

IN THE WESTMINSTER MAGISTRATES' COURT

BETWEEN:

GOVERNMENT OF THE UNITED STATES OF AMERICA

Requesting State

v

JULIAN ASSANGE

Defendant

OPENING REMARKS FOR RENEWED APPLICATION TO ADJOURN

1. This is an exceptional case – a novel and unprecedented case - with obvious political and historical implications. The relevant events span ten years, and several continents. As you know , our expert evidence is that the decision to prosecute was itself influenced by the President of the US and senior administration officials.
2. In those circumstances, Mr Assange is obliged to confront the full power of the US Government. They have massive resources and a series of legal presumptions operating in their favour. He, and his lawyers , need to be able to confront the prosecution case on terms of equality of arms. **He has only this one chance** to put his case before you, the primary decision-maker, and the fate that he faces if extradited is one that puts his very life at risk.

3. Without direct access to Mr Assange himself, we cannot begin to deal with Mr Kromberg's four successive declarations, especially his two most recent declarations. As yet, we have had no direct access to Mr Assange for over a month; and no opportunity to take his instructions on those two most recent declarations and he remains locked down for twenty-three and a half hours a day.
4. There have always been great difficulties in getting access to Mr Assange to take his instructions on the case against him. Those difficulties are set out in our earlier application to adjourn - the intermittent access to Belmarsh, the difficulties of getting papers in to him to consider, and all the other difficulties set out in Gareth Peirce's statements.
5. But with the coronavirus outbreak, **the preparation of this case has gone from difficult to impossible.** There are no person to person visits. The alternative of video-link conferences are difficult to attain. Worse still, they are medically dangerous as the evidence of Dr Fluxman shows. So, if the hearing were to go ahead on May 18th, Mr Assange would be fighting a David and Goliath battle with his hands tied behind his back. The prosecution themselves accept that, to ensure a fair hearing, the safest course is to adjourn. That is the reason for this application to adjourn. Without that **we cannot even get the necessary access to prepare the case.**
6. **As to the hearing itself,** this is a special case – with unique problems and a great number of witnesses from different jurisdictions. Mr Assange needs to be present at the full hearing so that he can give us his instructions. We need to be present in the

courtroom with him. And at least some of the witnesses need to attend in person. You yourself envisaged that such a hearing might yet be possible when you gave your ruling on April 7th. Now as it turns out, **none of this will be possible by May 18th**. But, with an adjournment to September, there is a realistic prospect that we can achieve such a hearing in fairness to Mr Assange.

7. That is the background to this application. I now turn to highlight some of the matters set out in writing in the renewed application to adjourn.

Edward Fitzgerald QC
Doughty Street Chambers
24 April 2020