

# Your Man in the Public Gallery: Assange Hearing Day 16

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Global Research, September 25, 2020

[Craig Murray](#) 24 September 2020

Region: [Europe, USA](#)

Theme: [Law and Justice](#), [Police State & Civil Rights](#)

*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.

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.

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