

Muting Justice: Rescheduling Julian Assange's Hearing

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Region: [Europe](#)

Theme: [Law and Justice](#)

"When we think of the repression of journalists, we automatically evoke foreign lands. We rarely, however, evoke or remember our own dissidents." – Peter Osborne, [Middle East Eye](#), May 5, 2020

It all spoke well of British justice, which meant poorly. As one correspondent from the Australian Associated Press [put it](#) in describing the latest case hearing for Julian Assange,

"There are no lawyers here in person. Assange will not be present. There are 6 journalists here and there will be 6 members of the public."

The icy District Judge Vanessa Baraitser had already relented last week on vacating May 18 as the date for Assange's full extradition hearing. Facing several submissions about open justice, the impaired and frustrated channels of legal advice and the overall deprivation of a fair hearing being posed by the pandemic regulations, Baraitser accepted that the parties needed to be physically present. She had little time for much else.

This hearing had little to do with abstractions of justice or wise words on the merits of press freedom. It was all business, a game of logistics on when to have the full hearing. Who would be available and at what times? The only thing missing in these deliberations, apart from the protagonist himself, were the cucumber sandwiches and sherry.

Edward Fitzgerald QC, representing Assange, chewed over two undesirable dates:

"The November date is too late for us and the July date is perhaps unworkable for us."

James Lewis QC, representing the United States, had another slot in mind.

"We would much prefer September if possible."

Clair Dobbin, also representing the US, [has her hands full](#) with the Child Abuse inquiry; US prosecutors needed to journey across the Atlantic, and this, given the conditions posed by COVID-19, would hard over summer. Lewis was similarly tied up, having to discharge various public duties towards the end of July.

Baraitser seemed wearied by it all, conceding that another venue, better suited to the hearing, might have to be found.

"It's going to take some negotiation to find a crown court that is open in September, in the current climate, and willing and able to take this hearing."

Martin Silk, who has been covering the case with steely attentiveness, [noted](#) the symbolic, and practical aspects of sham justice that the Assange case is throwing up.

"Three mainstream and four non-mainstream journalists have told me they were unable to listen in to Julian Assange's hearing via conference this morning. Apparently just got hold music because the court clerk didn't unmute the call... lucky I tweeted."

It is suitably repugnant that this theatre continues even as British politicians sing the praises of press freedom. Last week, Britain's foreign secretary Dominic Raab [added his name](#) to those of the Dutch, French and German foreign ministers to "celebrate the crucial role journalists play around the world," thereby doing their little, and inconsequential bit, to commemorate World Press Freedom Day. What was particularly repellent in the statement was the cap doffing to this year's theme, being very WikiLeaks, as it were, and equally shunned in practice.

"This year's theme 'Journalism without fear or favour' emphasises the importance of taking action to secure independent journalism as a prerequisite for a functioning society."

The statement also rings hollow when considering the entire scope of Assange's hearings, which have been poorly conducted, appallingly managed and meagrely rationed in terms of resources. Those covering the case have also been treated with mild contempt. The very fact that it has dragged on in purgatorial fashion for so long suggests a form of torment by prolongation, a macabre display of institutional corruption. The US imperium wants its man and Britain will deliver, but must be seen to be observing some due process, however shoddy.

Such a farce does not stop Raab from confidently fluting the notes of press freedom.

"We must oppose all attempts by any state," [continues the statement](#), "to use the pandemic to adopt restrictions on press freedom, silence debate, abuse journalists or spread misinformation."

Such fine sentiments that have tended to skip the deliberations of Judge Baraitser and for that matter the Foreign and Commonwealth Office and other branches of the British government. Peter Osborne, sporting a keen nose for sniffing hypocrisy, [spots a recent pattern](#). The Culture Secretary Oliver Dowden has hectored the BBC's director general, Tony Hall, for the corporation's Panorama programme which reported shortages of personal protective equipment and the mortal dangers posed to health workers by COVID-19. Raab had little to say about Egypt's gruff [expulsion](#) of *The Guardian* reporter Ruth Michaelson in March, ostensibly for questioning official government figures on COVID-19 infections. Ditto on that country's record on jailing contrarian journalists unhappy to march to the drum beat of President Abdel Fattah el-Sisi. In such mattes, the FCO remains remote.

This ghastly record of indifference was topped, in Osborne's mind, by the foreign secretary's

absence of interest in protecting Assange. “If there was an ounce of sincerity in the foreign secretary’s claim that he is a supporter of media freedom, he would be resisting the US attempt to get his hands on Assange with every bone in his body.” The WikiLeaks publisher had, after all, “done more than every other journalist in Britain put together to shed light on the way the world truly works.”

The interim period will be another one of charming hope against bitter experience. To avoid any serious risk of succumbing in prison to coronavirus, bail is being entertained though it is unlikely to move the glacial bench. As Assange’s partner, Stella Moris, [has described](#) with moving melancholy, the publisher’s life “is at severe risk. He is on remand at HMP Belmarsh, and COVID-19 is spreading within its walls.” Those in power remain deaf to such calls, which is much in keeping with the dictates of muted justice.

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