

Assange's Fourth Day at the Old Bailey: COVID in the Courtroom

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As James Lewis QC for the prosecution, representing the US government, revealed, "I'm just saying about my charger. It's in court and I'm going to run out of battery." It was one of those moments that said much about the fourth day of proceedings at the Old Bailey regarding one Julian Assange, publisher, Australian national and wanted by the US Department of Justice for incongruous charges of espionage.

It all had the appropriate Orwellian shades and show trial trimmings. The US prosecution team had gone remote; Assange's legal team was physically present and masked. Technology again did its bedeviling magic at the Central Criminal Court. At one point, Joel Smith for the prosecution was attempting to get the attention of Judge Vanessa Baraitser to inform her that nothing could be heard in the court room. The screen of chief prosecutor Lewis had also frozen.

Unlike the previous three days of these extradition proceedings, the central contentions were not Assange the public interest journalist, the discloser of informant names, or President Donald J. Trump's war on the Fourth Estate. It was the revelation that COVID-19 had found its way into the Old Bailey. On Wednesday night, Judge Baraitser was told that a member of one of the legal teams may have been exposed to the coronavirus. As was [announced](#) on Court News,

"Julian Assange's extradition hearing at the Old Bailey today will not be going ahead because the husband of one of the US lawyers has come down with COVID-like symptoms. Once he gets the result of a test the judge will determine how best to proceed."

Assange would have had reason to reflect upon this moment with bitter mockery. His conditions in Her Majesty's Belmarsh Prison have been a picture of shoddy treatment, both physically and symbolically. Access to his legal team has been scandalously scant, exacerbated by pandemic lockdown conditions. The entire institutional treatment of the Australian has been considered nothing less than that of a tortured figure, "shocking and excessive", to use [the words](#) of the International Bar Association's Human Rights Institute.

His supporters, fearful, see him at risk of contracting coronavirus and suffering, in his frail state, the gruelling effects of COVID-19.

His efforts to seek bail in order to escape the dangers of viral transmission have been foiled by the pitiless Baraitser. In March, Edward Fitzgerald QC [attempted to convince](#) the judge that medical "experts consider that [Assange] is particularly at risk of developing

coronavirus and, if he does, that it develops into very severe complications for him.” Should he contract it, “it would be very doubtful that Belmarsh would be able to cope with his condition.”

Swatting such concerns away, Baraitser saw little reason for concern: there were no instances of COVID-19 at Belmarsh, a reckless conclusion to draw given the self-isolation measures imposed upon a hundred personnel at the time. The group Doctors for Assange were shaken by the ruling. In their [March 27 statement](#), they vented. “Despite our prior unequivocal statement that Mr Assange is at increased risk of serious illness and death were he to contract coronavirus and the evidence of medical experts, Baraitser dismissed the risk, citing UK guidelines for prisons in responding to the global pandemic.” The editor-in-chief of WikiLeaks, Kristinn Hrafnsson was furious. “To expose another human being to serious illness, and to the threat of losing their life, is grotesque and quite unnecessary.”

In June, Doctors for Assange [reiterated the call](#) that Assange be granted bail, having met “internationally recommended criteria for prisoner release during COVID-19.” Globally, prisons were being emptied of inmates to prevent the march of COVID-19. Assange remained the exception.

On September 10, 2020, history grimaced with irony. It was the prosecutors for the United States, Assange’s incessant harassers, who had been potentially infected. Notwithstanding this, Judge Baraitser was not averse to pushing onto a fifth day of proceedings, a point that agitated the legal teams and seemed to be as quixotic as it was indifferent.

Fitzgerald, representing Assange, urged the court [to accept](#) the logical assumption that “COVID will be in the courtroom.” The staff of the court would themselves be “at risk, and you yourself may well be at risk.” It was a good ploy on Fitzgerald’s part to mention the court as the primary consideration, reserving the concerns of his client for last. “Finally, our client Mr Assange, who is vulnerable you are aware, would be at risk in court.” His request for adjournment struck a common chord with Lewis. Proceedings will be postponed until September 14, awaiting the test results. In the meantime, the defence and prosecution will make interest of justice submissions on how they wish to proceed in the event the test is positive for coronavirus.

In the meantime, the rest of the Old Bailey will continue to grind. A spokesperson for the City of London Corporation [was businesslike](#) in moving forward. “The Central Criminal Court is deep cleaned every day in accordance with government guidelines and will remain open.”

It was left to Kevin Gosztola of *Shadowproof* to sum [up the day’s sentiment](#) in wry fashion: “Looking forward to the courtroom sketch of Assange in a glass box with only the judge in the room as we proceed virtually. That’ll be [sic] quite appropriate image for this case.” Lewis, in the meantime, might be able to obtain his charger.

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