

Assange's Tenth Day at the Old Bailey: Bolting Horses, Death Penalties and Plots of Eviction

September 21. Central Criminal Court, London.

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Region: [Europe](#), [USA](#)

Theme: [Law and Justice](#), [Media Disinformation](#)

Today was one of reiteration and expansion. Computer scientist Christian Grothoff of the Bern University of Applied Sciences supplied the relevant chronology on what led to the publication of unredacted US State Department cables, the subject of such concern for the prosecution. This proved a mild taster of what was to come: the alleged deal brokered by Richard Grenell, when US ambassador to Germany, with the Ecuadorean government for the arrest and eviction of Julian Assange from the London embassy in April 2019.

Grothoff, publication and chronology

With three of the 18 counts against Assange trained on the issue of publishing unredacted cables, Grothoff's testimony served to recapitulate [the importance of timing](#). By the time the organisation had published the archive, others had done so. The horse, having bolted, would not be returning. While WikiLeaks had taken steps to encrypt the relevant file with the documents, things went awry with its sharing with David Leigh of *The Guardian* in the summer of 2010. Uploaded to a temporary website, it had a strong, decrypting passphrase. Assange had committed only part of that passphrase to paper.

November 2010 arrived. WikiLeaks and its media partners began releasing redacted cables.

"The embassy cables will be released in stages over the next year," [promised](#) WikiLeaks. "The subject matter of these cables is of such importance, and the geographical spread so broad, that to do so otherwise would not do this material justice."

The organisation's website then became the target of Distributed Denial of Server attacks. Assange put the word out to supporters: replicate site data on various servers; create mirror sites. In February 2011, Leigh and fellow *Guardian* colleague Luke Harding published their account working with Assange and WikiLeaks. It was a hurried, and, it transpired, sloppy effort. The full, decrypting passphrase had found its way into one chapter title. *Der Freitag* [caught the scent](#) in August, supplying a few breadcrumbs to the enterprising, not least the sense that the password to the file was rather easy to locate. *Der Spiegel*, one of the media partners, gave [confirmation](#) of the account. Nigel Parry, [self-described](#) as "the first person out of the loop and in the wild to have unzipped the unredacted Cablegate cables," merely sealed the matter.

Assange and Sarah Harrison, also of WikiLeaks, scrambled. The US State Department was warned that the unredacted files were ready to course their way through cyberspace. The US-based leaking outfit Cryptome gave the push along, publishing the archive. By September 2, 2011, the deed for WikiLeaks was done: the archive was released on its site. As Grothoff [told the court](#), “[The password] was actually available on the internet in a way that would be virtually impossible to stop.”

In [writing about the train of events](#), political commentator and former civil rights litigator Glenn Greenwald thought the security measures taken by WikiLeaks poor and insufficient. But “one point should be made absolutely clear: there was *nothing intentional* about WikiLeaks’ publication of the cables in unredacted form. They ultimately had no choice.” Releasing the cables in full was the reasonable, “safest course” of action, “so that not only the world’s intelligence agencies but everyone had them, so that steps could be taken to protect the sources and so that the information in them was equally available.”

Under questioning from the prosecution, Grothoff [batted away suggestions](#) that the publishing organisation had shared the entire archive with all 50 media partners involved with Cablegate. “On the very specific technical point where you say WikiLeaks published those cables you are wrong, and you didn’t properly do your homework to find who first published those cables.” WikiLeaks could not be considered the “primary publisher of the unredacted cables”.

Grothoff [also faced questions](#) about his partiality from Joel Smith QC. Had he not appended his name to a 2017 letter to US President Donald Trump urging him not to charge Assange or other members of WikiLeaks? “You are biased, you are partial?” The professor could not recall adding his name, but saw Assange as a “sympathetic character” in exposing “war crimes”. “No, I believe that looking at the indictment put forward, you’re confusing actions WikiLeaks took to hide and obscure the documents with them publishing it.”

Fairbanks, deals and evictions

Assange’s defence team then readied the dynamite: a statement from activist and Trump supporter Cassandra Fairbanks, dated June 7, 2020, describing communications with Republican donor Arthur Schwartz. Schwartz, with close links to Trump, was charged with running Grenell’s communications. Fairbanks shared membership with a direct message group on Twitter comprising “multiple people who either worked for President Trump or were close to him in other ways.” Both Grenell and Schwartz were also members.

On October 30, 2018, Fairbanks [shared an interview](#) with Assange’s mother, Christine Assange, on the forum “hoping that someone would see it and be moved to help”. The plea did not go down well with Schwartz, who called Fairbanks to berate her for such strident advocacy. Stop it, he insisted, as “a pardon isn’t going to fucking happen.” What instead followed were details about what was in store for Assange: charges were imminent over his connection with Chelsea Manning, not other publications (the Democratic National Committee correspondence; the Central Intelligence Agency’s Vault 7 publication). “He also told me they would be going after Chelsea Manning. I also recollect being told, I believe, that it would not be before Christmas. Both of these predictions came true just months later.”

Fairbanks also disclosed the intention to finally deal with the issue of Assange’s political

asylum. Schwartz “also told me that the US government would be going into the Embassy to get Assange.” This troubled her. “I responded that 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.’” Unbeknownst to Fairbanks at the time, Grenell had, in October 2018 “worked out a deal for Assange’s arrest with the Ecuadorean government.”

The exchange upset Fairbanks. The waterworks commenced. Schwartz softened on the phone on hearing Fairbanks sobbing, though was hardly reassuring about what awaited the WikiLeaks publisher: Assange would “probably” only serve the rest of life in prison.

From that point on, the worm began to turn. A visit to Assange on January 7, 2019 followed. Fairbanks was keen to impress upon him what she knew. Assange was concerned about surveillance. “I know he was concerned about being overheard or spied upon and he had a little radio to cover up the conversation.” Both she and Assange [took](#) “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 had also paid a visit to Manning, speaking of fears “that they might come after her again.”

Within two months, embassy hospitality had chilled. Fairbanks recalls being shocked at the treatment afforded her and Assange on that visit. It was an encounter [she wrote about](#), noting a progressively worsening atmosphere. She was made to spend an hour in a cold meeting room; Assange was given harsh preliminary treatment, “subjected to a full body scan with metal detector before” being allowed into the room. Her statement continues: “I described it at the time as ‘eerily similar to visits I have made to inmates at federal penitentiaries in the US.’ I considered at the time ‘it seemed our government was getting what they wanted from Ecuador, as a former State Department official told *Buzzfeed* in January. ‘As far as we’re concerned, he’s in jail.’ I noted ‘in an interview with *El País* in July, President Moreno said his ‘ideal solution’ is that Assange may ‘enjoy’ being ‘extradited’ if the UK promises that the US will not kill him.”

The act of bringing a radio into the meeting room to frustrate audio surveillance was a cause of consternation. “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.”

Fairbanks recalls the row in her March 2019 [piece](#): how Assange had told embassy staff how “undignified” it was to be subjected to the body scan; why the staff were “afraid” of his meeting with Fairbanks. “Is this a prison?” he inquired. “It’s not,” came the reply. “You know it’s not.”

On March 29, 2019, Fairbanks contacted Schwartz, pressing him on what he knew about rumours of an imminent eviction from the embassy. Schwartz called to say that he knew that Fairbanks had been less than cautious in revealing what he had told her. He could no longer treat her as a reliable recipient. The explanation was clear. For Schwartz to have known, the conversations in the embassy had to have been recorded and relayed. “It was obvious,” [claimed](#) Fairbanks, “that the US had been involved, including the State Department, and that Schwartz had been made a party to this information.”

The die was cast. On April 11, 2019, Assange was evicted. On April 15, ABC News [ran a piece](#) noting how the wheels for this action had begun in March 2018, “when the

Ecuadoreans made their first request to the UK: a letter asking for written assurances that the UK would not extradite Assange to a country where he could face the death penalty". Six months followed. The US was then approached via the offices of Ecuador's ambassador to Germany, Manuel Mejía Dalmau, who sought "a private 'emergency meeting' in Berlin with the US Ambassador to Germany, Richard Grenell, viewed as one of President Donald Trump's closest envoys in Europe". During the course of one meeting, Dalmau, according to an unnamed "senior US official", "asked whether the US would commit to not putting Assange to death". Grenell ran the query to the US Justice Department. "According to the senior US official, Deputy Attorney General Rod Rosenstein consented." A verbal pledge followed.

Fairbanks duly tweeted the ABC story. Ambassador Grenell was exercised. Fairbanks' boss [was messaged](#): delete the tweet. Fairbanks refused, though eventually relenting. Grenell also had another suggestion: sack Fairbanks. In this miasma of panic, Schwartz rang. "This time he was frantic," Fairbanks recalled. "He was ranting and raving that he could go to jail and that I was tweeting classified information." She was informed "that in coordinating for Assange to be removed from the Embassy, Ambassador Grenell had done so on direct 'orders from the president.' I believed this connected President Trump to those who have been reported as having secured the deal to arrest Assange." She believed the veracity of Schwartz's comment, given his known close ties to Trump and Grenell.

Schwartz had also suffered an attack of blood lust. Several messages to Fairbanks in the aftermath of the ABC news report [focused](#) on "how everyone involved with WikiLeaks deserved the death penalty." This was troubling to Fairbanks, as only an oral, not written agreement, had been secured protecting Assange from any death penalty. "Schwartz's response to this was to send me a shrug emoji and he continued his tirade about how Assange deserved to die."

Fairbanks also imputed to Schwartz an extensive network of influence, being a regular visitor to the White House, a "fixer" for Donald Trump, Jr., a radiantly significant figure in the Trump cosmos including "Richard Grenell, Sheldon Adelson and others." Mention of Adelson is telling: his Las Vegas Sands company, the world's largest casino operator, is alleged to have provided cover with the security consulting firm UC Global for surveillance operations against Assange during his embassy stay. These were sanctioned by the Central Intelligence Agency.

The UC Global CEO, David Morales, was subsequently charged by a Spanish High Court in October 2019 for violating Assange's privacy, breaching lawyer-client privilege, money laundering and bribery. The UC Global files, as Max Blumenthal [has noted](#) in *The Grayzone*, "detail an elaborate and apparently illegal US surveillance operation in which the security firm spied on Assange, his legal team, his American friends, US journalists, and an American member of Congress who had been allegedly dispatched to the Ecuadorean embassy by President Donald Trump. Even the Ecuadorean diplomats whom UC Global was hired to protect were targeted in the spy ring."

Joel Smith QC, representing the prosecution, [would not stomach](#) the claims being made by Fairbanks: "the truth of what Ms Fairbanks was told by Arthur Schwartz was not in her knowledge." Tactics deployed previously would be done again: Fairbanks was considered a biased witness for acknowledging her support for WikiLeaks. For the defence, Edward Fitzgerald QC [put it](#) plainly: "We say what Schwartz told [Fairbanks] is a good indication of the government at the highest level."

The approach of the defence will have to remain one of patient, constant reminder to the court: that the case against Assange is rancid with politics, trailing its way into the backlines of the Trump administration.

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