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TWEET RECORD

Julian Assange Extradition 2011-07-13

High Court Appeal Day 2

The Prosecution

For the Julian Assange Extradition Appeal, One Click has once again collated what we consider to be some of the best and most informative tweets coming out of the court on 13 July 2011. Not only is a quick flick through this record most informative, it will also form part of the website's documenting of this trial.

Discussed is the full panoply of this legal circus set to shred the lives of both the complainants and defendant, win or lose; the flawed law 9/11 kneejerk reaction and the baroque manoeuvrings of the CPS/Swedes prosecution barrister, Clare Montgomery, who reaches for the penis rather than the condom.

Lord Justice Thomas commented that it might be said a 'huge amount of time and publicity has been given to this which is in no-one's interest, ' and that he was 'vexed about the unwillingness of Sweden to allow Assange to be interviewed without extradition in spirit of EU co-operation'. Join the club, Lord Justice Thomas. The lack of a decision to prosecute Assange has entirely undermined the validity of the arrest. This legal circus is a massive waste of time and resources.

13 July 2011

Approx 17.00pm



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Judgement on [#Assange](#) extradition appeal could take at least 3 weeks at which another hearing will be called [#wljul](#) [#WikiLeaks](#)



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High Court judgement on Julian [#Assange](#) extradition appeal deferred to a later date [#wljul](#) [#WikiLeaks](#)



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Will [#Assange](#) still be not-so-new best friends with the plastic [#SERCO](#) ankle chain? [#wljul](#) [#WikiLeaks](#)



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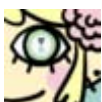
Looks like [#Assange](#) High Court extradition appeal is now winding down [#wljul](#) [#WikiLeaks](#)



[Robert Booth](#) Robert Booth

by OneClickGroup

"Prosecutor has never sought to explain why she has not engaged all other mechanisms to progress this investigation": Summers for [#Assange](#)



[m cetera](#) M

by OneClickGroup

D: DNA test is a complete red herring. There is no point here or in Sweden when there was ask for DNA before December. [#wljul](#)



[Robert Booth](#) Robert Booth

by OneClickGroup

AA who slept with [#Assange](#) "did not say at all she had been exposed to abuse, she didn't even want to go to the police" says Emmerson



[Robert Booth](#) Robert Booth

by OneClickGroup

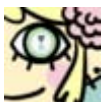
Emmerson says one complainant felt "railroaded" by police and colleagues and only wanted [#Assange](#) to get a blood test not to press charges



[eastendlady](#) barbara gunnell

by OneClickGroup

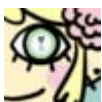
[#wljul](#) emmerson winding up -- prosecutors shouldn't have been involved SW railroaded by police --



[m_cetera](#) M

by OneClickGroup

D: SW just wanted Julian to get tested. [#wljul](#)



[m_cetera](#) M

by OneClickGroup

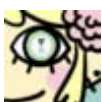
D: prosecutor reviews case, cancelled rape charge the next day. [#wljul](#)



[Robert_Booth](#) Robert Booth

by OneClickGroup

Emmerson: "The clearest possible facts have been concealed through the terminology of the warrant. That is wrong." [#Assange](#)



[m_cetera](#) M

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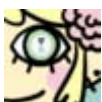
D: AA says to Brogstorm, she does not at all believe she had been subject to abuse. She was entirely happy to have him continue to stay...



[Robert_Booth](#) Robert Booth

by OneClickGroup

Emmerson restating [#Assange](#) case that the charges on the warrant are not a proper version of the claimants' allegations



[m_cetera](#) M

by OneClickGroup

D: SW woke up and consented to the sex. Therefore it is a consensual act of sex. [#wljul](#)



[Robert_Booth](#) Robert Booth

by OneClickGroup

"In single bed with a man there's a strong possibility she will come into contact with an erect penis," [#Assange](#) QC. Judge: "I agree"



[Robert Booth](#) Robert Booth

by OneClickGroup

Montgomery: "He's lying beside her in a single bed my Lord. Men will get erections involuntarily during a night's sleep."



[Robert Booth](#) Robert Booth

by OneClickGroup

The question is did she consent to him getting an erection, said Emmerson. "The question is what he does with it," said Judge Ousley



[eastendlady](#) barbara gunnell

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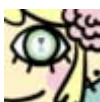
[#wljul](#) courtroom cracking up as emmerson says if woman spends night with man he will have an erection at some time



[m_cetera](#) M

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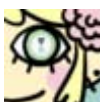
Defense: Risk that a woman in bed with a man with come into contact with an involuntary erection! (So many giggles. We're all 10.) [#wljul](#)



[m_cetera](#) M

by OneClickGroup

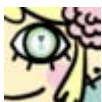
Defense making point that Assange and AA were in single bed. Could have been involuntary erection. [#wljul](#)



[m_cetera](#) M

by OneClickGroup

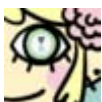
D: outside events are irrelevant? the answer is self evident. [#wljul](#)



[m_cetera](#) M

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D: new law of rape requires resonable grounds. In the sandwich period between the two consensual periods, can it bsaid that the... [#wljul](#)



[m_cetera](#) M

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D: The complatants consented immediately before and immediately after. [#wljul](#)



[Robert_Booth](#) Robert Booth

by OneClickGroup

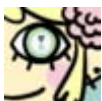
Emmerson says a little facetiuosly Montgomery posited "some very progressive and some may say desirable definitions of consent"



[m_cetera](#) M

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D: series of events led up to removal of archaic law that said a man could not rape his wife. [#wljul](#)



[m_cetera](#) M

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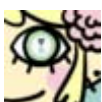
Defense finishing off strong. Good job, guys! [#wljul](#)



[eastendlady](#) barbara gunnell

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[#wljul](#) emmerson for [#assange](#) " do i need to go further.. i;m going to but do i need to " laughter



[m_cetera](#) M

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D: to isolate a single fragmentary moment in a consensual act& say it's nonconsensual, well that might be right. But how would Assange know?



[eastendlady](#) barbara gunnell

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[#wljul](#) emmerson saying wrong to isolate a single moment in time in series of consensual act and say that particular act not consensual ...



[eastendlady](#) barbara gunnell

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[#wljul](#) now back to emmerson.. laconic and almost inaudible.. 3 principles



[eastendlady](#) barbara gunnell

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[#wljul](#) judge request for yes or no answer met with long pause



[AlexiMostrous](#) Alexi Mostrous

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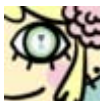
Judge asks why [#assange](#) wasn't interviewed over phone. "Why does judicial corporation not entail...sensible steps to get on with it"?



[Robert_Booth](#) Robert Booth

by *OneClickGroup*

Justice Thomas vexed about the unwillingness of Sweden to allow [#Assange](#) to be interviewed without extradition in spirit of EU co-operation"



[m_cetera](#) M

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P: no mechanism for compulsory taking DNA here and transmitting to Sweden. [#wljul](#)



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[#wljul](#) [#Assange](#) RT [@Robert_Booth](#) This is getting baroque: "assange is accused in a popular sense if not in a technical sense" says Montgomery



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And profitable RT [@eastendlady](#) [#wljul](#) perhaps quite brave of all these legal folks to perform with running commentary whizzing round world



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Prosecution & judge in [#Assange](#) extradition appeal banging on about flawed law European Arrest Warrant [#wljul](#) [#WikiLeaks](#)



[Robert Booth](#) Robert Booth

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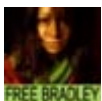
Montgomery: EU directive "deliberately does not identify any point in the process (when the warrant can be issued). It is deliberately vague"



[Robert Booth](#) Robert Booth

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Montgomery detailing the EU framework decision on arrest warrant to deny [#Assange](#) case that charge is needed first

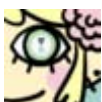


[auerfeld](#) Naomi Colvin

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Montgomery: Bingham ruled that generic offences had multiple forms in different states.

[#wljul](#)

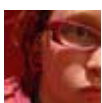


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P: Specifically states there's no requirement for dual-criminality. (Box ticking of EAW)

[#wljul](#)



[Asher Wolf](#) Asher Wolf

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RT [@sombernessunlit](#): Apologies, it is NOT vaughan smith. From upstairs sometimes you can only make up pple from heads [#wljul](#)



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[@JoshuaRozenberg](#) Lord Justice Thomas tells [#Assange](#) court that anyone else who takes picture in court may be taken to the cells by tipstaff.



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Next person to cels RT [@sombernessunlit](#) Back to hearing. Vaughan Smith told off by judges for taking photo in court earlier [#wljul](#) [#Assange](#)



[razhael](#) Raphael Satter

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Whoops, been called back from [#wljul](#) to cover [#hackgate](#) again. On my way out, Gareth Peirce tells me judgment may not be known for weeks



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High Court now breaking for munchies in [#Assange](#) extradition appeal [#wljul](#) [#WikiLeaks](#)



[Robert Booth](#) Robert Booth

by [OneClickGroup](#)

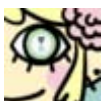
"She said he ([#Assange](#)) preferred virgins since he was he who was the first to impregnate them", Montgomery tells court



[Robert Booth](#) Robert Booth

by [OneClickGroup](#)

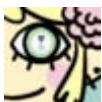
Court saying strength of [#Assange](#) charges not evidence important but it keeps coming out in an uncomfortable way for [#Assange](#)



[m cetera](#) M

by [OneClickGroup](#)

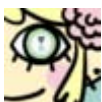
P: you analyze that bit of action and say it is a crime. You don't go on to analyze the whole situation thereafter. [#wljul](#)



[m_cetera](#) M

by OneClickGroup

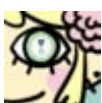
P: SW complaining not about consensual act but criminal beginning. [#wljul](#)



[m_cetera](#) M

by OneClickGroup

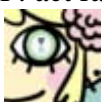
P: therefore it is doubly clear that SW was not consenting. She may have later consented to it. But that doesn't not make intial... [#wljul](#)



[m_cetera](#) M

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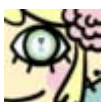
P: act rape. [#wljul](#)



[m_cetera](#) M

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P: evidence is absolutely clear that SW had been penetrated whilst asleep. also in a way which she said she did not consent to. [#wljul](#)



[m_cetera](#) M

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Charge 3. P: very simple. Even though A consented to sharing a bed, doesn't mean she consented to Assange's advances. [#wljul](#)



[AlexiMostrous](#) Alexi Mostrous

by OneClickGroup

[#assange](#) judge tells Montgomery: "To say there's a translation problem is simply absurd"



[eastendlady](#) barbara gunnell

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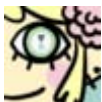
[#wljul](#) [#assange](#) -- montgomery losing on argt that translation on condom bad... judge cross...



[AlexiMostrous](#) Alexi Mostrous

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Judge Ousely: "its important for dual criminality that [#assange](#) tore condom and it wasn't one that gave up the ghost in the middle of act"



[m_cetera](#) M

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Now on to charge 2 (destruction of condom). [#wljul](#)



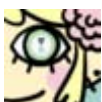
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Dare one say plenty of limp dicks to hand amongst the judiciary or is that prosecution contempt? [#wljul](#) [#WikiLeaks](#) [#Assange](#)



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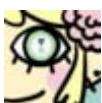
Prosecutor Clare Montgomery QC reaching for a penis in [#Assange](#) extradition appeal? Who've had thought it? Lol! [#wljul](#) [#WikiLeaks](#)



[m_cetera](#) M

by OneClickGroup

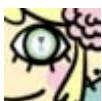
Lol. Montgomery said reaching for a penis instead of reaching for a condom. I need to stop being 10 years old. [#wljul](#)



[m_cetera](#) M

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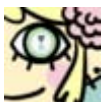
P: She is saying I am not consenting to this. And Assange knew it. (Really?!?) [#wljul](#)



[m_cetera](#) M

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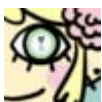
J: what you're (prosecution) saying is even though A consented afterward, does not change the short instance before. [#wljul](#)



[m_cetera](#) M

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J: that charge stops when he let's go of her arms. [#wljul](#)

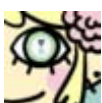


[m_cetera](#) M

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P: in any event it is perfectly clear that the charge relates to A having positive nonconsent.

[#wljul](#)



[m_cetera](#) M

by OneClickGroup

J: it's not said that they didn't enter into that position (Assange on top of A) consensually.

[#wljul](#)



[AlexiMostrous](#) Alexi Mostrous

by OneClickGroup

Helena kennedy qc just arrives in court, sits next to # assange who immediately hands her a list of bullet point



[Robert_Booth](#) Robert Booth

by OneClickGroup

[#Assange](#)'s alleged rough conduct, breaking necklace and lying on top do not add up to consent, declares Montgomery



[Robert_Booth](#) Robert Booth

by OneClickGroup

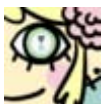
"They are describing circs which they did not freely consent without coercion. They were coerced by physical force or were trapped"



[eastendlady](#) barbara gunnell

by OneClickGroup

[#wljul](#) [#assange](#) montgomery .. she now gets graphic and crude.. hypothesising that "he roughed me up and ..."



[m_cetera](#) M

by *OneClickGroup*

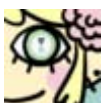
P: The words "I let him" shows submission, not consent. [#wljul](#)



[BrettMason10](#) Brett Mason

by *OneClickGroup*

Montgomery QC says there have been sufficient allegations made with probable cause for extradition to occur, regardless of intent to charge.



[m_cetera](#) M

by *OneClickGroup*

P: defense's idea of consensual sex winds back to the 17th century. [#wljul](#)



[Robert_Booth](#) Robert Booth

by *OneClickGroup*

Montgomery undermines [#Assange](#) case: "Extradition offence means the conduct complained of. It has nothing to do with the evidence."



[AlexiMostrous](#) Alexi Mostrous

by *OneClickGroup*

Montgomery: "A concrete allegation of crime has been made on probable cause...that's sufficient" for EAW - "formal charge or not" [#assange](#)



[Robert_Booth](#) Robert Booth

by *OneClickGroup*

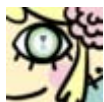
Sweden on [#Assange](#) EAW "The fact it is in the investigative phase doesn't matter. What matters is the underlying motive of the request."



[Robert_Booth](#) Robert Booth

by *OneClickGroup*

Court debating if [#Assange](#) case is sufficiently developed towards prosecution for warrant?



[m_cetera](#) M

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J: you must have an element when something turns from an accusation into a prosecution.

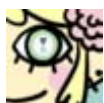
[#wljul](#)



[eastendlady](#) barbara gunnell

by OneClickGroup

[@Justice4Assange](#) upstairs is a health hazard.. mad people transvestites with 5in heels and two feet of dust.. i am now downstairs-



[m_cetera](#) M

by OneClickGroup

P: not allowing extradition in these instances would make it impossible to extradite anyone to Sweden. [#wljul](#)



[Robert_Booth](#) Robert Booth

by OneClickGroup

Judge in [#Assange](#) worried about "undermining public confidence" in EU arrest warrant regime if definition of judicial authority is too wide



[BrettMason10](#) Brett Mason

by OneClickGroup

Crucial issue is this: does the Swedish Prosecution Authority actually have the power to issue a European Arrest Warrant?



[Robert_Booth](#) Robert Booth

by OneClickGroup

Fashion flash: [#Assange](#) back to the frameless specs after the fashion debate yesterday about the geekery or otherwise of his dark frames.



[eastendlady](#) barbara gunnell

by OneClickGroup

[#wljul](#) montgomery .. starts... crossly .. defining judicial authority and intention of act.. many precedents of prosecutors issuing EAWs



[Robert_Booth](#) Robert Booth

by OneClickGroup

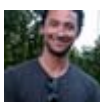
Montgomery for sweden against [#Assange](#) opening now



[razhael](#) Raphael Satter

by OneClickGroup

Emmerson running into real trouble with claim that Swedish prosecutors aren't meant to issue European arrest warrants [#wljul](#)



[AlexiMostrous](#) Alexi Mostrous

by OneClickGroup

Judge tells Emmerson QC he's "looking at this thing thru anglo-saxon eyes." "In quite a few euro states public pros is judicial authority."



[Robert_Booth](#) Robert Booth

by OneClickGroup

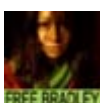
Judge in [#Assange](#): if this argument is right "it drives a substantial wedge into the application of the European arret warrant".



[eastendlady](#) barbara gunnell

by OneClickGroup

[#wljul](#) judge getting tetchy with this line of argt..he says: the role of public prosecutor in many european states is judicial authority



[auerfeld](#) Naomi Colvin

by OneClickGroup

Defence now moving on to appropriate authority for issuing an eaw [#wljul](#)



[BrettMason10](#) Brett Mason

by OneClickGroup

Mr Justice Ouseley says, essentially, [#assange](#) claims the European Arrest Warrant is being used for a purpose for which it is not designed



[AlexiMostrous](#) Alexi Mostrous

by OneClickGroup

[#assange](#) barrister sums up by asking court to find arrest warrant "valid". "INVALID" Assange corrects him.



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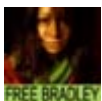
Appeal hearing: Julian [#Assange](#) Skeleton Argument [#wljul](#) [#WikiLeaks](#) bit.ly/picfDb



[JoshuaRozenberg](#) Joshua Rozenberg

by OneClickGroup

Judge offers [#Assange](#) useful argument: did Swedish authorities handle case in way that was "disproportionate" to interests of complainants?

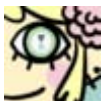


[auerfeld](#) Naomi Colvin

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Ousley: these 'absurdly protracted proceedings' cannot be in the complainants' interests.

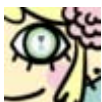
[#wljul](#)



[m_cetera](#) M

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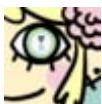
D: proportionality assessment prevents EAW from being issued when there are more proportionate paths to take. [#wljul](#)



[m_cetera](#) M

by OneClickGroup

D: proportionality assessments are needed when a EAW may be being used in a disproportionate situation. [#wljul](#)



[m_cetera](#) M

by OneClickGroup

Will try to mark speakers. D - defense, P - prosecution, J- lord judge. [#wljul](#)



[AlexiMostrous](#) Alexi Mostrous

by OneClickGroup

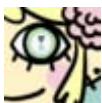
[#assange](#) lawyer: "an intention to prosecute cld be forged at v early stage but point at which it becomes legitimate is point of charge""



[BrettMason10](#) Brett Mason

by OneClickGroup

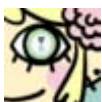
Court told [#assange](#) could be interviewed by police over telephone, but these offers were declined by Swedish Prosecution Authority



[m_cetera](#) M

by OneClickGroup

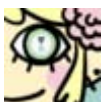
Defense: Theoretically, that could occur. [#wljul](#)



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Lord Judge: You could have a case where someone is charged, but for the purpose of interrogation, not prosecution. [#wljul](#)



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What happens when someone isn't charged; there are combined provisions meant to protect the defendant. [#wljul](#)



[tomespiner](#) tomespiner

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One of Assange's defence barristers, Mark Summers, is arguing that Assange is not 'accused', but is instead wanted for questioning



[BrettMason10](#) Brett Mason

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Lord Justice Thomas makes animated joke when Summers says he can't hear him. Shouts jokingly "excuse! me! for not speaking loudly! enough!"



[eastendlady](#) barbara gunnell

by OneClickGroup

[#wljul](#) judge now usefully shouting instead of mumbling.



[Robert Booth](#) Robert Booth

by OneClickGroup

Summers says "#Assange suspected with probable cause" in Sweden but this comes before charge and so he is not "accused" so warrant not valid



[AlexiMostrous](#) Alexi Mostrous

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Ps that's my analysis rather than anything court / lawyers said! [#assange](#)



[AlexiMostrous](#) Alexi Mostrous

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Judges will not rule today - will reserve for a week or so. Even then permission to appeal could be granted by Supreme Court. [#wikileaks](#).



[BrettMason10](#) Brett Mason

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Summers for [#assange](#) continues evidence about European Arrest Warrant process. Expecting to hear from Montgomery QC for Sweden later this AM



[AlexiMostrous](#) Alexi Mostrous

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Made [#assange](#) hearing just in time for 10am kick-off. Straight into legal argument about when exactly swedish prosecution "starts".



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EAW wrongly inflated with accusation. [#wljul](#)



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Prosecutor Montgomery has arrived. [#wljul](#)



[Robert_Booth](#) Robert Booth

by OneClickGroup

[#Assange](#) arrives. Again no words but smiles and nods for applauding supporters

<http://yfrog.com/klp9pzej>



[OneClickGroup](#) The One Click Group

Once the [#Assange](#) appeal is concluded we will provide copy and a trial record [#wljul](#)

[#WikiLeaks](#)



[OneClickGroup](#) The One Click Group

One Click will once again be producing a Twitter overview of the proceedings today....

[#wljul](#) [#WikiLeaks](#) [#Assange](#)



[OneClickGroup](#) The One Click Group

The prosecution presentation in the High Court at the Julian [#Assange](#) extradition appeal will start at 10.00 am [#wljul](#) [#WikiLeaks](#)

Approx 9:40am 13 July