18.

Australia has done nothing for its citizen Assange. Australia is said to function at the behest of the US. This is so much so that Australia has put itself in a precarious economic situation with its largest trade partner, China. Furthermore, Australia has a long history of its own war criminality that it ignores.

What should people of conscience do? People opposed to war crimes; warring in general; persecution of publishers, journalists, and whistleblowers; and people who support freedom of the media and the right of the public to be informed should be doing what they can to bring about pardons for Julian Assange, Chelsea Manning, Edward Snowden, and other politically targeted prisoners of conscience.

Assange's greatest "crime" was to reveal the US military establishment's insouciance for innocent human life by releasing the video *Collateral Murder*.

What about those of us who claim to stand for social justice and peace? Do we not have a responsibility to do what we can to stymie the stealthy assassination of a man by the military-industrial-governmental complex for exposing its murderous nature? Bystanding is immoral and cowardly. Do something; there are simple things that anyone can do. Write letters. Sign petitions. Speak out. Saving Assange, Manning, Snowden, and others persecuted by governments is saving our humanity; it is saving ourselves.

*Kim Petersen is a former co-editor of the Dissident Voice newsletter.  
He can be reached at: kimohp@gmail.com.*

<https://dissidentvoice.org/2020/11/the-slow-motion-assassination-of-julian-assange/>

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## **Journalistförbundet vill stoppa utlämning av Assange**

*Journalisten*  
4 december 2020

Journalistförbundets styrelse antog igår ett uttalande där man kräver att utlämningen av Wikileaksgrundaren Julian Assange till USA stoppas. Förbundet anser att det är uppenbart att åtalet i USA, där Assange riskerar 170 års fängelse, beror på att han avslöjat uppgifter som är av stort allmänintresse.

Förbundet uttalar att ett utlämnande vore en kränkning yttrandefriheten och står i strid med både USAs konstitution och Europeiska konventionen om skydd för de mänskliga rättigheterna och de grundläggande friheterna, samt att det riskerar att bli prejudicerande på så sätt att journalister som innehar hemliga amerikanska försvarsdokument i framtiden riskerar att utlämnas till USA och dömas till långa fängelsestraff.

Australiern Julian Assange greps på Ecuadors ambassad i London 2019 och sitter fängslad sedan dess. USAs justitiedepartement har åtalat honom på 18 punkter, merparten enligt the Espionage Act. Bakgrunden är att Assange tagit emot och



publicerat uppgifter och dokument om det amerikanska försvaret, såväl på WikiLeaks webbplats och i samarbete med medier som The New York Times, The Guardian och Le Monde.

#Hanna Lundquist  
hl@journalisten.se

<https://www.journalisten.se/nyheter/journalistforbundet-vill-stoppa-utlamning-av-assange>

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## WikiLeaks founder's fate hangs in balance

*Canberra Times*  
2020-12-05

The father of WikiLeaks founder Julian Assange retains hope that the incoming Biden administration will look more favourably on his son's plight than the previous US government.

Assange is being held in Belmarsh Prison in London, pending a court decision on a warrant for his extradition to the US to face charges.

The court will hand down its judgment on January 4, and Assange's father, John Shipton, will be there.

Mr Shipton, one of his son's most ardent supporters, has recently returned from the UK, where he spent time with his son's partner, lawyer Stella Morris, and the couple's two young sons.

Mr Shipton holds hope in the fact Joe Biden was vice-president in the Obama administration which never sought to have Assange extradited.

"They never pursued the prosecution of Julian under the Obama and Biden administration," Mr Shipton said.

Assange faces 17 charges in the US which relate to obtaining and disclosing classified information, and a charge in relation to an alleged conspiracy. The charges carry a maximum sentence of 175 years.

The US, which is seeking his extradition, calls it one of the largest compromises of classified information in US history.

Secret government files and documents were published on the WikiLeaks website between 2010 and 2011, including hundreds of thousands of top secret US military cables and messages.

Assange sought asylum in the Ecuadorian Embassy in London where he lived for seven years. In April 2019 the Ecuadorian government withdrew his asylum and he was arrested. Since then the 49-year-old has been locked up.

Mr Shipton is now embarking on a series of speaking engagements about his son's plight before heading back to London in early January for the all-important court decision.

Assange's two sons were fathered while he was holed up in the Ecuadorian Embassy Mr Shipton says the boys are now almost three and four years-old and have barely spent any time with their father.

He says that Assange makes long voice recordings for them, but due to the second COVID-19 wave in the UK, visitors are not allowed at Belmarsh prison. Mr Shipton said up to 45 per cent of prisoners at the jail now have COVID-19 and about 20 staff members.

The last time the boys saw their father Assange had to wear full protective clothing, and he was not allowed to touch the children nor they him.

Mr Shipton said his son's physical and mental health is failing as a result of the decade he has now spent locked up.

"Julian has been arbitrarily detained for 10 years," Mr Shipton said.

He points out whilst the United Nations and human rights groups across the world have declared support for Assange, the same has not been forthcoming from the Australian Government.

"I can say that it appears that silence is acquiescence," Mr Shipton said.

"My observation is to the Australian Government, if you have done all these consular visits, they are a testament to failure," he said.

Mr Shipton will speak in Nimbin, Mullumbimby and Byron Bay on December 8, 11 and 13.

<https://www.canberratimes.com.au/story/7042311/wikileaks-founders-fate-hangs-in-balance/?cs=14231>

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## **Top UN Anti-Torture Official Urges Julian Assange's Release**

*The WikiLeaks founder's "prolonged solitary confinement in a high security prison is neither necessary nor proportionate," said United Nations Special Rapporteur on Torture*

*Brett Wilkins  
Common Dreams  
December 8, 2020*

The United Nations' top official on torture Tuesday called for British authorities to release or place under house arrest WikiLeaks founder Julian Assange, citing the risk of Covid-19 infection in London's notorious Belmarsh Prison and condemning a decade of "arbitrary deprivation of liberty" that has "severely violated" the jailed journalist's human rights.

U.N. Special Rapporteur on Torture Nils Melzer's comments came in a statement noting reports that some 65 of the 165 inmates at Belmarsh, including numerous prisoners in the wing where Assange is jailed, have tested positive for coronavirus.

Assange's legal team has repeatedly called for his release, citing pre-existing health conditions — including heart problems and respiratory infections — that place the 49-year-old journalist and publisher at elevated risk for potentially deadly Covid-19 complications.

The U.N. Working Group on Arbitrary Detention previously found that Assange had been arbitrarily deprived of his freedom since his arrest on December 7, 2010, including house arrest, imprisonment in London, and seven years spent receiving political asylum in the Ecuadorian Embassy in the British capital.



Nils Melzer  
@NilsMelzer



Today, I urgently call on the [#UK](#) to:

- release [#Assange](#) amid Covid-19 outbreak at HMP Belmarsh
- prevent his extradition to the [#US](#) due to [#HumanRights](#) concerns
- end 10yrs of persecution, abuse & arbitrary detention

Assange has been imprisoned in Belmarsh in conditions described by Melzer as "near total isolation" since April 2019 as he awaits a U.K. court's decision on whether he will be extradited to the United States to face charges of violating the 1917 Espionage Act and the Computer Fraud and Abuse Act for publishing classified U.S. military documents and files on WikiLeaks a decade ago.

Among the materials published by WikiLeaks are the *Afghanistan* and *Iraq War Logs*, which revealed U.S. and coalition war crimes, many of them leaked by Army whistleblower Chelsea Manning. Perhaps the most infamous of the leaks is the so-called "Collateral Murder" video, which shows U.S. Army attack helicopter crews laughing as they gunned down a group of Iraqi civilians that included journalists and children.

While the soldiers and commanders implicated in the materials published by WikiLeaks have largely enjoyed impunity, Manning served seven years in prison before her sentence was commuted by outgoing President Barack Obama in 2017. Meanwhile, Assange faces up to 175 years behind bars if found guilty of all charges against him.

"The British authorities initially detained Mr. Assange on the basis of an arrest warrant issued by Sweden in connection with allegations of sexual misconduct that have since been formally dropped due to lack of evidence," Melzer said in his statement. "Today, he is detained for exclusively preventative purposes, to ensure his presence during the ongoing U.S. extradition trial, a proceeding which may well last several years."

"Mr. Assange is not a criminal convict and poses no threat to anyone, so his prolonged solitary confinement in a high security prison is neither necessary nor proportionate and **clearly lacks any legal basis**," Melzer continued.

There have been growing calls for President Donald Trump to pardon Assange during his last weeks in office, including by exiled former National Security Agency whistleblower Edward Snowden, filmmaker Oliver Stone, actress and activist Pamela Anderson, and musician Roger Waters.

Melzer — who has repeatedly called Assange's treatment "torture" — added that the whistleblower's "rights have been severely violated for more than a decade."

Additionally, Melzer advised British authorities to decline the U.S. extradition request, citing serious human rights concerns in a nation whose prisons are rife with torture, rape, and other abuses.

"He must now be allowed to live a normal family, social and professional life, to recover his health, and to adequately prepare his defense against the U.S. extradition request pending against him," he said.

<https://www.commondreams.org/news/2020/12/08/not-criminal-top-un-anti-torture-official-urges-julian-assanges-release>

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## **Ben & Jerry's Ben Cohen fighting to free Julian Assange**

*Mara Siegler*

*Page Six*

*December 15, 2020*

Ben & Jerry's co-founder Ben Cohen is fighting to free WikiLeaks founder Julian Assange and is working with nonprofit, Assange Defense.

"Assange is a very principled person who risked his personal well-being to let everyone know what our country is doing in our name and with our money," Cohen tells Page Six. "I think that we have a right to know that. He published something that the government didn't want people to know. And now the government wants to kill the messenger and they are literally doing that."

Assange, who has been indicted on 17 charges of espionage, is currently being held at London's Belmarsh prison, which is experiencing a Covid outbreak. He is awaiting a judge's decision on whether he will be extradited to the US.

Cohen, who says he visited Assange when he was in the Ecuadorian Embassy, tells us, "It's kind of a question of human rights and a question of freedom of speech and freedom of the press ... I think the government is a bunch of old people, kind of like me. They are freaked out about this newfangled internet thing. They are treating him differently because he's an internet publisher instead of a more traditional newspaper publisher."

While Ben & Jerry's just released a flavor honoring Colin Kaepernick, don't hold your breath for a similar one for Assange; Cohen tells us he is no longer active in that kind of decision making.

Cohen is just one of several high profile voices backing Assange, including Pamela Anderson and Oliver Stone. There has been talk that Trump may pardon Assange.

<https://pagesix.com/2020/12/15/ben-jerrys-ben-cohen-fighting-to-free-julian-assange/>

## **Project Veritas Releases Audio of Assange Warning U.S. Government of Damaging Leak of Classified Information**

*Full length audio of the call at end of this article*

*Project Veritas  
December 16, 2020*

Project Veritas released today an exclusive audio tape of WikiLeaks founder Julian Assange speaking in 2011 with State Department attorney Cliff Johnson, pleading with the government lawyer to act to contain the release of information classified by the U.S. government.

“A whistleblower provided this audio to Project Veritas, so that the American people have a more accurate account of Assange and his conduct,” said James O’Keefe, the founder and CEO of Project Veritas.

“Political pressure is building for President Donald Trump to pardon Assange at the end of his first term and this tape goes a long way to rebooting how he has been portrayed,” O’Keefe said.

### ***Assange warns State Department: upcoming leak of classified information***

During the 75-minute conversation, Assange, who initiated the call, said to Johnson that WikiLeaks is very concerned that classified information from the State Department is about to be released — outside of its control by a rogue former employee, who stole the information in order to establish his own rival media outlet.

“Yes, so the situation is that we have intelligence that the State Department Database Archive of 250,000 diplomatic cables including declassified cables is being spread around and is to the degree that we believe that within the next few days it will become public,” said Assange.

“We’re not sure but the timing could be imminently or within the next few days to a week and there may be some possibility to stop it,” he said.

Assange said to Johnson that in the past WikiLeaks only released unclassified State Department, but the next tranche from Wikileaks would have classified information with sensitive information redacted.

However, he said, he was alerting the U.S. government that the rogue former employee would not take care to protect sensitive information and that unless something was done to stop him — that release was days or hours away.

State Department attorney Cliff Johnson: “Who would be releasing these cables? Is this WikiLeaks?”

Julian Assange: “No, we would not be releasing them — this is Daniel Domscheit-Berg, a previous employee that we suspended last August.”

Johnson: “And he apparently has access to the material that Wikileaks also has?”

Assange: “Yes. That’s correct.”

Johnson: "And he has access to everything you have is that right?"

Assange: "That's correct."

Johnson: "OK. And that includes classified as well as the unclassified cables."

Assange: "That's correct."

O'Keefe said, "The thing that stands out throughout this tape is that over and over again, Assange expresses his concern for the people endangered by what he believes to be a reckless release — like when he told Johnson: 'In case there are any individuals who haven't been warned that they should be warned.'"

Assange even shows his concern for possible political blowback onto the United States, he said.

"There is an integrity to Assange's conduct that cannot be denied, whether you welcomed his releases or not," he said.

### *State Department attorney thanks Assange*

Although Assange said to the attorney, he did not actually control the classified information, he did have the encryption key to unlock the materials and he knew where on the web it was being held.

"The material, there is an encrypted version of the materials on the web somewhere, that we do not control," Assange said. "One doesn't actually need to convey the material itself, one only needs to convey the location of the material, and its encryption key."

With Assange's help, the journalist said he believed the U.S. government with its resources could corral the information in time to prevent its release or to even eliminate the files covertly.

"If there is another possibility which is the taking down of those files, that is a degree of research and effort that we do not have the capacity to do," he said. "There are not so many of them."

Cliff Johnson: "And, you know all the locations of them, do you think?"

Julian Assange: "We know several and it's probably not that hard to find the others."

Johnson: "Can you provide us with that location information?"

Assange: "I can encourage other people to do so."

Johnson: "Right. I appreciate what you've told us Mr. Assange."

Assange's work with Manning made him a fugitive from American justice

The Australian-born journalist has been targeted by the U.S. government since 2011, when he partnered with Pvt. Chelsea Manning, an Army intelligence specialist, to release documents and videos Manning downloaded from Army computers. Manning pleaded guilty to violating the Espionage Act and the Computer Fraud and Abuse Act and accepted a 35-year sentence.

President Barack Obama commuted Manning's sentence to time served, roughly seven years, Jan. 17, 2017 — three days before the end of his term.

For many years, Assange was holed up in the Ecuador's embassy in London, until he was turned out in 2019, and then apprehended by British officials acting in concert with the U.S. government.

The day he was arrested by British officials, April 11, 2019, the Justice Department unsealed its indictment of Assange charging him with conspiracy to commit computer intrusion, or hacking. The conspiracy charge carries a maximum of five years in prison and stems from Assange offering Manning help cracking a government password.

Journalists have broad privilege to publish classified or otherwise illegally obtained information, only if they do not participate in the acquisition.

Assange remains in British incarceration awaiting his January hearing where it will be decided if the United Kingdom will extradite the WikiLeaks founder to the United States.

**Full length audio of the call:** <http://www.youtube.com/watch?v=lfZQcV-frnY>

### ***About Project Veritas***

*James O'Keefe established Project Veritas in 2011 as a non-profit journalism enterprise to continue his undercover reporting work. Today, Project Veritas investigates and exposes corruption, dishonesty, self-dealing, waste, fraud, and other misconduct in both public and private institutions to achieve a more ethical and transparent society. O'Keefe serves as the CEO and Chairman of the Board so that he can continue to lead and teach his fellow journalists, as well as protect and nurture the Project Veritas culture.*

<https://www.projectveritas.com/news/exclusive-project-veritas-releases-audio-of-assange-warning-u-s-government/>

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## **Audio Recordings Confirm Assange Spoke to US State Dept to Stop Publication of Unredacted Cables**

*Mohamed Elmaazi*  
*Sputnik*  
*2020-12-16*

Julian Assange has been accused of endangering US interests and assets by "recklessly" publishing unredacted US State Department diplomatic cables. The charges are denied by both by WikiLeaks and the many journalists who note that Assange 'meticulously' redacted documents and sought to minimise possible harm while exposing illegal actions.

Audio recordings of a 2011 conversation between Julian Assange and Hillary Clinton's State Department, published by Project Veritas, provide new insight into the extent with which the WikiLeaks publisher sought to minimise harm from the potential release of unredacted US diplomatic cables, by actors working against the express wishes of the transparency organisation.

"So the situation is that, we have intelligence that the State Department database archive of 250,000 diplomatic cables, including the classified cables, is being spread around.[...] To the degree that we believe that within the next few days, it will become



public and we're not sure what the timing could be, imminently or within the next few days to a week. And, there may be some possibility to stop it", Assange is heard explaining to Cliff Johnson, an attorney with the US State Department.

"Who would be releasing these cables?" Johnson asks, "Is this WikiLeaks?"

"No," Assange explains, adding, "We would not be releasing them. This is Daniel Domscheit-Berg, a previous employee that we suspended last August".

The problem was that Domscheit-Berg was apparently sharing the link of the full unredacted diplomatic cables, which had been copied from the WikiLeaks website, and which could be found online. Ordinarily, the file with the full unredacted cables would have been useless as it was encrypted and would likely require years of highly-sophisticated computing to break the password through what is known in tech circles as the "brute force" method.

However, the password to the encrypted file was entrusted by Assange to *Guardian* journalist David Leigh, who, by his own account, kept pressing the Australian born-journalist for access to the entirety of the 250,000 documents. Leigh and fellow *Guardian* journalist Luke Harding would in February 2011 reveal the password to the world by publishing the key as the title of one of the chapters in their book WikiLeaks: Inside Julian Assange's War on Secrecy.

"[D]oes that mean that [Daniel Domschit-Berg] now [has] the ability..., without your control or authorisation, to make this as available as they want?" Johnson asks.

"That's correct", Assange replies, adding "and there there's no attempted redaction programme and no attempted harm minimisation."

"In case there are any individuals who haven't been warned, they should be warned", Assange stresses.

"So the material, there is an encrypted version of the materials on the internet somewhere that we do not control. One doesn't actually need to convey the material itself, one only needs to convey the location of the material and its encryption key", the WikiLeaks co-founder explains to Johnson.

Assange also explains the possibility of tracking down the encrypted files from the internet, potentially before people start using the encryption key revealed by Leigh and Harding. However, he explains that doing so is beyond the capability of WikiLeaks but that he was prepared to assist the State Department by urging other people to provide all the locations of the encrypted files.

"[W]e have been calling the State Department and the embassy for over a day, trying to explain the urgency, and they have not called back other than this call", Assange explains.

"Well, I appreciate what you've told us Mr Assange", Johnson replies.

The first clip of the audio recording, lasting about four minutes, was published at 11:00 a.m., Eastern Standard Time, on 16 December, 2020, by James O'Keefe of the right-wing Project Veritas activist and media outlet. The recording, which lasts 75 minutes, covers the 26 August, 2011, telephone discussion between Assange and Johnson regarding the potential release of the unredacted cables and what might be done to prevent their disclosure or otherwise mitigate any harm.



The call from Johnson was a follow up conversation from the day before, when Assange and his then-partner, Sarah Harrison, sought to warn the US government that the nine months WikiLeaks spent working with journalists and a team with the US State Department to carefully redact the diplomatic cables for "harm minimisation" purposes might all end to no purpose.

Fourteen minutes into the recording Assange explains to Johnson that WikiLeaks had attempted to stop the German news outlet Der Freitag from revealing the password to the unredacted cables that had been published by Harding and Leigh in their book. But German lawyers explained to WikiLeaks that only the US State Department would have the legal standing to seek to prevent publication of the unredacted cables or prevent the existing of the password from being revealed to a wider audience as the cables technically belonged to them, and not WikiLeaks.

However, the US State Department ultimately did not intervene via the courts.



The State Department also failed to follow up an offer for someone to be sent from the US embassy to meet Assange, who was under house arrest at the time, to assist them further.

The recordings further substantiate testimony heard at Westminster Magistrate's Court and the Old Bailey during Assange's extradition hearing. Specifically that Assange and WikiLeaks went out of their way to prevent the full release of the unredacted cables and then to assist in mitigating any potential harm. Ultimately the website Cryptome was the first to publish the documents in their raw form, without the redactions that WikiLeaks made over the previous nine months while working in 'the Bunker' with journalists from a variety of news outlets. Cryptome has never been charged over its publication of the documents.

WikiLeaks ultimately published the full unredacted diplomatic cables after they had already been published by Cyrptome, a very popular site among journalists and loosely linked to Pirate Bay.

It is noteworthy that Professor Trevor Timm, co-founder and director of the Freedom of the Press Foundation, testified at the Old Bailey in September that even if WikiLeaks had published the unredacted documents, potentially exposing the names of US government assets first, "no court has ever said that the publication of names in this matter would be illegal".

It is understood that incumbent US President Donald Trump is currently a fan of O'Keefe, and some believe that he may be swayed to grant Assange a pardon, as he is being encouraged to do so by activists, journalists and politicians.

Assange is awaiting the decision of Judge Vanessa Baraitser as to whether he should be extradited to the United States to face 18 espionage related charges to his role in publishing the *Iraq War Logs*, the *Afghanistan Diaries*, the *Diplomatic Cables* and the Guantanamo Bay detainee files. He faces a maximum of 175 years in prison.

<https://sputniknews.com/military/202012161081482453-audio-recordings-confirm-assange-spoke-to-us-state-dept-to-stop-publication-of-unredacted-cables/>

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## **The Guardian view on Julian Assange: do not extradite him**

*The US should never have brought the case against the WikiLeaks founder. This attack on press freedom must be rejected.*

*Editorial*

*18 Dec. 2020*

On 4 January, a British judge is set to rule on whether Julian Assange should be extradited to the United States, where he could face a 175-year sentence in a high-security “supermax” prison. He should not. The charges against him in the US undermine the foundations of democracy and press freedom in both countries.

The secret military and diplomatic files provided by Chelsea Manning, and made public by WikiLeaks working with *the Guardian* and other media organisations, revealed horrifying abuses by the US and other governments. Giving evidence in Mr Assange’s defence, Daniel Ellsberg, the lauded whistleblower whose leak of the *Pentagon Papers* shed grim light on the US government’s actions in the Vietnam war, observed: “The American public needed urgently to know what was being done routinely in their name, and there was no other way for them to learn it than by unauthorized disclosure.”

No one has been brought to book for the crimes exposed by WikiLeaks. Instead, the Trump administration has launched a full-scale assault on the international criminal court for daring to investigate these and other offences, and is pursuing the man who brought them to light. It has taken the unprecedented step of prosecuting him under the Espionage Act for publishing confidential information. (Mike Pompeo, secretary of state and former CIA director, has previously described Wikileaks as a “non-state hostile intelligence agency”). In doing so, it chose to attack one of the very bases of journalism: its ability to share vital information that the government would rather suppress.

No public interest defence is permissible under the act. No publisher covering national security in any serious way could consider itself safe were this extradition attempt to succeed — wherever it was based; the acts of which Mr Assange is accused (which also include one count of conspiring to hack into a Pentagon computer network) took place when he was outside the US. The decision to belatedly broaden the indictment looks more like an attempt to dilute criticisms from the media than to address the concerns. The real motivation for this case is clear. His lawyers argue not only that the prosecution misrepresents the facts, but that he is being pursued for a political offence, for which extradition is expressly barred in the US-UK treaty.

Previous cases relating to Mr Assange should not be used to confuse the issue. Sweden has dropped the investigation into an accusation of rape, which he denied. He has served his 50-week sentence for skipping bail in relation to those allegations,

imposed after British police dragged him from the Ecuadorian embassy. Yet while the extradition process continues, he remains in Belmarsh prison, where a Covid-19 outbreak has led to his solitary confinement. Nils Melzer, the UN special rapporteur on torture, has argued that his treatment is "neither necessary nor proportionate and clearly lacks any legal basis". He previously warned that Mr Assange is showing all the symptoms associated with prolonged exposure to psychological torture and should not be extradited to the US. His lawyers say he would be at high risk of suicide.

Such considerations have played a part in halting previous extraditions, such as that of Lauri Love, who denied US allegations that he had hacked into government websites. But whatever the outcome in January, the losing side is likely to appeal; legal proceedings will probably drag on for years.

A political solution is required. Stella Moris, Mr Assange's partner and mother of his two young children, is among those who have urged Donald Trump to pardon him. But Joe Biden may be more willing to listen. The incoming president could let Mr Assange walk free. He should do so.

<https://www.theguardian.com/commentisfree/2020/dec/18/the-guardian-view-on-julian-assange-do-not-extradite-him>

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## **A cross-party group of MPs has written to the Justice Secretary asking for a meeting between MPs and Julian Assange**

*Don't Extradite Assange Campaign*  
19 Dec. 2020

On Thursday this week a group of British parliamentarians have written to Justice Secretary Robert Buckland asking for a meeting with Julian Assange ahead of the extradition ruling which is due on 4 January.

The request came after a recent meeting with United Nations special rapporteur on torture Nils Melzer, who made an urgent call to United Kingdom for immediate release of Assange after 10 years of arbitrary detention.

"Mr Assange is held in HMP Belmarsh only on remand, awaiting the extradition hearing and not for any violations of UK law," the letter says.

Amongst the MPs are Richard Burdon, David Davis, Jeremy Corbyn, Diane Abbott, Tommy Sheppard.

You can also contact your MP and ask them to sign on to the letter.

*The Guardian* followed up with an editorial piece last night opposing the extradition: "The US should never have brought the case against the WikiLeaks founder. This attack on press freedom must be rejected"

Julian Assange's fiancé Stella Moris has also pleaded to President Donald Trump to pardon Assange during an interview with *Fox News'* Tucker Carlson. Last night she tweeted to the president with the words, "All I want for Christmas is for Julian to walk out of prison as a free man to embrace our little boys."

<https://mailchi.mp/dontextraditeassange/mps-written-to-justice-secretary-asking-for-meeting-with-assange?e=1c278c4d0d>

## **Sarah Palin filmed a YouTube video calling for Julian Assange to be pardoned, despite being previously targeted by WikiLeaks**

*Naina Bhardwaj  
Business Insider  
December 20, 2020*

Sarah Palin, who herself was a victim of WikiLeaks, has called for founder Julian Assange to be pardoned in a YouTube video.

The former governor of Alaska said the WikiLeaks founder "deserves a pardon, he deserves all of us to understand more about what he has done in the name of real journalism."

In 2008, Wikileaks posted family photos, private messages and government emails from Palin's Yahoo account.

At the time, Palin questioned why he had not been pursued with the same urgency as Al-Qaeda and Taliban leaders but later apologized in a Facebook post in 2017.

Assange was arrested in April 2019 after seeking asylum at the Ecuadorian Embassy in London for over six years and is facing a potential extradition to the US.

Trump is said to be considering pardoning him, calls for which have intensified ahead of Biden being sworn in as president, since he has previously referred to Assange as a "high-tech terrorist."

Sarah Palin, who was herself a victim of WikiLeaks, has called for Julian Assange to be pardoned in a YouTube video posted yesterday.

The former governor of Alaska begins the video asking for the pardoning of the WikiLeaks founder with: "I am the first one to admit when I make a mistake and I admit that I made a mistake some years ago, not supporting Julian Assange, thinking that he was a bad guy... that he leaked material and I've learned a lot since then."

She said she believed that Julian did the world a favor by fighting for what he believed was right and "what was ultimately proven to be right."

She added that he deserved a pardon and "all of us to understand more about what he has done in the name of real journalism and that's getting to the bottom of issues that the public really needs to hear about and benefit from."

In 2008, Wikileaks posted family photos, private messages, and government emails from Palin's Yahoo account, weeks after John McCain named her his vice-presidential running mate.

At the time, Palin questioned why he had not been pursued with the same urgency as Al-Qaeda and Taliban leaders.

However in 2017, she apologized in a Facebook post that read: "This important information that finally opened people's eyes to democrat candidates and operatives would not have been exposed were it not for Julian Assange." It closed: "Julian, I apologize."

In Saturday's YouTube video, Palin continued: "Some years ago I publicly spoke out against Julian and I made a mistake. I want more Americans to speak out on his behalf and to understand what it is that he has done, what has been done to him as he has been working on the people's behalf to allow information to get to us so we could make up our minds about different issues of different people.

"He did the right thing and I support him. And I hope that more and more people, especially as it comes down to the wire, will speak up in support of pardoning Julian. God bless him," she ends with.

Assange was arrested in April 2019 after seeking asylum at the Ecuadorian Embassy in London for more than six years. He is facing a potential extradition to the US, where he would face conspiracy and espionage charges, which carry a sentence of up to 175 years.

Trump is said to be considering pardoning him, calls for which have recently intensified ahead of Joe Biden being sworn in as president, since he has previously referred to Assange as a "high-tech terrorist."

<https://www.businessinsider.com/sarah-palin-wikileaks-victim-calls-for-julian-assange-pardon-2020-12>

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## **A cross-party group of Bundestag MPs formed a free Assange group**

*Don't Extradite Assange Campaign*  
22 Dec. 2020

A group of German parliamentarians from almost all democratic parties have formed a working group in Bundestag for the release of Julian Assange.

"We wish to send a clear signal for the protection of freedom of expression and freedom of the press, endangered by the threat of extradition of Julian Assange", press release says.

Amongst the MPs are Sevim Dağdelen, Bijan Djir-Sarai, Frank Heinrich, Frank Schwabe and Margit Stumpp.

"The health of Julian Assange is extremely precarious after years of systematic surveillance, isolation and harassment", explains Frank Heinrich.

Julian Assange is charged by the US administration for publications exposing war crimes and human rights abuses for which he faces a 175 years sentence. Currently he is being held on remand in high security HMP Belmarsh awaiting the extradition ruling on 4 January. Amid an outbreak of COVID-19 inside the prison reports say 65 of approximately 160 inmates have tested positive.

His partner Stella Moris has stated that her prison visit was cancelled due to the pandemic and called on President Trump to pardon Julian Assange and bring him home for Christmas.

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## **Open Letter to President Trump from Australian MPs**

Group of Australian members of parliament have written an Open Letter to President Donald Trump to pardon Julian Assange.

"Assange has fought for truths and justice. His work with WikiLeaks has pioneered accountability by the media and exposed corruption, civil liberties violations in the United States and around the world, and the true cost of war. For this work, he has been nominated for the Nobel Peace Prize every year for the past decade and has been celebrated around the world," the letter says.

Amongst the MPs are Hon Barnaby Joyce, Senator Peter Whish-Wilson, Andrew Wilkie, Senator Larissa Waters....

<https://mailchi.mp/dontextraditeassange/bundestag-free-assange-group-open-letter-to-trump-from-australian-mps?e=1c278c4d0d>

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## **Leaving Out Assange, Who Exposed US War Crimes, Trump Pardons Blackwater Guards Jailed for Massacring Iraqi Civilians**

*Jake Johnson  
Common Dreams  
December 23, 2020*

President Donald Trump late Tuesday unveiled a slate of pardons and commutations that includes four Blackwater military contractors jailed for massacring more than a dozen Iraqi civilians — including two children — in Baghdad in 2007.

Absent from Trump's wave of 15 pardons was Julian Assange, the WikiLeaks founder who helped bring to light war crimes committed by the U.S. in Iraq and elsewhere.

Observers decried as "grotesque" Trump's full pardon of Blackwater guards Paul Slough, Evan Liberty, Dustin Heard, and Nicholas Slatten and failure to pardon Assange as the publisher struggles to survive in a notorious British jail ahead of an expected extradition ruling on January 4. If extradited to the U.S., Assange could spend the rest of his life in prison for the "crime" of obtaining and publishing classified documents — an act of journalism.

In a statement accompanying the new pardons and commutations — a list that also included former Trump campaign adviser George Papadopoulos and former Rep. Duncan Hunter (R-Calif.) — the White House described the former Blackwater mercenaries as veterans with "a long history of service to the nation."

The president could still pardon Assange before leaving office next month, and he is being urged to do so by NSA whistleblower Edward Snowden, the U.N.'s top anti-torture official, and many others.

"While U.S. Army contractors convicted of massacring civilians in Iraq are pardoned, the man who exposed such crimes against humanity, Julian Assange, rots in Britain's Guantanamo," tweeted Yanis Varoufakis, a Greek economist and parliamentarian.

Journalist Glenn Greenwald also weighed in on Twitter:

This is a grotesque pardon: Blackwater contractors who indiscriminately shot into an Iraqi crowd, killing 14 (2 kids): <https://t.co/L3qa52NuKc>.

Meanwhile, 2 people who exposed war crimes rather than committied them - Snowden & Assange - wait to see if Trump can find the courage  
<https://t.co/7GBBRu5Ooy>



As *The Guardian* reported Tuesday, Slough, Liberty, Heard, and Slatten "were part of an armored convoy that opened fire indiscriminately with machine-guns, grenade launcher, and a sniper on a crowd of unarmed people in a square in the Iraqi capital."

"The Nisour Square massacre was one of the lowest episodes of the US-led invasion and occupation of Iraq," *The Guardian* noted. "Slough, Liberty, and Heard were convicted on multiple charges of voluntary and attempted manslaughter in 2014, while Slatten, who was the first to start shooting, was convicted of first-degree murder. Slatten was sentenced to life and the others to 30 years in prison each."

Medea Benjamin, co-founder of anti-war group CodePink, tweeted Tuesday that "Trump could have pardoned whistleblowers Julian Assange, Chelsea Manning, and Edward Snowden."

"Instead he chose to pardon four Blackwater mercenaries who murdered 17 Iraqi civilians, including two boys [aged] eight and 11, in an unprovoked attack on a crowd of unarmed people," Benjamin wrote. "Disgusting."

In a statement Wednesday morning, CodePink said Trump's pardons continue "a long tradition of Americans evading accountability for their crimes in Iraq, from policymakers in the Bush administration who gave the orders to invade that country on the basis of lies to politicians like then-Senator Joe Biden who supported this decision to U.S. soldiers, bombers, and private mercenaries who committed reprehensible acts against the Iraqi people and paved the way for the creation of ISIS."

"This pardon gives the world just one more example of the disregard that the U.S. government has towards the lives of the Iraq people, whose country we destroyed," the group added.

<https://www.commondreams.org/news/2020/12/23/leaving-out-assange-who-exposed-us-war-crimes-trump-pardons-blackwater-guards-jailed>

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## **Assange, and the critical threat to publishing state secrets**

*Bruce D. Brown*  
*Columbia Journalism Review*  
*December 23, 2020*

Remember that little spying case against Julian Assange? The Department of Justice indicted him last year for publishing classified US military and State Department documents leaked in 2010 by Chelsea Manning, who was then a soldier in Iraq. While Attorney General William Barr is now on his way out the door, the charges against the WikiLeaks founder, brought under the Espionage Act, are alive and as dangerous as ever.

New leadership at the Justice Department traditionally sticks with most of the cases initiated by the prior administration, so it seems unlikely that the Biden team will abandon the Assange prosecution. Any precedent it sets, therefore, may be with us for a long time.

On January 4, Vanessa Baraitser, a district judge in the UK, will decide whether to grant the DOJ request for Assange's extradition to the US for trial. In presenting its arguments to the English court, counsel for the Justice Department framed the case as due comeuppance for endangering lives by publishing "documents which contain the names of informants."

Don't let the misdirection around "blown informants" fool you— this case is nothing less than the first time in American history that the US government has sought to prosecute the act of publishing state secrets, something that national security reporters do with some regularity.

While many of the charges involve conspiracy or aiding and abetting, three counts are based on "pure publication"—the argument that Assange broke the law just by posting classified documents on the internet.

Read literally, the Espionage Act criminalizes the solicitation, receipt, and publication of any government secret, not just the names of informants. The Justice Department has long taken the position that it can prosecute the act of publishing classified information. But it has not done so, until now, because of concerns that it would open a Pandora's box of media censorship.

In 1975, for instance, Seymour Hersh published a front-page *New York Times* article on "Operation Holystone," a highly classified submarine-based eavesdropping program against the Soviet Union. Following several accidents — including one in which a submarine surfaced underneath a Soviet ship during a fleet exercise — Hersh reported the concerns of internal critics of the program, who feared blowback from the program in a time of detente.

The Ford administration considered seeking indictments of Hersh and the *Times*. Attorney General Edward Levi went so far as to draft a memorandum asserting that the Espionage Act applies to the publication of government secrets by the press. But Levi suggested that prosecuting a journalist or newspaper would be unwise. The "most promising course of action," he wrote, would be "to discuss the problem of publication of material detrimental to the national security with leading publishers." Ultimately, the Ford administration declined to prosecute.

There is another disturbing element to the Assange case: the extradition request itself. Under many US extradition treaties, we can't extradite someone for espionage. While it may seem counterintuitive, the political offense exception, as it is known, dates back to the years after the American and French revolutions and the growing concern that offenses such as espionage, treason, or sedition could be misused to persecute failed rebels and political dissidents. (Note that espionage charges are often used today against journalists in other countries). It also reflects the belief that crimes solely against the state are less bad than common crimes against people.

Assange is a self-made lightning rod, and the journalism world is divided about his case, but his prosecution is about much more than him.

The US's aggressive efforts to extradite Assange under spying charges for publicly disclosing classified information — in contravention of the political offense exception — could create precedent that impacts the US press. If the UK grants the request to deliver Assange to the US, UK prosecutors could make similar arguments in an effort to extradite a journalist in the US for violations of its Official Secrets Act, which explicitly criminalizes the publication of leaked military or intelligence information. Whether those arguments would be successful in front of a US court is an open question, but the concern is not merely hypothetical. In the 1990s, the UK tried to extradite a leaker from France, which denied the request because of the political offense exception. In 2018, authorities in the UK threatened the US filmmaker Alex Gibney, who is a member of the Reporters Committee for Freedom of the Press steering committee, with arrest for using a leaked police report in a documentary.



Such precedent may not be limited to the UK. Australia, for instance, has been notably aggressive of late in investigating and prosecuting national security reporting. In 2019, a military whistleblower leaked the “Afghan Files,” which detailed possible war crimes by Australian special forces troops in Afghanistan. The Australian Federal Police raided the offices of the Australian Broadcasting Corporation and recommended charges under Australian spying laws against a journalist. Fortunately, Australian prosecutors declined to prosecute; late this year, the Australian military released the Brereton report, which found evidence confirming some of the reporting, as well as indications of a cover-up.

As with the UK, the Australia/US treaty bars extradition for political offenses. However, were Judge Baraitser to order Assange’s extradition, Australian prosecutors may be able to cite that order in a case involving journalists in the US.

Assange is a self-made lightning rod, and the journalism world is divided about his case, but his prosecution is about much more than him. The US is uniquely committed to the idea that popular government requires popular information about government, particularly in cases involving war, intelligence gathering, and foreign affairs — where government secrecy reaches its zenith. The primary conduit of that information to the public is an independent and adversarial press, a role that the founders enshrined in the First Amendment.

To be clear, Assange’s extradition to — and even his conviction in — the US would not be the last word on whether the government could use the Espionage Act to prosecute reporting on government secrets by established news outlets. A bruising First Amendment battle would await.

But the legal theory in the three pure publication counts is applicable to core journalistic activities. If Judge Baraitser does not see through the “blown informant” smoke-screen to the true breadth of the government’s case, the normalization of prosecutions based solely on the publication of official secrets could get a toehold in the US.

*Bruce D. Brown is the Executive Director of the Reporters Committee for Freedom of the Press.*

[https://www.cjr.org/about\\_us/mission\\_statement.php](https://www.cjr.org/about_us/mission_statement.php)

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## **UN rapporteur on Assange: 'The US is trying to criminalize investigative journalism'**

*Matthias von Hein  
Deutsche Welle  
2020-12-28*

A London court will decide on January 4 on the US extradition request for Julian Assange. For Nils Melzer, UN special rapporteur on torture, it's a political process and a travesty of justice.

*DW: After four weeks of hearing evidence in the extradition trial against Julian Assange, Judge Vanessa Baraitser is going to deliver her verdict on January 4. You have followed the case of Julian Assange closely. What’s your take on the proceedings?*

*Nils Melzer:* The legal proceeding in itself is not respecting the basic standards of human rights, of due process and the rule of law. Already, the motivation behind the extradition request is not in compliance with basic legal standards, with the protections of freedom of the press and so on. Julian Assange is being prosecuted by the United States for espionage, just because he practiced investigative journalism.

He has published secret information of a government that he has not been employed by, that he has no obligations towards. And he has not stolen the information himself. It was leaked to him by someone who had access to the information. And he published it because it was in the public interest to publish it.

*Why were the Wikileaks releases important for the public?*

Because they contained clear evidence for corruption and war crimes and other criminal conduct.

In essence, the United States is trying to criminalize investigative journalism. That's the purpose of the extradition request, nothing else.

And the British system, unfortunately, is in collusion with the United States. What we see is that the British are systematically depriving Julian Assange of his fundamental rights to prepare his defense, to have access to his lawyers, have access to legal documents. They put him in solitary confinement, where he has no access to his family and to visitors and where he psychologically erodes to a very regressive state — as anyone would in prolonged isolation — and without any legal basis to do that.

*You visited Julian Assange in May 2019, about a month after his arrest, after living in his asylum in the Ecuadorian Embassy for seven years. What was the state of his health at the time?*

He wasn't in good health. I took two specialized doctors with me, people who had worked with torture victims for 30 years, a psychiatrist and a forensic expert. Both of them came independently to the conclusion that Assange showed all the signs typical for victims of psychological torture: intense anxiety, chronic stress syndromes that had already deteriorated his cognitive capacity and neurological functions, and that was already measurable at that time.

And he had suffered severely because of the constant threat of being extradited to the United States trying — and knowing what kind of political trial and inhumane sanction would expect him in the United States.

National security defendants in the US don't receive a fair trial. They're being tried behind closed doors based on secret evidence, that the defense has no access to and by a jury that is inherently biased, because they're selected from a population the majority of which is government-friendly around Washington, DC. It is well known that, at the espionage court in Alexandria, Virginia, no national security defendant has ever been acquitted.

Then these people are being detained under this special detention regime, which is called special administrative measures, which essentially means total isolation for years: You can't speak to anybody. Even if you're let out for 45 minutes a day to have a walk, you're being let out from one concrete box to another concrete box where you're alone walking in circles. This type of detention regime clearly amounts to torture and other cruel, inhuman or degrading treatment. That is not just my opinion; it's the opinion of Amnesty International, of my predecessors, of any serious human rights organization in the world.

So this is the threat scenario, that Julian Assange has been confronted with for the last 10 years. And that has had a very deep effect on his psychological stability. He wasn't in solitary confinement at the time. He was in an individual cell. But he was

able to speak to other detainees once or twice a day. Just about one week later, he was moved to the health department where he was soon put under complete isolation. This regime was only relaxed for the beginning of the trial in February, but was immediately tightened again with the outbreak of COVID. In effect, he has been in solitary confinement for all intents and purposes for more than a year now.

*You have taken his conditions in prison and taken it to the British authorities. How did they react to your criticism?*

I confronted the British authorities with my assessment of the illegality of his detention in the first place and urged them in no case to extradite him to the United States.

I also confronted the government with the information I got about the procedural violations in the British courts. (...) Assange's lawyers could not visit him for six months because of Covid, but had to work with short phone calls. And on the other side, you have the United States with unlimited resources and armies of lawyers preparing the case against him. This is clearly a violation of due process.

The British reacted with indignation, that I dared to criticize what they were doing. But they refused to prove me wrong, or to otherwise enter in a constructive dialogue with me. Instead, they simply don't respond to my interventions anymore. I also intervened just a few days ago, calling for Julian Assange to be at least moved to house arrest for the rest of the extradition proceeding. But there has been no response.

House arrest would be absolutely possible. They did it with Augusto Pinochet. The former dictator of Chile was in extradition detention in London for 18 months. But he was not put in a high-security prison, but accommodated in a villa under house arrest. He was even visited by the former prime minister [Margaret] Thatcher, who brought him whisky. He had a very privileged existence.

It is important to understand that, in extradition detention, you are not to be treated as a criminal. You are just detained so you cannot escape in case you will end up being extradited. That Julian Assange is being put in a high security prison with extremely severe restrictions on his private and professional life and procedural rights is completely disproportionate.

It's unnecessary, there is no legal basis to do that. The intent is clearly to intimidate other journalists, to silence him so he cannot do his journalistic work, which he clearly is entitled to exercise freely.

*Nils Melzer is the human rights chair of the Geneva Academy of International Humanitarian Law and Human Rights. He also teaches international law at the University of Glasgow, UK. He has served as UN special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment since November 2016.*

*This interview has been condensed for clarity.*

<https://www.dw.com/en/un-rapporteur-on-assange-the-us-is-trying-to-criminalize-investigative-journalism/a-56076248>

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## **Germany urges UK to uphold human rights in Assange case**

Melissa Sou-Jie Brunnensum  
Deutsche Welle  
2020-12-30

Germany's human rights commissioner has expressed "concern" over Assange's extradition proceedings. Berlin said the UK must consider Assange's physical and mental health when deciding on whether to extradite him.

The German government on Wednesday urged the UK to adhere to human rights and fulfil humanitarian obligations in the extradition process of whistleblower and Wikileaks founder Julian Assange.

Germany's Human Rights Commissioner Bärbel Kofler said she was "following with concern" the UK's extradition proceedings against Assange.

"Human rights and humanitarian aspects of a possible extradition must not be overlooked. It is imperative that Julian Assange's physical and mental state be taken into account when deciding whether to extradite him to the US," she said, adding that she would continue to monitor the case.

"The UK is bound by the European Convention on Human Rights in this regard, also with regard to the possible sentence and the conditions of imprisonment," Kofler stressed.

Washington is demanding the extradition of Assange on the basis of the US-UK extradition treaty. He is being prosecuted by the US for espionage.

Assange has been held in custody at London's Belmarsh maximum security prison since September 2019. Judge Vanessa Baraitser is scheduled to deliver the verdict in a London court on January 4. If extradited, Assange faces multiple life sentences, according to the indictment.

UN special rapporteur on torture Nils Melzer has condemned the case as politically charged and a travesty of justice, saying the US was targeting him "just because he practiced investigative journalism."

"The legal proceeding {against Assange} in itself is not respecting the basic standards of human rights, of due process and the rule of law. Already, the motivation behind the extradition request is not in compliance with basic legal standards, with the protections of freedom of the press and so on," Melzer told DW.

If the UK court decides to extradite him, Assange has the option of fighting the decision before the Court of Appeal within 28 days of the judgment and take the case to the UK Supreme Court. The case may then be referred to the European Court of Human Rights in Strasbourg, France.

According to the German foreign ministry, Berlin "has no knowledge of its own regarding the conditions of Assange's detention and state of health."

As an Australian citizen, Assange is under the exclusive consular care of his country in accordance with the Vienna Convention on Consular Relations, the ministry said.

<https://www.dw.com/en/germany-urges-uk-to-uphold-human-rights-in-assange-case/a-56098705>



*Stefania Maurizi speaking with Julian Assange in Ecuadorian embassy in London; taken from UC Global surveillance tape.*

## **Maurizi Tells Chaos Computer Club Assange Must Be Saved**

*The following is a speech delivered by Italian journalist Stefania Maurizi to the Chaos Computer Club Congress on 29 December.*

*December 31, 2020  
Consortium News*

Thank you to the Chaos Computer Club for this panel. Let me introduce myself: I am an Italian investigative journalist working for the major Italian daily *Il Fatto Quotidiano*, and previously working for *l'Espresso* and *la Repubblica*. The reason why I am here is to discuss with you why we must save Julian Assange and WikiLeaks.

I have spent the last 11 years working on all WikiLeaks secret documents. I started working as a media partner back in 2009, when very, very few had even heard of WikiLeaks. I want to make you understand how crucial Julian Assange and his WikiLeaks' work has been.

They have revealed exceptionally important information. I am not sure if you realise how exceptionally important the WikiLeaks revelations are. Just consider documents like the Guantanamo manual, which they published back in 2007, when they were a very small and unknown media organisation.

Even the ACLU, the American Civil Liberties Union, had tried to get a copy of that manual using the Freedom of Information Act, and yet they didn't succeed in getting it, whereas thanks to some bold whistleblower, Julian Assange and WikiLeaks did obtain it and they had the courage to publish it, even if the Pentagon had asked them to remove it from the WikiLeaks website.



They did not comply and that was amazing: you have to realise what it means to say no to the Pentagon, even the world's biggest media organisations have legal and extralegal concerns in saying no to the Pentagon.

So back in 2008, when I heard about WikiLeaks for the first time, considering that WikiLeaks had been established just two years before, for me it was amazing to learn that there was a media organisation capable of getting documents which were very very difficult to obtain and bold enough to resist the Pentagon request to remove those documents from its website. If you ever worked in a newsroom, you can understand the risk of publishing documents which the Pentagon wants you to remove from your website.

But Wikileaks didn't remove them and for me it was refreshing, especially in those days when some of the biggest newspapers and media in the world were willing to publish lies which supported the Iraq War or were so timid that they called the CIA torture techniques enhanced interrogation techniques.

In addition to this they published the *Iraq War Logs*, which, among other things, revealed 15,000 civilian deaths previously unaccounted for. They published the *Afghan War Logs*, which revealed the true face of the war in Afghanistan. WikiLeaks also published the State Department cables, which exposed scandals all around the world.

Just to give you an idea how important the cables have been: they exposed how U.S. diplomacy put pressure on Italian politicians to stop them from sending arrest warrants for the CIA agents involved in the extraordinary rendition of Abu Omar.

Abu Omar was a Milan cleric, who was kidnapped in Milan, in Italy, in the middle of the day, like in Pinochet's Chile and he was sent to Egypt and brutally tortured for months. This is an incredibly important story as Italy was the only country in the world to nail the CIA agents, using phone metadata, to put them on trial in absentia, and to get a final sentence.

However, none of the 26 U.S. nationals, almost all of them CIA agents, spent a single day in prison. Why? Because six Italian Justice Ministers refused to send the arrest warrants to the U.S. in order to extradite them to Italy and put them in prison. Only thanks to WikiLeaks was I able to get solid evidence of those pressures on Italian politicians, which resulted in impunity to an extent that Italy, the only country in the world which got a final sentence for the CIA agents, was finally condemned by the European Court of Human Rights, for granting them impunity.

Without the WikiLeaks documents it would have been simply impossible to get evidence of such state criminality, we could have guessed of course, but we could have never ever got evidence.

This kind of evidence proved to be crucial: it allowed the victims of this state criminality to appeal to the European Court of Human Rights, it allowed the Chagos islanders to fight their case up to the British Supreme Court, it allowed dozens of journalists like me to expose the crimes, abuses, and cover up by our governments.

The tragic thing is that after publishing these documents Julian Assange has never known freedom again. You have to realise that for my newspaper I have worked with him and his organisation as a media partner for the last 11 years: the last time I met as a free man was the 28th September 2010: I left him in Berlin at Alexanderplatz, where

I had met him to work on the *Aghan War Logs*, and after that meeting I have never met Julian Assange as a free man again: it was ten years ago. And I have always worked with him as a media partner confined under house arrest, confined in the Ecuadorean Embassy, and now in prison.

It's unacceptable to me: my newspaper and I have published the very same revelations and yet I was never put in prison or arrested. Dozens of journalists published the very same documents for which he is now in prison: none of us have had any problem at all. So I feel the duty to speak out, to denounce his appalling treatment and to explain to you why we must save Julian Assange and WikiLeaks.

In the last 10 years, he and the WikiLeaks journalists have tried to look for a place to be protected, not to hide, and they haven't found one. Julian Assange tried with Sweden, due to the famous Swedish laws when it comes to free speech. And it didn't work. He tried to take refuge in the embassy, it worked for 7 years, as long as Rafael Correa granted him asylum, however he did pay a huge price: he remained in the embassy for 7 years with no access to proper medical treatment, no sunlight, not even an hour outdoor per day. I mean we Italians give an hour outdoors per day to some of the worst mafia killers who killed children in the most horrific way. Julian Assange didn't have an hour outdoors for his 7 years in the embassy.

Then not even the asylum worked: Lenin Moreno cancelled it and allowed him to be arrested. Julian Assange tried everything that he could to protect himself after publishing the U.S. secret documents, he tried with the United Nations and succeeded: the UN Working Group on Arbitrary Detention established that Sweden and the United Kingdom arbitrarily detained him since 2010.

He succeeded, but the British authorities ignored the UN decision, then he tried with the UN special rapporteur on torture, Nils Melzer, and again: he succeeded. The UN Special Rapporteur on Torture Nils Melzer established that Sweden, Britain, the United States and Ecuador have tortured him psychologically, but again, the United States and Britain completely ignore the UN special rapporteur on torture.

So Julian Assange tried to find a place to protect himself and WikiLeaks, but found no such place. This is most terrifying thing I have experienced in such work as a media partner. It didn't scare me that I was tailed for intimidation purposes. It didn't upset me that I had to leave my newspaper, *la Repubblica*, to keep doing my work on WikiLeaks, it didn't scare me that I was attacked and very important documents [have been stolen].

No, the thing that most terrified me was to discover that in our democracies there is no place to protect whistleblowers, journalistic sources and media organisations like WikiLeaks and journalists like Julian Assange: they have been put in prison, psychologically tortured as Chelsea Manning and Julian Assange, they have been forced to escape like Edward Snowden, they risk ending up in prison like Sarah Harrison for helping Snowden, they risk extradition as the WikiLeaks journalists, they have been brutally spied inside the embassy, as I was.

What have seen in the last decade of this work has terrified me. I have seen the United States, the UK authorities, the Swedish authorities, the Australian authorities, the Ecuadorean authorities destroying Julian Assange and the WikiLeaks journalists little by little, day after day, death by thousands cuts. This is of huge concern to me.

This is why I am talking to you about why we must save Julian Assange and the WikiLeaks journalists: we must save them, if we want to live in a society in which you can reveal war crimes, torture, drone killing without ending up in prison like Chelsea Manning, without being forced to escape like Edward Snowden, without having your life destroyed like Julian Assange. This is what a democratic society is to me.

*Stefania Maurizi is an Italian investigative journalist, currently working for the major Italian daily Il Fatto Quotidiano, after working 14 years for the Italian daily la Repubblica and for the Italian newsmagazine l'Espresso. She has worked on all WikiLeaks releases of secret documents, and partnered with Glenn Greenwald to reveal the Snowden files about Italy.... She has started a multijurisdictional FOIA litigation effort to defend the right of the press to access the full set of documents on the Julian Assange and WikiLeaks case. She authored two books: Dossier WikiLeaks. Segreti Italiani and Una Bomba, Dieci Storie....*

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Questions and comments may be sent via e-mail to Al Burke at <editor@nnn.se>

— 1 January 2021