

Britain's Unconvicted Prisoner: Keeping Assange on Lockdown in Belmarsh Prison on Behalf of Washington

By [Nina Cross](#)

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This article is a second piece focusing on Belmarsh prison, where the founder of Wikileaks, Julian Assange, continues to be [arbitrarily detained](#) by the British government. The [first part](#) showed how Belmarsh prison has been systematically denying Assange access to justice by restricting all the means through which he could prepare his defence; access to and possession of legal documents, talking to his US lawyers, restricted meetings with his UK lawyers, and access to a laptop as a basic means to prepare his defence. These restrictions have been imposed in contradiction to all legislation and standards regarding the rights of the prisoner. This piece looks at the weaponizing of Category A prison security and the use of prison healthcare isolation as part of a program of the state-sponsored abuse of a journalist imprisoned for releasing prima facie evidence of US war crimes committed in Iraq and Afghanistan.

The decision on 13th September by Judge Vanessa Baraitser in a '[technical hearing](#)' at Westminster Magistrate's Court, means that although Assange has been given parole half way through what experts believe was a [disproportionate](#) 50 week sentence for skipping police bail in 2012, he will still be kept in prison while he is fighting extradition to the US - a process which could take many years. Baraitser justified her decision [as follows](#):

"In my view I have substantial ground for believing if I release you, you will abscond again"

She described his status now as:

"...from a serving prisoner to a person facing extradition"

According to the British judiciary, Assange was initially apprehended and sentenced to prison because he had 'skipped bail' by seeking refuge for political asylum in London's Ecuadorian embassy. Despite the fact the original investigation in which he was wanted for questioning (and complied) by Swedish authorities had been dropped, the British courts still treated Assange as a serious criminal and sentenced him as such. The narratives in Baraitser's statement, the injustices arising from them and the proceedings around this hearing have all been [highlighted](#) and roundly [condemned](#). What's more, despite the

change to Assange's prisoner status, he has so far been kept in Belmarsh.

These inconsistencies should raise serious doubts as to whether the British justice system is operating objectively and according to domestic and international legal norms.

The 'flight risk' narrative

The government's 2018 inspection report [describes](#) Belmarsh as follows:

"Probably the most high-profile prison in the UK, it held an extremely complex mix of men. There were young adults, and low-risk men similar to those held in other local prisons, but also over 100 with an indeterminate sentence, and those in custody for the most serious offences."

In a recent interview, John Shipton, Assange's father [explained](#) that Assange was made a 'B category' prisoner. However, [as can be seen](#), Assange's 2012 offence of skipping bail falls into the criteria for C category prisoners. According to data from the Sentencing Council, only a [minority of cases end up as custodial sentences](#). Criteria for 'C category' is explained as follows:

"...you have absconded, failed to surrender, breached bail, a Home Detention Curfew (HDC) or a Release on Temporary Licence (ROTL) within past 3 years..."

It is important to note that 'failing to surrender' is not the same as being an escape or 'flight' risk. While the narrative of absconding is being used to keep Assange on remand in prison, it is also a convenient legal mechanism to keep him in Category A Belmarsh.

But we should not let Baraitser's narrative of *absconding* fool us into believing this is how it is supposed to work. As our reports have previously [pointed out](#), several thousand people skip police bail each year in the UK - and do *not* end up in Belmarsh prison. There is a clear distinction between those who fail to surrender to a police station and those dangerous individuals who escape from custody. The government's national security framework for prisons [defines](#) category A prisoners as:

"A Category A prisoner is a prisoner whose escape would be highly dangerous to the public, or the police or the security of the State, and for whom the aim must be to make escape impossible.

...escape potential will not normally affect the consideration of the appropriateness of Category A, because the definition is concerned with the prisoner's dangerousness if he did escape, not how likely he is to escape, and in any event it is not possible to foresee all the circumstances in which an escape may occur."

Because he was convicted in April 2019 on the minor offence of bail skipping, Assange could effectively be treated no differently than a category A prisoner for a very long time. How is this possible? Judge Baraitser's decision to now remand Assange 'as a person facing extradition' with the narrative that 'he will abscond' should not be allowed to pass as a pretext for subjecting him to indefinite detention inside a Category A prison, where it has been shown he is being denied access to justice.

From minor offender to dangerous criminal

No matter what your category, once in Belmarsh you are subject to its harsh restrictions. This is a point that has been made repeatedly in government reports. Following a government inspection in 2013 the following was [written](#):

“The focus on security that HMP Belmarsh needed for its small group of high-risk prisoners was having a disproportionate impact on its more mainstream population...

...many additional security measures were only needed for a tiny number of prisoners on the basis of their security categorisation, but security could become a catch-all explanation for weaknesses and inadequacies in outcomes for lower category prisoners...”

In 2018 a House of Commons [report](#) on prison health described the effects of the harsh security in Belmarsh as follows:

The population is very mixed, ranging from Category A to Category D prisoners. However, only the very high-risk prisoners are likely to stay for long, as offenders may come to Belmarsh before being moved onto other prisons. At the time of our visit, Belmarsh had several Category D prisoners, due to issues with placements, who are managed under the same level of security as the Category A prisoners.

Here is recognition by the government that prisoners going to Belmarsh, no matter what their crime, or category, are subjected to Category A security restrictions. For a UK government which has hunted Assange for almost a decade, Belmarsh can be relied upon for an ‘intense custodial experience’ in which security restrictions can thwart access to justice and the ability to prepare for one’s defence, while denying the ability for self-determination.

How can the UK government get away with imposing the harshest punishment possible upon someone who has committed the most minor offence but has also embarrassed the government and its allies? How to do it in broad daylight while making it appear lawful? In a word, the answer is *camouflage*; where hundreds, thousands of men, who have posed no threat to the public, have passed through the gates of Belmarsh prison and been subject to high security restrictions – where all prisoners are treated as if they were dangerous criminals. This has become the norm, despite the government’s own recognition that the security is disproportionate. In disposing of Assange, what better way than to trap him in such a place, where questions about fairness and proportionality of treatment can be explained away under incidental consequences of security.

Later on, when his extreme punishment for skipping police bail is ended, the British state could keep him there until an opportunity arises to render him to Britain’s most powerful ally, where [Assange believes his life would likely end](#), if the harsh conditions to which he is currently being subjected do not kill him first.

The employment of Belmarsh as Assange’s executioner, whilst wearing the mask of *good governance*, is highly effective. In a recent interview Wikileaks Editor-in-Chief, Kristinn

Hrafnsson, [reported](#) that lawyers representing Category A prisoners in Belmarsh have claimed the conditions in which Assange is being held have been more severe than those experienced by the violent criminals they represent. *Watch:*

It's almost as if the British government is relying on the failures and disproportionality of its harshest institution being so normalised that it simply escapes all scrutiny.

The exceptional prisoner: Assange to stay in Belmarsh longer than the average murderer?

As well as the government guidelines, inspections and parliamentary findings, statistics also demonstrate that Assange could be singled out for exceptional treatment.

Non category A prisoners are usually moved from Belmarsh within months. Its [2018 inspection report](#) shows that out of 769 prisoners (over age 21), only 120 were still there after 1 year. Of this, only 6 were unsentenced (on remand), while no unsentenced prisoners were left there after 2 years.

Similarly, the [2015 inspection report](#) shows that out of 808 men, only 112 (over 21) remained there after 1 year, of whom only 8 were unsentenced. Only one unsentenced prisoner was still there after 2 years. There is no indication whether any of those unsentenced were unconvicted, a category of remand that now applies to Assange, under provisions of the Extradition Act 1989 and the Backing of Warrants (Republic of Ireland) Act of 1965.

It becomes clear that Belmarsh is neither equipped nor suitable for containing non Category A prisoners for long periods of time, particularly unsentenced prisoners. The 2018 [report](#) makes the point that even dangerous criminals should not be kept at Belmarsh for extended periods of time (indicated as more than a year):

“Belmarsh was not set up to manage indeterminate sentenced prisoners for a long-term period.”

Baraitser's ruling means that Assange will not be released from prison while he fights extradition to the US, but will be kept inside as a person facing extradition, until he either wins his case or is extradited to the US. However, it has been [pointed out](#) by Assange's legal team that this case may take many years to resolve.

Does this mean that Assange could spend years languishing in a category A prison, an *unconvicted* prisoner who poses no danger to the public, while some of the most dangerous and violent criminals in the country pass through its corridors? Should Assange be kept in Belmarsh, this is likely to be the case. In a press conference this week, John Shipton explained that his son's fight against extradition to the US could take up to five years, should it go all the way to the European Court of Human Rights. *Watch:*

Healthcare isolation a ready-made narrative

While already under intense restrictions that have denied him basic access to justice and human rights, Assange is also subjected to the harsh regime of isolation resulting from his imprisonment as an in-patient in the healthcare unit. Healthcare units provide another

means for isolating an individual – in the same way security can be used to justify denying prisoners their rights. Isolation in prison healthcare is widely recognised as a real problem, as pointed out in the prison service instructions on faith and pastoral care [published](#) by the government:

“A member of the Chaplaincy Team must visit prisoners in the Health Care Centre daily. Not only is this a statutory requirement but it recognises that prisoners located in Health Care can often feel isolated or depressed. They are normally removed from the routine of prison life and excluded from accessing many activities.”

In-patient units are complex and difficult environments. They can justify seclusion as a preventative measure, for example in the event of infectious disease. But this is only part of the story. The 2018 Belmarsh inspection [report carried out by the Independent Monitoring Board](#) highlights that in-patients are routinely left in their cell as a consequence of the many demands around the volatile and fragile ‘mental health in-patients’ and this is compounded by a lack of staff:

“Of concern for the Board remains the high volume of mental health in-patients, multi-unlock and constant watch patients. By way of example, each constant watch patient requires one dedicated member of staff to watch them. The additional care these patients require affects the regime of those in Healthcare and other areas of the prison when staff have to be mobilised there to provide support.”

And so isolation is presented as routine in the prison healthcare system, explained by understaffing, and as health and safety issues. The situation described above is an unsatisfactory state of affairs in itself, but does not explain the level of isolation Assange is experiencing inside Belmarsh healthcare unit. It was recently [reported](#) by one of Assange’s visitors, Felicity Ruby, that there appears to be a regime of planned separation:

“He explains that he is transported in and out of his cell, where he is kept for twenty-two hours a day under so-called ‘controlled moves’, meaning the prison is locked down and hallways are cleared.”

Belmarsh would no doubt attempt to provide some safety or procedure narrative to justify this, but Assange’s isolation has been consistent and continuous for a long period of time. In August, John Pilger [revealed](#) that Assange was not allowed to fraternise with other inmates during apparent periods of association:

“They seem to be imposing a regime – that must be punitive – on him of isolation. He’s in the health wing – what they call the health wing – of Belmarsh prison, but he’s in a single cell and he told me that ‘I see people walking by and I’d like to talk to them but I can’t’. Category A prisoners, murderers, and others who have committed serious crimes are allowed to fraternize. Julian is not allowed to fraternize. He’s not even allowed to telephone his American lawyers...”

More recently, in a separate interview, John Shipton, [explained](#) that Assange is allowed to

attend Catholic mass, otherwise he would never see other inmates. It is important to note that the [practice of religion is a human right](#); it is not the same as association, and it is [carried out](#) under a controlled system.

The constant pattern of treatment must surely indicate a regime has been imposed to restrict Assange's interaction with other prisoners as much as possible, while the one concession of worship shields authorities from further public controversy. This is where the administrative processes of Belmarsh provide an indirect public relations function.

Not a convicted prisoner serving his sentence, but an unconvicted prisoner who is innocent

No longer a serving prisoner, Assange's prisoner rights and 'privileges' have changed. As a person facing extradition, he is entitled to conditions shown in [Prison Service Order 4600](#). These are a few of the special rights given to unconvicted prisoners:

- Have supplied at his/her own expense, books, newspapers, writing materials and other means of occupation.
- Have items for cell activities and hobbies handed in by relatives or friends, as well as to purchase them from private cash or pay.
- Carry out business activities
- Wear his/her own clothing, unless considered inappropriate or unsuitable.
- Be attended by his own registered medical practitioner or dentist, at his own expense.
- Receive as many visits as he/she wishes, within reasonable limits. Unconvicted prisoners are entitled to receive as many visits as they wish (there is a [minimum requirement in Prison Service policy](#) for establishments to provide three hour-long visits a week).

The charity [Prisoners' Advice Service](#) also point out that unconvicted prisoners are entitled to spend more cash each week.

[Evidence](#) shows prisoners on remand very often are not given the things they can have for various reasons. It is reasonable to anticipate restrictions will be placed on Assange's ability to have what he is fully entitled to, and that public pressure will need to play a role in achieving it. However, it is also worth remembering that Belmarsh has gone out of its way to accommodate certain high-profile prisoners, and has shown very publicly it can ensure prisoner rights and entitlements are respected. On leaving Belmarsh on Friday 13th September, the day Assange was denied release from prison, Tommy Robinson (real name Stephen Yaxley-Lennon), founder of the English Defence League, walked out of Belmarsh prison [saying](#) he did not have a "*negative thing*" to say about the governor. Robinson was convicted for breaching [contempt of court laws](#) for streaming the trial of a sex trafficking [grooming gang](#) on Facebook Live outside Leeds Court in 2018. His time in Belmarsh was documented by a man named Ezra Levant, head of the Canada-based media outlet [The Rebel Media](#). In each report put out, Robinson was reported to have praised the governor for his support, which included ensuring Robinson had several social visits each week, which was allowable, given he was a convicted civil prisoner.

Now that Assange is an *unconvicted* prisoner, any reasonable person would expect that he too will have prison management support in obtaining his full visiting rights, unhindered access to justice, and all other rights he is entitled to under his 'special prisoner status' as an innocent man held in Belmarsh.

Belmarsh: a symbolic salute to the US empire

So why is Julian Assange still in Belmarsh prison, held in the most oppressive circumstances, isolated, and denied basic prisoners' rights of access to justice? He is an unconvicted prisoner, he poses no threat to public safety, and his 'history of absconding' consists solely of seeking and being granted political asylum for fear of persecution by the US government pursuing him for [specious charges of espionage](#). Taking all of this into account, it's difficult to see how any honest journalist or politician can defend what both British and American governments are doing to Assange.

The way the British government has hunted Assange has been bold and ostentatious. We witnessed the [embarrassing display](#) of battalions of Metropolitan police officers in uniform, standing outside the Ecuadorian embassy for years, squandering untold public funds. And all for someone who was never charged with a crime, but whose journalistic work had embarrassed the United States.

The government's own standards show that Assange is being treated disproportionately and he cannot be allowed to stay in Belmarsh. It is possible that he could be moved to lower category prison which would certainly be beneficial provided he is given full access to his lawyers and given full prisoner entitlements: but that would still be arbitrary detention.

His incarceration in Belmarsh has become nothing more than an ostentatious 'show' designed to reinforce the narrative that this award-winning journalist is somehow a threat to the public, and to impress the neocons in Washington.

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Author Nina Cross is an independent writer and researcher, and contributor to 21WIRE. To see more of her work, visit [Nina's archive](#).

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