

A murderous system is being created before our very eyes says UN expert Page 4

"I am convinced that we are in serious danger of losing press freedoms" says Nils Melzer, UN Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

Follow Assange's extradition hearing coverage live at defend.wikileaks.org



War on journalism

Assange and press freedom on (show) trial

Stefania Maurizi

Investigative journalist working for the major Italian daily

Il Fatto Quotidiano

30 APRIL 2019

“I’ve known Julian Assange for 10 years. His confinement and arrest are a scandal”

“Man is least himself when he talks with his own person. Give a man a mask, and he will tell you the truth.”

This famous quote from Oscar Wilde resounded in my head when, wandering around Venice in the spring of 2013, I stumbled into a workshop famous for its Venetian masks. Wilde’s quote has been cited many times in relation to the founder of WikiLeaks, Julian Assange, to convey his intuition that hiding behind an anonymous identity helps truth-tellers in the digital age. It is the concept at the very basis of WikiLeaks’ platform, which allows whistleblowers and sources to submit secret documents anonymously.

As I entered the workshop,

which famously provided Stanley Kubrick with masks for the orgy scene in *Eyes Wide Shut*, a gorgeous Sun-like mask caught my eye. I bought it and in May 2013 took it to the Ecuadorian embassy in London, where Julian Assange was ready to mark the first year of his confinement in the embassy. He had been holed up in there since the 19th of June, 2012. A tiny building, rather depressing and dark even by London standards. Who better to bring some sun there than an Italian? In the six years and ten months he had remained confined between those four walls before his arrest, that Venetian Sun mask was the only sun Julian Assange had seen.

For the last ten years I have worked with him as a media partner for my newspaper, working on all the WikiLeaks documents. In all these years, I have only met him as a free man once, in September 2010. After that meeting, I always met with Assange confined, first under house arrest and then in the embassy.

We journalists witness great suffering on a regular basis whenever we cover natural disasters, or wars, or even meet sources in distressing predicaments. Over the last nine years, it has been sad for me to watch Julian Assange’s health seriously declining, as he spent year after year in a tiny building without even one hour a day outdoors, the hour

assured in my country to even some of the most heinous mafia killers. It has also been sad to watch him struggling with confinement. I remember how I once mentioned a nice Italian village in the Mediterranean Sea. He closed his eyes and told me he was trying to remember what it was like to be in the limitless spaces at sea.

I have known Julian for a decade, I have watched from the very start as his case has unfolded, followed and investigated it using the Freedom of Information of Act in four jurisdictions: Sweden, the United Kingdom, the United States and Australia.

In the summer of 2015, when

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Month of decentralised solidarity with Assange, whistleblowers and press freedom worldwide

Editorial

On September 7th 2020, the farcical extradition hearing of Julian Assange resumes for 3-4 weeks. If extradited to the US – where granted no “First Amendment” protection – he faces 175 years in a super-max prison. The US, the UK, aided by Ecuador, Sweden and others, are attempting to silence Assange and WikiLeaks. Their aim is to set a precedent that will globally harm the ability to publish information that governments want to keep secret, along with our collective capacity to organise and act based on that information.

The show trial of Assange heralds the intended destruction of our right to a free, independent, incisive and investigative press. The US seeks to criminalise and deter national security reporting in particular, as well as actions journalists take to protect their sources. The attempted labelling of journalism and the organising of public access to information as “conspiracy for espionage” by the US is unacceptable by democratic standards as it cripples the right of the public to know what governments do in their name.

The documents released by WikiLeaks for which Assange stands accused provide comprehensive evidence of the brutal war crimes

committed in Iraq and Afghanistan, accessible in an undeniable, authentic and searchable form. WikiLeaks operates as any investigative journalist should in the 21st century; protecting their sources and securing their communications in their exposing of government lies and corruption.

As many international experts, NGOs, lawyers, journalists and UN special rapporteurs have observed, the documents published by WikiLeaks are undoubtedly of immense interest to the public around the world. These releases have earned Assange and WikiLeaks many global distinctions and prestigious journalistic awards.

It is now time to reclaim this essential part of our collective history, by defending Assange, investigative journalists and whistleblowers worldwide.

During the weeks of the hearing and beyond, groups and individuals across the globe will be using all the creative means available offline and online to express their solidarity, denounce this parodic fraud of justice, defend Julian Assange and celebrate the protection of journalistic sources.

In many joyful and inventive ways including music, performances, occupation of the public space and wikis, and through decentralised means, we intend to remind

everyone of our collective right and duty to hold power to account by exposing governments’ secrets, their lies and crimes.

The persecution of Assange is the persecution of a free, independent press, the persecution of Truth and Justice. It is the persecution of each one of us and of our future ability to denounce and combat abuses of power.

Defending Assange means defending our Future! We stand in solidarity and organise everywhere to tell this story to the World. In London, Berlin, Mexico, Paris, Brisbane, Vienna, Oslo, Toronto, Hamburg, Washington DC, Frankfurt, Adelaide, Brussels, New York City, Rome, and elsewhere... Join us! ■

More information and inspiration about upcoming actions and events all over the globe:
challengepower.info/sept2020hearingactions



“Persecution” by Norwegian street artist AFK

Timeline of some of WikiLeaks' key document releases and some aspects of Julian Assange's persecution

This timeline is mostly from the 2010 to 2014 period covered by the US indictment and extradition request. A more exhaustive timeline can be seen at defend.wikileaks.org/timeline

2009

September

WikiLeaks releases the Minton Report, exposing a toxic waste dumping incident that affected up to 108,000 people. The UK media had been suppressed from mentioning the report or its contents since a secret gag order was issued against The Guardian newspaper on September 11, 2009. The report was commissioned through Waterson & Hicks, a UK law firm, possibly to claim client attorney privilege if it were to leak. The company concerned, Trafigura, is a giant multi-national oil and commodity trader. The Minton report assesses an incident involving Trafigura and the Ivory Coast town of Abidjan – possibly the most culpable mass contamination incident since Bhopal.

2010

April

WikiLeaks releases Collateral Murder, a classified US military video showing a helicopter gunship slaying 18 people in the Baghdad, Iraq, suburb of New Baghdad, including two Reuters journalists and their rescuers, thus documenting a war crime.

July

WikiLeaks publishes the Afghan War Logs, a collection of over 75,000 documents, revealing information on unreported killings of hundreds of civilians by coalition forces, increased Taliban attacks, and involvement by Pakistan and Iran in the insurgency.

August

During his visit to Sweden, Julian becomes the subject of sexual assault allegations. The case was investigated and the most serious allegation was immediately found to be baseless. However, the case was later re-opened by another prosecutor.

October

WikiLeaks publishes the Iraq War Logs, exposing numerous cases of torture and abuse of Iraqi prisoners by Iraqi police and soldiers, as well as proof of the US government's involvement in the deaths and maiming of more than 200,000 people in Iraq. The War Logs showed the true number of civilian deaths in Iraq and is the most detailed record of war to date.

November

WikiLeaks begins to publish Cablegate, now the Public Library of US Diplomacy (PLUSD), a growing collection of 3,326,538 diplomatic cables from 274 consulates and embassies from 1966 to 2010. PLUSD documents 50 years of US diplomatic relations across the globe, its activities, its component corporations, its allies and its enemies.

December

Following the release of the first batch of US diplomatic cables, WikiLeaks and its founder Julian Assange are denounced as "terrorists" by several politicians and media commentators. Former US vice-president Joe Biden branded Julian a "high-tech terrorist" while prominent Republican Sarah Palin called him "an anti-American operative with blood on his hands", urging his immediate capture by any means necessary. Fox News commentators called WikiLeaks a terrorist organisation, asking the US government to move immediately and aggressively against it. In an interview with CBC, Professor Tom Flanagan suggested President Obama have WikiLeaks publisher Julian Assange assassinated, saying, "Obama should put out a contract and use a drone, or something..."

December

Julian is arrested at a London police station on 7 December 2010, following a European arrest warrant from Sweden relating to sexual allegations. He appears in court the same day, saying he intends to fight his extradition to Sweden in order to avoid extradition to the US where he would be prosecuted. Julian is denied bail and remains in custody until 14 December, when he is released on house arrest.

In 2010, following WikiLeaks' publication of the Iraq and Afghan War Logs and State Department diplomatic cables, several major financial institutions, including Bank of America, VISA, MasterCard, PayPal and Western Union,

refuse to process donations to WikiLeaks, cutting off 95% of its revenue. The UN High Commissioner for Human Rights openly criticises the extra-legal financial blockade against WikiLeaks, as do the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, and the Inter-American Commission on Human Rights Special Rapporteur for Freedom of Expression.

2011

January

An email from the Vice President of private intelligence firm, Stratfor, revealed by WikiLeaks in 2012, states that the US has a "sealed indictment on Assange".

April

WikiLeaks releases the Guantanamo Files, exposing systematic and routine violations of the Geneva Conventions and abuse of 800 prisoners as young as 14 and as old as 89 at Guantanamo Bay.

2012

June

Julian seeks political asylum at the Ecuadorian Embassy in London, days after the Supreme Court rejects the last of his appeals against extradition to Sweden. Julian and supporters argue that his removal to Sweden would be followed by a potential extradition to the US, likely on Espionage Act charges, where he could face the death penalty. On 19 June 2012, Ecuadorian Foreign Minister Ricardo Patiño announces that Julian has applied for political asylum, that his government is considering the request, and that Julian is at the Ecuadorian Embassy in London.

August

Ecuador invokes international law in recognising the political persecution of Julian and grants him the status of political refugee, judging his life to be at grave risk. Ecuador's decision is backed by the Union of South American Nations countries and ALBA.

July

The Syria Files are published, providing an extraordinary insight into the Assad government through over two million emails from 680 Syrian political figures, ministries and associated companies and the regime's international security contracts.

December

A court ruling finds that the US treatment of Khaled El-Masri amounts to torture and that he had been effectively disappeared by the US and Macedonian authorities. El-Masri, a Lebanese-born German citizen, was seized in Macedonia in 2003, transferred to Kabul as part of the US "Extraordinary Rendition" program and detained for four months before being released without any charges on a roadside in Albania. He took his case to the European Court of Human Rights, using six cables released by WikiLeaks in evidence.

2013

Major trade agreements TPP, TTIP & TiSA - drafted and negotiated in secret without proper democratic oversight - are made public when WikiLeaks publishes multiple draft chapters and negotiating positions, fueling social justice and fair trade movements. The documents are published in multiple releases over 2013, 2015 and 2016. The Trans Pacific Partnership Agreement (TPP) and Transatlantic Trade and Investment Partnership (TTIP) are now stalled, while Trade in Service Agreement (TiSA) remains classified.



From the WikiLeaks archives

War Diaries

Iraq & Afghan War Diaries Explorer

WikiLeaks.org is a website which provides an easy way to search through the Iraq and Afghan War Diaries, which were made public by WikiLeaks on 22 October 2010. The documents are a set of over 391,000 reports which cover the war in Iraq from 2004 to 2009 and Afghanistan from 2004 to 2009.

From here, you can browse through all of the documents that have been released, organized by type, category, date, number of casualties, and many other properties. From any document page, clicking on the green underlined text will open a popup that links to other documents that contain those phrases, making it possible to see important search terms and connections that you might not otherwise notice.

Our hope is that this tool will be helpful to reporters and researchers who are interested in learning more about the US's war in Afghanistan and making sense of this important database. If you wish to support this work, we encourage you to make a donation to WikiLeaks.

Source code for this website is freely available on github – we welcome any contributions, improvements or suggestions.



RADIO FREE ASSANGE!

Radio Free Assange is a 24/7 radio program dedicated to ending the political persecution of Julian Assange.

Radio Free Assange is an algorithmically curated collage of sound bits found online: songs and remixes, podcasts, documentaries, speeches, protests, interviews...

It bursts with surprising soundscapes, spanning from joy to anger, in defense of uncompromising journalistic activities worldwide.

Radio Free Assange invites all people, musicians, artists, to give a voice, a song or some noise, shedding light on Assange's situation, and contribute to ongoing efforts aimed towards his liberation.

Send suggestions (including links) to radiofreeassange@protonmail.com

Tune in and take action!

*PARENTAL ADVISORY:
EXPLICIT WAR CRIMES



US efforts to jail Assange are a grave threat to a free media

Alan Rusbridger

Former editor of The Guardian

I found the WikiLeaks co-founder a troubling figure when I worked with him, but America's case would criminalise journalistic inquiry.

Do you remember the Collateral Murder video - the one that showed US air crew in Apache helicopters killing people as though playing computer games, laughing at the dead after slaughtering a dozen people, including two Iraqis working for the Reuters news agency? Do you remember how the US military had lied about what happened in that incident in July 2007 - first claiming that all the dead were insurgents, and then that the helicopters were responding to an active firefight? Neither claim was true. Do you recall that Reuters had spent three years unsuccessfully trying to obtain the video?

Fair called the resultant stories "one of the greatest journalistic scoops of the last 30 years... they have changed the way people think about how the world is run". The stories were, indeed, significant - but the relationship with Assange was fraught. We fell out, as most people eventually do with Assange. I found him mercurial, untrustworthy and dislikable: he wasn't keen on me, either. All the collaborating editors disapproved of him releasing unredacted material from the Manning trove in September 2011. Nevertheless, I find the Trump administration's use of the Espionage Act against him profoundly disturbing.

Imagine the precedent if the Trump administration gets away with this.

The Espionage Act was a panic measure enacted by Congress to clamp down on dissent or "sedition" when the US entered the First World War in 1917. In the subsequent

Assange falls into three parts - each of them attempting to criminalise things journalists regularly do as they receive and publish true information given to them by sources or whistleblowers. Assange is accused of trying to persuade a source to disclose yet more secret information. Most reporters would do the same. Then he is charged with behaviour that, on the face of it, looks like a reporter seeking to help a source protect her identity. If that's indeed what Assange was doing, good for him. Finally, he is accused of repeatedly publishing material that "could harm the national security of the US".

Whenever you read about journalists harming national security, massive alarm bells should start ringing. Think no further than Richard Nixon trying to prosecute the Pentagon Papers whistleblower, Daniel Ellsberg, for harming national security in 1971. Ellsberg, an intelligence analyst, found that the

“The Espionage Act was a panic measure enacted by Congress to clamp down on dissent or “sedition” when the US entered the First World War in 1917. In the subsequent 102 years it has never been used to prosecute a media organisation for publishing or disseminating unlawfully disclosed classified information. Nobody prosecuted under the act is permitted to offer a public interest defence.

Was it in the public interest that the world should have eventually seen the raw footage of what happened? You bet. Was it acutely embarrassing for the US military and government? Of course. Was the act of revelation espionage or journalism? You know the answer.

We have two people to thank for us knowing the truth about how those Reuters employees died, along with 10 others who ended up in the crosshairs of the laughing pilots that day: Chelsea Manning, who leaked it, and Julian Assange, who published it. But the price of their actions has been considerable. Manning spent seven years in jail for her part in releasing that video, along with a huge amount of other classified material she was able to access as an intelligence analyst in the US army. Assange has been indicted on 17 new counts of violating the Espionage Act, with the prospect that he could spend the rest of his life in prison.

As editor of the Guardian, I worked with Assange when we jointly (along with newspapers in the US and Europe) published other material Manning had leaked. Vanity

102 years it has never been used to prosecute a media organisation for publishing or disseminating unlawfully disclosed classified information. Nobody prosecuted under the act is permitted to offer a public interest defence.

Whatever Assange got up to in 2010-11, it was not espionage. Nor is he a US citizen. The criminal acts this Australian maverick allegedly committed all happened outside the US. As Joel Simon, director of the Committee to Protect Journalists, has observed: "Under this rubric, anyone anywhere in the world who publishes information that the US government deems to be classified could be prosecuted for espionage."

Imagine the precedent if the Trump administration gets away with this. Israel and India have extensive nuclear weapons programmes - each protected by ferocious domestic official secrets acts. Think of the outcry if the Netanyahu or Modi governments attempted to extradite a British or US journalist to face life in jail for writing true things about their nuclear arsenals.

The new indictment against

Vietnam war had been prosecuted on the basis of a web of lies and thought the public deserved to know. To Nixon, Ellsberg's commitment to the truth was treason. He reached for the Espionage Act.

Today Ellsberg is celebrated as a principled whistleblower - but he came close to being jailed for his courage. That the New York Times was free to publish the leaked papers was down to judges. Murray Gurfein, a federal judge, refused an injunction, saying: "The security of the nation is not at the ramparts alone. Security also lies in the value of our free institutions. A cantankerous press, an obstinate press, an ubiquitous press must be suffered by those in authority in order to preserve the even greater values of freedom of expression and the right of the people to know." Gurfein's ringing judgment was subsequently endorsed by the supreme court.

We need judges to defend free speech, because governments rarely do. When Theresa May was home secretary in 2015, the Law Commission was asked to review the British laws around official secrecy. In 2017, it

From the WikiLeaks archives Collateral Murder

5 April 2010 10:44 EST WikiLeaks has released a classified US military video depicting the indiscriminate slaying of over a dozen people in the Iraqi suburb of New Baghdad - including two Reuters news staff.

Reuters has been trying to obtain the video through the Freedom of Information Act, without success since the time of the attack. The video, shot from an Apache helicopter gun-sight, clearly shows the unprovoked slaying of a wounded Reuters employee and his rescuers. Two young children involved in the rescue were also seriously wounded.

The military did not reveal how the Reuters staff were killed, and stated that they did not know how the children were injured.

After demands by Reuters, the incident was investigated and the U.S. military concluded that the actions of the soldiers were in accordance with the law of armed conflict and its own "Rules of Engagement".

Consequently, WikiLeaks has released the classified Rules of Engagement for 2006, 2007 and 2008, revealing these rules before, during, and after the killings.

WikiLeaks has released both the original 38 minutes video and a shorter version with an initial analysis. Subtitles have been added to both versions from the radio transmissions.

WikiLeaks obtained this video as well as supporting documents from a number of military whistleblowers. WikiLeaks goes to great lengths to verify the authenticity of the information it receives. We have analyzed the information about this incident from a variety of source material. We have spoken to witnesses and journalists directly involved in the incident.

WikiLeaks wants to ensure that all the leaked information it receives gets the attention it deserves. In this particular case, some of the people killed were journalists that were simply doing their jobs: putting their lives at risk in order to report on war. Iraq is a very dangerous place for journalists: from 2003- 2009, 139 journalists were killed while doing their work.



recommended reforms that could see journalists prosecuted for simply holding secret material, never mind publishing it. The Commission also sought to deny reporters the ability to advance a public interest defence and suggested jail sentences of up to 14 years. Oh, and it suggested that the "public interest" when it came to national security should be defined by the government of the day. Leave it to Richard Nixon or Donald Trump.

Much may depend on the UK supreme court, which - subject to the home secretary's deliberations - could well end up deciding this extradition request. Assange is a problematic figure in many ways. But the attempt to lock him up under the Espionage Act is a deeply troubling move that should serve as a wake-up call to all journalists. You may not like Assange, but you're next. ■

“This is the opening shot of a new War on Journalism, and if we do not force it to a halt before the next shot is heard, this war will not be fought long on foreign shores. If a man who has never lived in the US can be forcibly delivered to its prisons for publishing truthful information, other journalists will soon join him.

Edward Snowden

“A murderous system is being created before our very eyes” says UN torture expert

An interview with Nils Melzer
UN Special Rapporteur on Torture

30 APRIL 2019

The Swedish Police constructed a story of rape

Nils Melzer, why is the UN Special Rapporteur on Torture interested in Julian Assange?

That is something that the German Foreign Ministry recently asked me as well: Is that really your core mandate? Is Assange the victim of torture?

What was your response?

The case falls into my mandate in three different ways: First, Assange published proof of systematic torture. But instead of those responsible for the torture, it is Assange who is being persecuted. Second, he himself has been ill-treated to the point that he is now exhibiting symptoms of psychological torture. And third, he is to be extradited to a country that holds people like him in prison conditions that Amnesty International has described as torture. In summary: Julian Assange uncovered torture, has been tortured himself and could be tortured to death in the United States. And a case like that isn't supposed to be part of my area of responsibility? Beyond that, the case is of symbolic importance and affects every citizen of a democratic country.

Why didn't you take up the case much earlier?

Imagine a dark room. Suddenly, someone shines a light on the elephant in the room - on war criminals, on corruption. Assange is the man with the spotlight. The governments are briefly in shock, but then they turn the spotlight around with accusations of rape. It is a classic manoeuvre when it comes to manipulating public opinion. The elephant once again disappears into the darkness, behind the spotlight. And Assange becomes the focus of attention instead, and we start talking about whether Assange is skateboarding in the embassy or whether he is feeding his cat correctly. Suddenly, we all know that he is a rapist, a hacker, a spy and a narcissist. But the abuses and war crimes he uncovered fade into the darkness. I also lost my focus, despite my professional experience, which should have led me to be more vigilant.

Let's start at the beginning: What led you to take up the case?

In December 2018, I was asked by his lawyers to intervene. I initially declined. I was overloaded with other petitions and wasn't really familiar with the case. My impression, largely influenced by the media, was also coloured by the prejudice that Julian Assange was somehow guilty and

that he wanted to manipulate me. In March 2019, his lawyers approached me for a second time because indications were mounting that Assange would soon be expelled from the Ecuadorian Embassy. They sent me a few key documents and a summary of the case and I figured that my professional integrity demanded that I at least take a look at the material.

And then?

It quickly became clear to me that something was wrong. That there was a contradiction that made no sense to me with my extensive legal experience: Why would a person be subject to nine years of a preliminary investigation for rape without charges ever having been filed?

Is that unusual?

I have never seen a comparable case. Anyone can trigger a preliminary investigation against anyone else by simply going to the police and accusing the other person of a crime. The Swedish authorities, though, were never interested in testimony from Assange. They intentionally left him in limbo. Just imagine being accused of rape for nine-and-a-half years by an entire state apparatus and by the media without ever being given the chance to defend yourself because no charges had ever been filed.

You say that the Swedish authorities were never interested in testimony from Assange.

But the media and government agencies have painted a completely different picture over the years: Julian Assange, they say, fled the Swedish judiciary in order to avoid being held accountable.

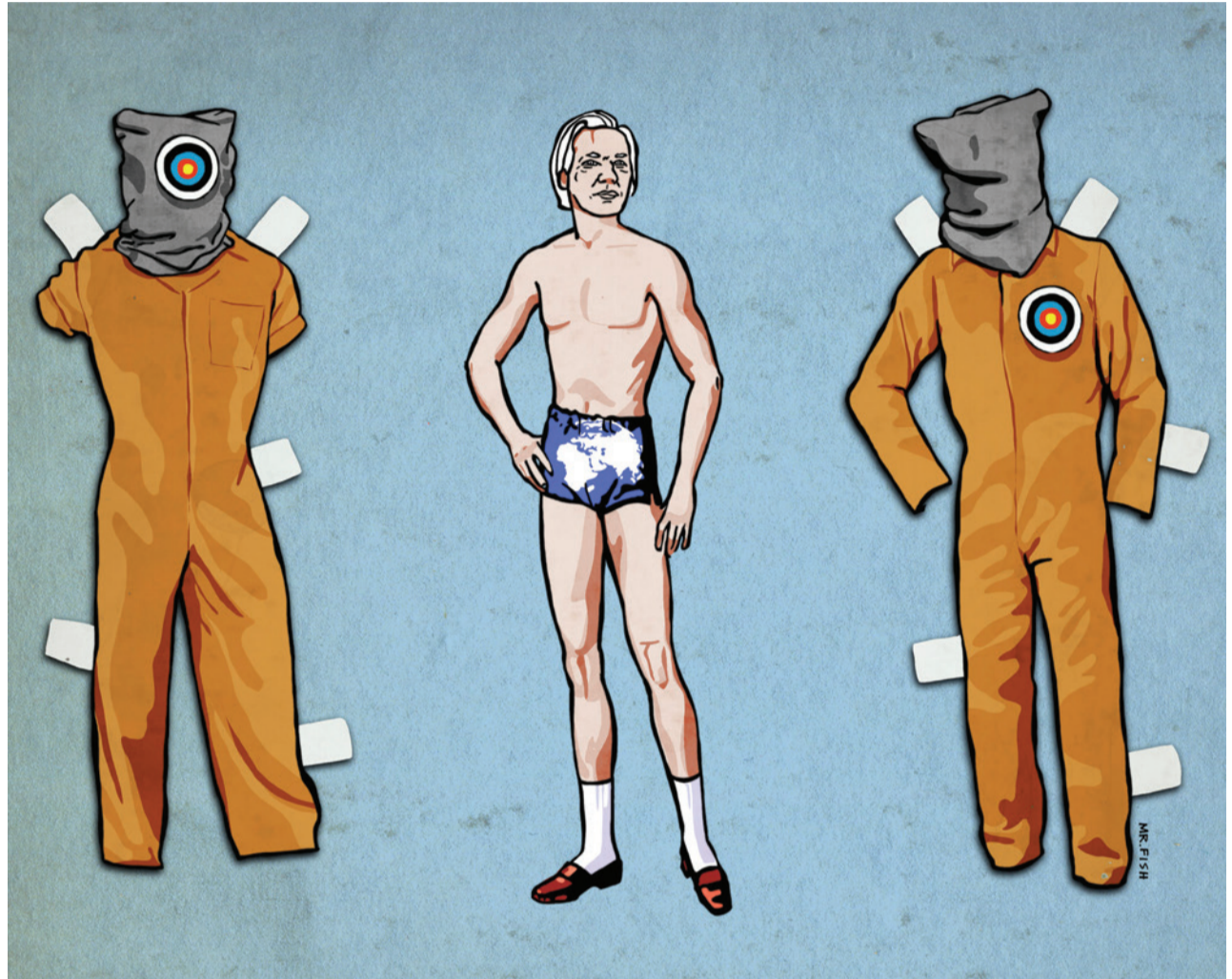
That's what I always thought, until I started investigating. The opposite is true. Assange reported to the Swedish authorities on several occasions because he wanted to respond to the accusations. But the authorities stonewalled.

What do you mean by that: “The authorities stonewalled?”

Allow me to start at the beginning. I speak fluent Swedish and was thus able to read all of the original documents. I could hardly believe my eyes: According to the testimony of the woman in question, a rape had never even taken place at all. And not only that: The woman's testimony was later changed by the Stockholm police without her involvement in order to somehow make it sound like a possible rape. I have all the documents in my possession, the emails, the text messages.

“The woman's testimony was later changed by the police” - how exactly?

On Aug. 20, 2010, a woman named S.W. entered a Stockholm police station together with a second woman named A.A. The first woman, S.W. said she had had consensual sex



“ Let's see where we will be in 20 years if Assange is convicted what you will still be able to write then as a journalist. I am convinced that we are in serious danger of losing press freedoms

with Julian Assange, but he had not been wearing a condom. She said she was now concerned that she could be infected with HIV and wanted to know if she could force Assange to take an HIV test. She said she was really worried. The police wrote down her statement and immediately informed public prosecutors. Even before questioning could be completed, S.W. was informed that Assange would be arrested on suspicion of rape. S.W. was shocked and refused to continue with questioning. While still in the police station, she wrote a text message to a friend saying that she didn't want to incriminate Assange, that she just wanted him to take an HIV test, but the police were apparently interested in “getting their hands on him”.

What does that mean?

S.W. never accused Julian Assange of rape. She declined to participate in further questioning and went home. Nevertheless, two hours later, a headline appeared on the front page of Expressen, a Swedish tabloid, saying

that Julian Assange was suspected of having committed two rapes.

Two rapes?

Yes, because there was the second woman, A.A. She didn't want to press charges either; she had merely accompanied S.W. to the police station. She wasn't even questioned that day. She later said that Assange had sexually harassed her. I can't say, of course, whether that is true or not. I can only point to the order of events: A woman walks into a police station. She doesn't want to file a complaint but wants to demand an HIV test. The police then decide that this could be a case of rape and a matter for public prosecutors. The woman refuses to go along with that version of events and then goes home and writes a friend that it wasn't her intention, but the police want to “get their hands on” Assange. Two hours later, the case is in the newspaper. As we know today, public prosecutors leaked it to the press - and they did so without even inviting Assange to make a statement. And the second

woman, who had allegedly been raped according to the Aug. 20 headline, was only questioned on Aug. 21.

What did the second woman say when she was questioned?

She said that she had made her apartment available to Assange, who was in Sweden for a conference. A small, one-room apartment. When Assange was in the apartment, she came home earlier than planned, but told him it was no problem and that the two of them could sleep in the same bed. That night, they had consensual sex, with a condom. But she said that during sex, Assange had intentionally broken the condom. If that is true, then it is, of course, a sexual offence - so-called “stealthings”. But the woman also said that she only later noticed that the condom was broken. That is a contradiction that should absolutely have been clarified. If I don't notice it, then I cannot know if the other intentionally broke it. Not a single trace of DNA from Assange or A.A. could be detected in the condom that was submitted as evidence.

How did the two women know each other?

They didn't really know each other. A.A., who was hosting Assange and was serving as his press secretary, had met S.W. at an event where S.W. was wearing a pink cashmere sweater. She apparently knew from Assange that he was interested in a sexual encounter with S.W., because one evening, she received a text message from an acquaintance saying

that he knew Assange was staying with her and that he, the acquaintance, would like to contact Assange. A.A. answered: Assange is apparently sleeping at the moment with the “cashmere girl”. The next morning, S.W. spoke with A.A. on the phone and said that she, too, had slept with Assange and was now concerned about having become infected with HIV. This concern was apparently a real one, because S.W. even went to a clinic for consultation. A.A. then suggested: Let’s go to the police - they can force Assange to get an HIV test. The two women, though, didn’t go to the closest police station, but to one quite far away where a friend of A.A.’s works as a policewoman - who then questioned S.W., initially in the presence of A.A., which isn’t proper practice. Up to this point, though, the only problem was at most a lack of professionalism. The wilful malevolence of the authorities only became apparent when they immediately disseminated the suspicion of rape via the tabloid press,

and did so without questioning A.A. and in contradiction to the statement given by S.W. It also violated a clear ban in Swedish law against releasing the names of alleged victims or perpetrators in sexual offence cases. The case now came to the attention of the chief public prosecutor in the capital city and she suspended the rape investigation some days later with the assessment that while the statements from S.W. were credible, there was no evidence that a crime had been committed.

But then the case really took off. Why?

Now the supervisor of the policewoman who had conducted the questioning wrote her an email telling her to rewrite the statement from S.W.

What did the policewoman change?

We don’t know, because the first statement was directly written over in the computer program and no longer exists. We only know that the

original statement, according to the chief public prosecutor, apparently did not contain any indication that a crime had been committed. In the edited form it says that the two had had sex several times - consensual and with a condom. But in the morning, according to the revised statement, the woman woke up because he tried to penetrate her without a condom. She asks: “Are you wearing a condom?” He says: “No.” Then she says: “You better not have HIV” and allows him to continue. The statement was edited without the involvement of the woman in question and it wasn’t signed by her. It is a manipulated piece of evidence out of which the Swedish authorities then constructed a story of rape.

Why would the Swedish authorities do something like that?

The timing is decisive: In late July, WikiLeaks - in cooperation with the New York Times, The Guardian and Der Spiegel - published the Afghan War Diary. It was one of the largest leaks in the history of the U.S. military. The U.S. immediately demanded that its allies inundate Assange with criminal cases. We aren’t familiar with all of the correspondence, but Stratfor, a security consultancy that works for the U.S. government, advised American officials apparently to deluge Assange with all kinds of criminal cases for the next 25 years.

Assange contacts the Swedish judiciary several times to make a statement but he is turned down

Why didn’t Assange turn himself into the police at the time?

He did. I mentioned that earlier.

Then please elaborate.

Assange learned about the rape allegations from the press. He established contact with the police so he could make a statement. Despite the scandal having reached the public, he was only allowed to do so nine days later, after the accusation that he had raped S.W. was no longer being pursued. But proceedings related to the sexual harassment of A.A. were ongoing. On Aug. 30, 2010, Assange appeared at the police station to make a statement. He was questioned by the same policeman who had since ordered that revision of the statement had been given by S.W. At the beginning of the conversation, Assange said he was ready to make a statement, but added that he didn’t want to read about his statement again in the press. That is his right, and he was given assurances it would be granted. But that same evening, everything was in the newspapers again. It could only have come from the authorities because nobody else was present during his questioning. The intention was very clearly that of besmirching his name.

Where did the story come from that Assange was seeking to avoid Swedish justice officials?

This version was manufactured, but it is not consistent with the facts. Had he been trying to hide, he would not have appeared at the police station of his own free will. On the basis of the revised statement from S.W., an appeal was filed against the public prosecutor’s attempt to suspend the investigation, and on Sept. 2, 2010, the rape proceedings were resumed. A legal representative by the name of

Claes Borgström was appointed to the two women at public cost. The man was a law firm partner to the previous justice minister, Thomas Bodström, under whose supervision Swedish security personnel had seized two men who the U.S. found suspicious in the middle of Stockholm. The men were seized without any kind of legal proceedings and then handed over to the CIA, who proceeded to torture them. That shows the trans-Atlantic backdrop to this affair more clearly. After the resumption of the rape investigation, Assange repeatedly indicated through his lawyer that he wished to respond to the accusations. The public prosecutor responsible kept delaying. On one occasion, it didn’t fit with the public prosecutor’s schedule, on another, the police official responsible was sick. Three weeks later, his lawyer finally wrote that Assange really had to go to Berlin for a conference and asked if he was allowed to leave the country. The public prosecutor’s office gave him written permission to leave Sweden for short periods of time.

And then?

The point is: On the day that Julian Assange left Sweden, at a point in time when it wasn’t clear if he was leaving for a short time or a long time, a warrant was issued for his arrest. He flew with Scandinavian Airlines from Stockholm to Berlin. During the flight, his laptops disappeared from his checked baggage. When he arrived in Berlin, Lufthansa requested an investigation from SAS, but the airline apparently declined to provide any information at all.

Why?

That is exactly the problem. In this case, things are constantly happening that shouldn’t actually be possible unless you look at them from a different angle. Assange, in any case, continued onward to London, but did not seek to hide from the judiciary. Via his Swedish lawyer, he offered public prosecutors several possible dates for questioning in Sweden - this correspondence exists. Then, the following happened: Assange caught wind of the fact that a secret criminal case had been opened against him in the U.S. At the time, it was not confirmed by the U.S., but today we know that it was true. As of that moment, Assange’s lawyer began saying that his client was prepared to testify in Sweden, but he demanded diplomatic assurance that Sweden would not extradite him to the U.S.

Was that even a realistic scenario?

Absolutely. Some years previously, as I already mentioned, Swedish security personnel had handed over two asylum applicants, both of whom were registered in Sweden, to the CIA without any legal proceedings. The abuse already started at the Stockholm airport, where they were mistreated, drugged and flown to Egypt, where they were tortured. We don’t know if they were the only such cases. But we are aware of these cases because the men survived. Both later filed complaints with UN human rights agencies and won their case. Sweden was forced to pay each of them half a million dollars in damages.

Did Sweden agree to the demands submitted by Assange?

The lawyers say that during the nearly seven years in which Assange lived in the Ecuadorian Embassy, they made over 30 offers to arrange for Assange to visit Sweden - in exchange for a

guarantee that he would not be extradited to the U.S. The Swedes declined to provide such a guarantee by arguing that the U.S. had not made a formal request for extradition.

What is your view of the demand made by Assange’s lawyers?

Such diplomatic assurances are a routine international practice. People request assurances that they won’t be extradited to places where there is a danger of serious human rights violations, completely irrespective of whether an extradition request has been filed by the country in question or not. It is a political procedure, not a legal one. Here’s an example: Say France demands that Switzerland extradite a Kazakh businessman who lives in Switzerland but who is wanted by both France and Kazakhstan on tax fraud allegations. Switzerland sees no danger of torture in France, but does believe such a danger exists in Kazakhstan. So, Switzerland tells France: We’ll extradite the man to you, but we

“ It has been an abuse of judicial processes aimed at pushing a person into a position where he is unable to defend himself

want a diplomatic assurance that he won’t be extradited onward to Kazakhstan. The French response is not: “Kazakhstan hasn’t even filed a request!” Rather, they would, of course, grant such an assurance. The arguments coming from Sweden were tenuous at best. That is one part of it. The other, and I say this on the strength of all of my experience behind the scenes of standard international practice: If a country refuses to provide such a diplomatic assurance, then all doubts about the good intentions of the country in question are justified. Why shouldn’t Sweden provide such assurances? From a legal perspective, after all, the U.S. has absolutely nothing to do with Swedish sex offence proceedings.

Why didn’t Sweden want to offer such an assurance?

You just have to look at how the case was run: For Sweden, it was never about the interests of the two women. Even after his request for assurances that he would not be extradited, Assange still wanted to testify. He said: If you cannot guarantee that I won’t be extradited, then I am willing to be questioned in London or via video link.

But is it normal, or even legally acceptable, for Swedish authorities to travel to a different country for such an interrogation?

That is a further indication that Sweden was never interested in finding the truth. For exactly these kinds of judiciary issues, there is a cooperation treaty between the United Kingdom and Sweden, which foresees that Swedish officials can travel to the UK, or vice versa, to

Continued over



“ Prosecuting Julian Assange for acts often associated with publishing news of public importance – including sensitive or classified information – has potential to open a dangerous precedent for every news organisation. The Trump administration’s open hostility to ‘mainstream media’ has contributed to an increasingly dangerous environment for investigative journalism worldwide.

Human Rights Watch

“A murderous system is being created before our very eyes” says UN torture expert

Continued from page 5

conduct interrogations or that such questioning can take place via video link. During the period of time in question, such questioning between Sweden and England took place in 44 other cases. It was only in Julian Assange's case that Sweden insisted that it was essential for him to appear in person.

When the highest Swedish court finally forced public prosecutors in Stockholm to either file charges or suspend the case, the British authorities demanded “Don't get cold feet”

Why was that?

There is only a single explanation for everything - for the refusal to grant diplomatic assurances, for the refusal to question him in London: They wanted to apprehend him so they could extradite him to the U.S. The number of breaches of law that accumulated in Sweden within just a few weeks during the preliminary criminal investigation is simply grotesque. The state assigned a legal adviser to the women who told them that the criminal interpretation of what they experienced was up to the state, and no longer up to them. When their legal adviser was asked about contradictions between the women's testimony and the narrative adhered to by public officials, the legal adviser said, in reference to the women: “ah, but they're not lawyers.” But for five long years the Swedish prosecution avoids questioning Assange regarding the purported rape, until his lawyers finally petitioned Sweden's Supreme Court to force the public prosecution to either press charges or close the case. When the Swedes told the UK that they may be forced to abandon the case, the British wrote back, worriedly: “Don't you dare get cold feet!!”

Are you serious?

Yes, the British, or more specifically the Crown Prosecution Service, wanted to prevent Sweden from abandoning the case at all costs. Though really, the English should have been happy that they would no longer have to spend millions in taxpayer money to keep the Ecuadorian Embassy under constant surveillance to prevent Assange's escape.

Why were the British so eager to prevent the Swedes from closing the case?

We have to stop believing that there was really an interest in leading an investigation into a sexual offence. What WikiLeaks did is a threat to the political elite in the U.S., Britain, France and Russia in equal measure. WikiLeaks publishes secret state information - they are opposed to classification. And in a world, even in so-called mature democracies,

where secrecy has become rampant, that is seen as a fundamental threat. Assange made it clear that countries are no longer interested today in legitimate confidentiality, but in the suppression of important information about corruption and crimes. Take the archetypal WikiLeaks case from the leaks supplied by Chelsea Manning: The so-called “Collateral Murder” video. (Eds. Note: On April 5, 2010, WikiLeaks published a classified video from the U.S. military which showed the murder of several people in Baghdad by U.S. sol-

horrifying thing about this case is the lawlessness that has developed: The powerful can kill without fear of punishment and journalism is transformed into espionage. It is becoming a crime to tell the truth.

What awaits Assange once he is extradited?

He will not receive a trial consistent with the rule of law. That's another reason why his extradition shouldn't be allowed. Assange will receive a trial-by-jury in Alexandria, Virginia - the notorious “Espionage Court”

“ If we no longer know what our governments are doing and the criteria they are following, if crimes are no longer being investigated, then it represents a grave danger to societal integrity

diers, including two employees of the news agency Reuters.) As a long-time legal adviser to the International Committee of the Red Cross and delegate in war zones, I can tell you: The video undoubtedly documents a war crime. A helicopter crew simply mowed down a bunch of people. It could even be that one or two of these people was carrying a weapon, but injured people were intentionally targeted. That is a war crime. “He's wounded,” you can hear one American saying. “I'm firing.” And then they laugh. Then a van drives up to save the wounded. The driver has two children with him. You can hear the soldiers say: Well it's their fault for bringing their kids into a battle. And then they open fire. The father and the wounded are immediately killed, though the children survive with serious injuries. Through the publication of the video, we became direct witnesses to a criminal, unconscionable massacre.

What should a constitutional democracy do in such a situation?

A constitutional democracy would probably investigate Chelsea Manning for violating official secrecy because she passed the video along to Assange. But it certainly wouldn't go after Assange, because he published the video in the public interest, consistent with the practices of classic investigative journalism. More than anything, though, a constitutional democracy would investigate and punish the war criminals. These soldiers belong behind bars. But no criminal investigation was launched into a single one of them. Instead, the man who informed the public is locked away in pre-extradition detention in London and is facing a possible sentence in the U.S. of up to 175 years in prison. That is a completely absurd sentence. By comparison: The main war criminals in the Yugoslavia tribunal received sentences of 45 years. One-hundred-seventy-five years in prison in conditions that have been found to be inhumane by the UN Special Rapporteur and by Amnesty International. But the really

where the U.S. tries all national security cases. The choice of location is not by coincidence, because the jury members must be chosen in proportion to the local population, and 85 percent of Alexandria residents work in the national security community - at the CIA, the NSA, the Defence Department and the State Department. When people are tried for harming national security in front of a jury like that, the verdict is clear from the very beginning. The cases are always tried in front of the same judge behind closed doors and on the strength of classified evidence. Nobody has ever been acquitted there in a case like that. The result being that most defendants reach a settlement, in which they admit to partial guilt so as to receive a milder sentence.

You are saying that Julian Assange won't receive a fair trial in the United States?

Without doubt. For as long as employees of the American government obey the orders of their superiors, they can participate in wars of aggression, war crimes and torture knowing full well that they will never have to answer to their actions. What happened to the lessons learned in the Nuremberg Trials? I have worked long enough in conflict zones to know that mistakes happen in war. It's not always unscrupulous criminal acts. A lot of it is the result of stress, exhaustion and panic. That's why I can absolutely understand when a government says: We'll bring the truth to light and we, as a state, take full responsibility for the harm caused, but if blame cannot be directly assigned to individuals, we will not be imposing draconian punishments. But it is extremely dangerous when the truth is suppressed and criminals are not brought to justice. In the 1930s, Germany and Japan left the League of Nations. Fifteen years later, the world lay in ruins. Today, the U.S. has withdrawn from the UN Human Rights Council, and neither the “Collateral Murder” massacre nor the CIA torture following 9/11 nor the war of aggression against Iraq

have led to criminal investigations. Now, the United Kingdom is following that example. The Security and Intelligence Committee in the country's own parliament published two extensive reports in 2018 showing that Britain was much more deeply involved in the secret CIA torture program than previously believed. The committee recommended a formal investigation. The first thing that Boris Johnson did after he became prime minister was to annul that investigation.

prepared to cooperate if Ecuador handed Assange over to the U.S. At that point, the Ecuadorian Embassy began ratcheting up the pressure on Assange. They made his life difficult. But he stayed. Then Ecuador voided his amnesty and gave Britain a green light to arrest him. Because the previous government had granted him Ecuadorian citizenship, Assange's passport also had to be revoked, because the Ecuadorian constitution forbids the extradition of its own citizens. All that took place overnight and without any legal proceedings.



In the UK, violations of bail conditions are generally only punished with monetary fines or, at most, a couple of days behind bars. But Assange was given 50 weeks in a maximum-security prison without the ability to prepare his own defense

In April, Julian Assange was dragged out of the Ecuadorian Embassy by British police. What is your view of these events?

In 2017, a new government was elected in Ecuador. In response, the U.S. wrote a letter indicating they were eager to cooperate with Ecuador. There was, of course, a lot of money at stake, but there was one hurdle in the way: Julian Assange. The message was that the U.S. was

Assange had no opportunity to make a statement or have recourse to legal remedy. He was arrested by the British and taken before a British judge that same day, who convicted him of violating his bail.

What do you make of this accelerated verdict?

Assange only had 15 minutes to prepare with his lawyer. The trial itself also lasted just 15 minutes. Assange's lawyer plopped a thick file down on the table and made a formal objection to one of the judges for conflict of interest because her husband had been the subject of WikiLeaks exposures in 35 instances. But the lead judge brushed aside the concerns without examining them further. He said accusing his colleague of a conflict of interest was an affront. Assange himself only uttered one sentence during the entire proceedings: “I plead not guilty”. The judge turned to him and said: “You are a narcissist who cannot get beyond his own self-interest. I convict you for bail violation.”

If I understand you correctly: Julian Assange never had a chance from the very beginning?

That's the point. I'm not saying Julian Assange is an angel or a hero. But he doesn't have to be. We are talking about human rights and not about the rights of heroes or angels. Assange is a person, and he has the right to defend himself and to be treated in a humane manner. Regardless of what he is accused of, Assange has the right to a fair trial. But he has been deliberately denied that right - in Sweden, the U.S., Britain and Ecuador. Instead, he was left to rot for nearly seven years in limbo in a room. Then, he was suddenly dragged out and convicted within hours and without any preparation for a bail violation that consisted of him having received diplomatic asylum from another UN member state on the basis of political persecution, just as international law intends and



just as countless Chinese, Russian and other dissidents have done in Western embassies. It is obvious that what we are dealing with here is political persecution. In Britain, bail violations seldom lead to prison sentences - they are generally subject only to fines. Assange, by contrast, was sentenced in summary proceedings to 50 weeks in a maximum-security prison - clearly a disproportionate penalty that had only a single purpose: Holding Assange long enough for the U.S. to prepare their espionage case against him.

As the UN Special Rapporteur on Torture, what do you have to say about his current conditions of imprisonment?

Britain has denied Julian Assange contact with his lawyers in the U.S., where he is the subject of secret proceedings. His British lawyer has also complained that she hasn't even had sufficient access to her client to go over court documents and evidence with him. Into October, he was not allowed to have a single document from his case file with him in his cell. He was denied his fundamental right to prepare his own defense, as guaranteed by the European Convention

on Human Rights. On top of that is the almost total solitary confinement and the totally disproportionate punishment for a bail violation. As soon as he would leave his cell, the corridors were emptied to prevent him from having contact with any other inmates.

And all that because of a simple bail violation? At what point does imprisonment become torture?

Julian Assange has been intentionally psychologically tortured by Sweden, Britain, Ecuador and the U.S. First through the highly arbitrary handling of proceedings against him. The way Sweden pursued the case, with active assistance from Britain, was aimed at putting him under pressure and trapping him in the embassy. Sweden was never interested in finding the truth and helping these women, but in pushing Assange into a corner. It has been an abuse of judicial processes aimed at pushing a person into a position where he is unable to defend himself. On top of that come the surveillance measures, the insults, the indignities and the attacks by politicians from these countries, up to and including death threats. This constant abuse of state power has triggered serious stress and anxiety in Assange and has resulted in measurable cognitive and neurological harm. I visited Assange in his cell in London in May 2019 together with two experienced, widely respected doctors who are specialised in the forensic and psychological examination of torture victims. The diagnosis arrived at by the two doctors was clear: Julian Assange displays the typical symptoms of psychological torture. If he doesn't receive protection soon, a rapid deterioration of his health is likely, and death could be one outcome.

Half a year after Assange was placed in pre-extradition detention in Britain, Sweden quietly abandoned the case against him in November 2019, after nine long years. Why then?

The Swedish state spent almost a decade intentionally presenting Julian Assange to the public as a sex offender. Then, they suddenly abandoned the case against him on the strength of the same argument that the first Stockholm prosecutor used in 2010, when she initially suspended the investigation after just five days: While the woman's statement was credible, there was no proof that a crime had been committed. It is an unbelievable scandal. But the timing was no accident. On Nov. 11, an official document that I had sent to the Swedish government two months before was made public. In the document, I made a request to the Swedish government to provide explanations for around 50 points pertaining to the human rights implications of the way they were handling the case. How is it possible that the press was immediately informed despite the prohibition against doing so? How is it possible that a suspicion was made public even though the questioning hadn't yet taken place? How is it possible for you to say that a rape occurred even though the woman involved contests that version of events? On the day the document was made public, I received a paltry response from Sweden: The government has no further comment on this case.

What does that answer mean?

It is an admission of guilt.

How so?

As UN Special Rapporteur, I have been tasked by the international community of nations with looking into complaints lodged by victims of torture and, if necessary, with requesting explanations or investigations from governments. That is the daily work I do with all UN member states. From my experience, I can say that countries that act in good faith are almost always interested in supplying me with the answers I need to highlight the legality of their behavior. When a country like Sweden declines to answer questions submitted by the UN Special Rapporteur on Torture, it shows that the government is aware of the illegality of its behavior and wants to take no responsibility for its behavior. They pulled the plug and abandoned the case a week later because they knew I would not back down. When countries like Sweden allow themselves to be manipulated like that, then our democracies and our human rights face a fundamental threat.

You believe that Sweden was fully aware of what it was doing?

Yes. From my perspective, Sweden very clearly acted in bad faith. Had they acted in good faith, there would have been no reason to refuse to answer my questions. The same holds true for the British: Following my visit to Assange in May 2019, they took six months to answer me - in a single-page letter, which was primarily limited to rejecting all accusations of torture and all inconsistencies in the legal proceedings. If you're going to play games like that, then what's the point of my mandate? I am the Special Rapporteur on Torture for the United Nations. I have a mandate to ask clear questions and to demand answers. What is the legal basis for denying someone their fundamental right to defend themselves? Why is a man who is neither dangerous nor violent held in solitary confinement for several months when UN standards legally prohibit solitary confinement for periods extending beyond 15 days? None of these UN member states launched an investigation, nor did they answer my questions or even demonstrate an interest in dialogue.

A prison sentence of 175 years for investigative journalism

The precedent the USA vs. Julian Assange case could set

What does it mean when UN member states refuse to provide information to their own Special Rapporteur on Torture?

That it is a prearranged affair. A show trial is to be used to make an example of Julian Assange. The point is to intimidate other journalists. Intimidation, by the way, is one of the primary purposes for the use of torture around the world. The message to all of us is: This is what will happen to you if you emulate the WikiLeaks model. It is a model that is so dangerous because it is so simple: People who obtain sensitive information from their governments or companies transfer that information to WikiLeaks, but the whistleblower

remains anonymous. The reaction shows how great the threat is perceived to be: Four democratic countries joined forces - the U.S., Ecuador, Sweden and the UK - to leverage their power to portray one man as a monster so that he could later be burned at the stake without any outcry. The case is a huge scandal and represents the failure of Western rule of law. If Julian Assange is convicted, it will be a death sentence for freedom of the press.

What would this possible precedent mean for the future of journalism?

On a practical level, it means that you, as a journalist, must now defend yourself. Because if investigative journalism is classified as espionage and can be incriminated around the world, then censorship and tyranny will follow. A murderous system is being created before our very eyes. War crimes and torture are not being prosecuted. YouTube videos are circulating in which American soldiers brag about driving Iraqi women to suicide with systematic rape. Nobody is investigating it. At the same time, a person who exposes such things is being threatened with 175 years in prison. For an entire decade, he has been inundated with accusations that cannot be proven and are breaking him. And nobody is being held accountable. Nobody is taking responsibility. It marks an erosion of the social contract. We give countries power and delegate it to governments - but in return, they must be held accountable for how they exercise that power. If we don't demand that they be held accountable, we will lose our rights sooner or later. Humans are not democratic by their nature. Power corrupts if it is not monitored. Corruption is the result if we do not insist that power be monitored.

You're saying that the targeting of Assange threatens the very core of press freedoms.

Let's see where we will be in 20 years - if Assange is convicted - what you will still be able to write then as a journalist. I am convinced that we are in serious danger of losing press freedoms. It's already happening: Suddenly, the headquarters of ABC News in Australia was raided in connection with the "Afghan War Diary". The reason? Once again, the press uncovered misconduct by representatives of the state. In order for the division of powers to work, the state must be monitored by the press as the fourth estate. WikiLeaks is a the logical consequence of an ongoing process of expanded secrecy: If the truth can no longer be examined because everything is kept secret, if investigation reports on the U.S. government's torture policy are kept secret and when even large sections of the published summary are redacted, leaks are at some point inevitably the result. WikiLeaks is the consequence of rampant secrecy and reflects the lack of transparency in our modern political system. There are, of course, areas where secrecy can be vital. But if we no longer know what our governments are doing and the criteria they are following, if crimes are no longer being investigated, then it represents a grave danger to societal integrity.

What are the consequences?

As the UN Special Rapporteur on Torture and, before that, as a Red Cross delegate, I have seen lots of horrors and violence and have seen how quickly peaceful countries like Yugoslavia or Rwanda can transform into infernos. At the roots of such developments are always a lack of transparency and unbridled political or economic power combined with the naivete, indifference and malleability of the population. Suddenly, that which always happened to the other - unpunished torture, rape, expulsion and murder - can just as easily happen to us or our children. And nobody will care. I can promise you that. ■

“ The publication of these documents by media outlets was clearly in the public interest, and not an act of espionage. Julian Assange's contribution to journalism is undeniable.

We urge the UK government to prioritise the principles of freedom of expression and the defence of journalism in its treatment of Assange, and to act in accordance with UK law and the country's international human rights obligations.

Reporters Without Borders

Why the world needs WikiLeaks

Sarah Harrison

Journalist and former editor for WikiLeaks

17 NOVEMBER 2016

Initially published in the *New York Times*

My organisation, WikiLeaks, took a lot of heat during the run-up to the recent presidential election. We have been accused of abetting the candidacy of Donald J. Trump by publishing cryptographically authenticated information about Hillary Clinton's campaign and its influence over the Democratic National Committee, the implication being that a news organization should have withheld accurate, newsworthy information from the public.

The Obama Justice Department continues to pursue its six-year criminal investigation of WikiLeaks, the largest known of its kind, into the publishing of classified documents and articles about the wars in Iraq and Afghanistan, Guantánamo Bay and Mrs. Clinton's first year as secretary of state. According to the trial testimony of one F.B.I. agent, the investigation includes several of WikiLeaks founders, owners and managers. And last month our editor, Julian Assange, who has asylum at Ecuador's London embassy, had his internet connection severed.

I can understand the frustration, however misplaced, from Clinton supporters. But the WikiLeaks staff is committed to the mandate set by Mr. Assange, and we are not going to go away, no matter how much he is abused. That's something that Democrats, along with everyone who believes in the accountability of governments, should be happy about.

Despite the mounting legal and political pressure coming from Washington, we continue to publish valuable material, and submissions keep pouring in. There is a desperate need for our work: The world is connected by largely unaccountable networks of power that span industries and countries, political parties, corporations and institutions; WikiLeaks shines a light on these by revealing not just individual incidents, but information about entire structures of power.

While a single document might give a picture of a particular event, the best way to shed light on a whole system is to fully uncover the mechanisms around it – the hierarchy,

“ There are two contradictory myths about how we operate: on one hand, that we simply dump whatever comes to us into the public's arms and on the other, that we pick and choose material to harm our alleged political enemies

ideology, habits and economic forces that sustain it. It is the trends and details visible in the large archives we are committed to publishing that reveal the details that tell us about the nature of these structures. It is the constellations, not stars alone, that allow us to read the night sky.

There are two contradictory myths about how we operate: on one hand, that we simply dump whatever comes to us into the public's arms; and on the other, that we pick and choose material to harm our alleged political enemies.

We do neither. Yes, we believe in the integrity of source material, in the value of conserving pristine collections of documents, and we strive to make this historical record accessible to the public. We publish in full, in an uncensored and uncensorable fashion. But we also research, validate and contextualise the submissions we receive. While it can be difficult to balance the needs of the public to have timely access to large archives with individual privacy, such concerns have mostly been disingenuous.

At times we receive individual documents, but we have come to specialise in large collections. Over the last decade we have vetted, indexed and published an average of 3,000 documents per day, including over 300,000 reports covering the wars in Iraq and Afghanistan, more than two million emails from Syrian political figures and over 120,000 documents from the Saudi Arabian Ministry of Foreign Affairs. We also curate the Public Library of United States Diplomacy, the world's largest collection of diplomatic cables (nearly three million).

WikiLeaks has transformed more than 10 million documents into a unique searchable archive, not only making our website the world's largest online library for suppressed information, but also enabling

greater contextualisation through relationships across publications.

Some have accused us of being pawns of the Russian government, but this misrepresents our principles and basic operations. WikiLeaks relies on our editor's invention of a secure anonymous online submission system to protect sources' identities. This technology has become a standard for many media outlets around the world. We prefer not to know who our sources are; we do not want to, and usually do not need to. What matters to us is the authenticity of the documents.

This has always been our position and approach, whether we were publishing material about the George W. Bush administration's wars or corruption within the Democratic Party. The establishment media was happy to work with us on the former, but turned against us when it came to the latter, calling into question our intentions and those of Mr. Assange. CNN has even suggested, wrongly, that readers may have legal troubles if they download documents from our site.

While we have no institutional bias and can publish only what we receive, we are happy to publish documents about any presidential candidate, at any time, anywhere for a globally significant election.

We publish without fear or favour, bringing transparency to powerful factions and secretive institutions, not taking any sides except that of the truth. We believe in the democratization of information and the power that knowledge gives to people to further peace, accountability and self-determination.

WikiLeaks will continue publishing, enforcing transparency where secrecy is the norm. While threats against our editor are mounting, Mr. Assange is not alone, and his ideas continue to inspire us and people around the world. ■

From the WikiLeaks archives

Global Intelligence Files

On 27 February 2012, WikiLeaks began publishing The Global Intelligence Files, over five million emails from the Texas headquartered “global intelligence” company Stratfor. The emails date between July 2004 and late December 2011. They reveal the inner workings of a company that fronts as an intelligence publisher, but provides confidential intelligence services to large corporations, such as Bhopal's Dow Chemical Co., Lockheed Martin, Northrop Grumman, Raytheon and government agencies, including the US Department of Homeland Security, the US Marines and the US Defence Intelligence Agency.



The emails show Stratfor's web of informers, pay-off structure, payment laundering techniques and psychological methods. Read full press release here.



Roger Waters playing for Julian Assange outside the Home Office, London
Pastel on Paper. Framed drawing.



March for Julian Assange, Whitehall
Unframed drawing sent to Julian Assange at Belmarsh, so he could see the crowds of people fighting for him. Pastel on Paper.

Oona Hassim September 16 to October 1
Woolf Gallery, 89 Charlotte Street, Fitzrovia, London W1T 4PU

“ States must recognise, and ensure respect of, the right of journalists to protect their sources, and develop an appropriate normative, judicial and institutional framework to protect whistleblowers and whistleblowing facilitators, in line with Assembly Resolution 2300 (2019) “Improving the protection of whistleblowers all over Europe”; in this respect, consider that the detention and criminal prosecution of Mr Julian Assange sets a dangerous precedent for journalists [...]

Mr Assange's extradition to the United States must be barred and that he must be promptly released.

Council of Europe Parliamentary Assembly Resolution 2317

Assange's statement at Manning trial



Julian Assange
Founder and publisher of WikiLeaks

4 JUNE 2013
According to the choice of the editors, her first name in this 2013 text has been changed to Chelsea

Statement by Julian Assange on the first day of Chelsea Manning's trial

As I type these lines, on June 3, 2013, Private First Class Chelsea Elizabeth Manning is being tried in a sequestered room at Fort Meade, Maryland, for the alleged crime of telling the truth. The court martial of the most prominent political prisoner in modern US history has now, finally, begun.

It has been three years. Chelsea Manning, then 22 years old, was arrested in Baghdad on May 26, 2010. She was shipped to Kuwait, placed into a cage, and kept in the sweltering heat of Camp Arifjan.

"For me, I stopped keeping track," she told the court last November. "I didn't know whether night was day or day was night. And my world became very, very small. It became these cages... I remember thinking I'm going to die."

After protests from her lawyers, Chelsea Manning was then transferred to a brig at a US Marine Corps Base in Quantico, VA, where – infamously – she was subjected to cruel, inhuman and degrading treatment at the hands of her captors – a formal finding by the UN. Isolated in a tiny cell for twenty-three out of twenty-four hours a day, she was deprived of her glasses, sleep, blankets and clothes, and prevented from exercising. All of this – it has

been determined by a military judge – “punished” her before he had even stood trial.

“Chelsea’s treatment at Quantico will forever be etched, I believe, in our nation’s history, as a disgraceful moment in time” said his lawyer, David Coombs. “Not only was it stupid and counterproductive, it was criminal.”

The United States was, in theory, a nation of laws. But it is no longer a nation of laws for Chelsea Manning.

When the abuse of Chelsea Manning became a scandal reaching all the way to the President of the United States and Hillary Clinton’s spokesman resigned to register his dissent over Ms. Manning’s treatment, an attempt was made to make the problem less visible. Chelsea Manning was transferred to the Midwest Joint Regional Correctional Facility at Fort Leavenworth, Kansas.

She has waited in prison for three years for a trial – 986 days longer than the legal maximum – because for three years the prosecution has dragged its feet and obstructed the court, denied the defense access to evidence and abused official secrecy. This is simply illegal – all defendants are constitutionally entitled to a speedy trial – but the transgression has been acknowledged and then overlooked.

Against all of this, it would be tempting to look on the eventual commencement of her trial as a mercy. But that is hard to do.

We no longer need to comprehend the “Kafkaesque” through the lens of fiction or allegory. It has left the pages and lives among us, stalking our best and brightest. It is fair to call what is happening to

Chelsea Manning a “show trial”. Those invested in what is called the “US military justice system” feel obliged to defend what is going on, but the rest of us are free to describe this travesty for what it is. No serious commentator has any confidence

“Every time we witness an injustice and do not act, we train our character to be passive in its presence and thereby eventually lose all ability to defend ourselves and those we love. In a modern economy it is impossible to seal oneself off from injustice.”

Julian Assange

in a benign outcome. The pretrial hearings have comprehensively eliminated any meaningful uncertainty, inflicting pre-emptive bans on every defense argument that had any chance of success.

Chelsea Manning may not give evidence as to her stated intent (exposing war crimes and their context), nor may she present any witness or document that shows that no harm resulted from her actions. Imagine you were put on trial for murder. In Chelsea Manning’s court, you would be banned from showing that it was a matter of self-defence, because any argument or evidence as to intent is banned. You would not be able to show that the ‘victim’ is, in fact, still alive, because that would be evidence as to the lack of harm.

But of course. Did you forget whose show it is?

The government has prepared for a good show. The trial is to proceed for twelve straight weeks: a fully choreographed extravaganza, with a 141-strong cast of prosecution witnesses. The defense was denied permission to call all but a handful of witnesses. Three weeks ago, in closed session, the court actually held a rehearsal. Even experts on military law have called this unprecedented.

Chelsea Manning’s conviction is already written into the script. The commander-in-chief of the United States Armed Forces, Barack Obama, spoiled the plot for all of us when he pronounced Chelsea Manning guilty two years ago. “She broke the law,” President Obama stated, when asked on camera at a fundraiser about his position on Ms. Manning. In a civilized society, such a prejudicial statement alone would have resulted in a mistrial.

To convict Chelsea Manning, it will be necessary for the US government to conceal crucial parts of his trial. Key portions of the trial are to be conducted in secrecy: 24 prosecution witnesses will give secret testimony in closed session, permitting the judge to claim that secret evidence justifies her decision. But closed justice is no justice at all.

What cannot be shrouded in secrecy will be hidden through obfuscation. The remote situation of the courtroom, the arbitrary and discretionary restrictions on access for journalists, and the deliberate complexity and scale of the case are all designed to drive fact-hungry reporters into the arms of official military PR men, who mill around the Fort Meade press room like over-eager

the earth that has not seen light as a result. In court, in February, Chelsea Manning said that she wanted to expose injustice, and to provoke worldwide debate and reform. Chelsea Manning is accused of being a whistleblower, a good woman, who cared for others and who followed higher orders. Chelsea Manning is effectively accused of conspiracy to commit journalism.

But this is not the language the prosecution uses. The most serious charge against Chelsea Manning is that she “aided the enemy” – a capital offence that should require the greatest gravity, but here the US government laughs at the world, to breathe life into a phantom. The government argues that Chelsea Manning communicated with a media organisation, WikiLeaks, who communicated to the public. It also argues that al-Qaeda (who else) is a member of the public. Hence, it argues that Chelsea Manning communicated “indirectly” with al-Qaeda, a formally declared US “enemy”, and therefore that Chelsea Manning communicated with “the enemy”.

But what about “aiding” in that most serious charge, “aiding the enemy”? Don’t forget that this is a show trial. The court has banned any evidence of intent. The court has banned any evidence of the outcome, the lack of harm, the lack of any victim. It has ruled that the government doesn’t need to show that any “aiding” occurred and the prosecution doesn’t claim it did. The judge has stated that it is enough for the prosecution to show that al-Qaeda, like the rest of the world, reads WikiLeaks.

sales assistants. The management of Chelsea Manning’s case will not stop at the limits of the courtroom. It has already been revealed that the Pentagon is closely monitoring press coverage and social media discussions on the case.

This is not justice; never could this be justice. The verdict was ordained long ago. Its function is not to determine questions such as guilt or innocence, or truth or falsehood. It is a public relations exercise, designed to provide the government with an alibi for posterity. It is a show of wasteful vengeance; a theatrical warning to people of conscience.

The alleged act in respect of which Chelsea Manning is charged is an act of great conscience – the single most important disclosure of subjugated history, ever. There is not a political system anywhere on

“Liberty cannot be preserved without a general knowledge among the people,” wrote John Adams, “who have a right and a desire to know.”

When communicating with the press is “aiding the enemy” it is the “general knowledge among the people” itself which has become criminal. Just as Chelsea Manning is condemned, so too is that spirit of liberty in which America was founded.

In the end it is not Chelsea Manning who is on trial. Her trial ended long ago. The defendant now, and for the next 12 weeks, is the United States. A runaway military, whose misdeeds have been laid bare, and a secretive government at war with the public. They sit in the docks. We are called to serve as jurists. We must not turn away. ■

Lawyers write to PM about Assange

Lawyers for Assange

Independent international legal observers of the proceedings in the case of Julian Assange

Signed by more than 160 organisations and individuals

Open Letter to the UK Prime Minister Mr Boris Johnson, the Lord Chancellor and Secretary of State for Justice Robert Buckland QC, the Secretary of State for Foreign Affairs Dominic Raab and UK Home Secretary Priti Patel.

We write to you as legal practitioners and legal academics to express our collective concerns about the violations of Mr. Julian Assange's fundamental human, civil and political rights and the precedent his persecution is setting. We call on you to act in accordance with national and international law, human rights and the rule of law by bringing an end to the ongoing extradition proceedings and granting Mr. Assange his long overdue freedom - freedom from torture, arbitrary detention and deprivation of liberty, and political persecution.

Illegality of potential extradition to the United States

Extradition of Mr. Assange from the UK to the U.S. would be illegal on the following grounds:

1. Risk of being subjected to an unfair trial in the U.S.

Extradition would be unlawful owing to failure to ensure the protection of Mr. Assange's fundamental trial rights in the U.S. Mr. Assange faces show trial at the infamous "Espionage court" of the Eastern District of Virginia, before which no national security defendant has ever succeeded. Here, he faces secret proceedings before a jury picked from a population in which most of the individuals eligible for jury selection work for, or are connected to, the CIA, NSA, DoD or DoS. Furthermore, Mr. Assange's legal privilege, a right enshrined in Art. 8 European Convention on Human Rights (ECHR) and long recognised under English common law, was grossly violated through constant and criminal video and audio surveillance at the Ecuadorian embassy carried out by the Spanish security firm, UC Global. This surveillance was, according to witness testimony, ordered by the CIA and has triggered an investigation into the owner of UC Global, David Morales, by Spain's High Court, the Audiencia Nacional. The surveillance resulted in all of Mr. Assange's meetings and conversations being recorded, including those with his lawyers. The Council of Bar and Law Societies of Europe, which represents more than a million European lawyers, has expressed its concerns that these illegal recordings may be used - openly or secretly - in proceedings against Mr. Assange in the event of successful extradition to the U.S. The Council states that if the

The UK-US Extradition Treaty specifically prohibits extradition for political offences

information merely became known to the prosecutors, this would present an irremediable breach of Mr. Assange's fundamental rights to a fair trial under Art. 6 of the ECHR and due process under the U.S. Constitution. Furthermore, the prosecuting state obtained the totality of Mr. Assange's legal papers after their unlawful seizure in the Embassy. Upon hearing that the Government of Ecuador was planning to seize and hand over personal belongings of Mr. Assange, including documents, telephones, electronic devices, memory drives, etc. to the U.S., the UN Special Rapporteur on Privacy, Joseph Cannataci, expressed his serious concern to the Ecuadorian government and twice formally requested it to return Mr. Assange's personal effects to his lawyers, to no avail.

The UN Model Treaty on Extradition prohibits extradition if the person has not received, or would not receive, the minimum guarantees in criminal proceedings, as enshrined in Art. 14 of the International Covenant on Civil and Political Rights (ICCPR).

2. The political nature of the offence prohibits extradition.

The U.S. superseding indictment issued against Mr. Assange on the 24 June 2020 charges him with 18 counts all related solely to the 2010 publications of U.S. government documents. The publications, comprising information about the wars in Iraq and Afghanistan, U.S. diplomatic cables and Guantanamo Bay, revealed evidence of war crimes, corruption and governmental malfeasance. Charges 1-17 are brought under the Espionage Act 1917, which, in name alone, reveals the political and antiquated nature of the charges. Furthermore, the essence of the 18 charges concerns Mr. Assange's alleged intention to obtain or disclose U.S. state "secrets" in a manner that was damaging to the strategic and national security interests of the U.S. state, to the capability of its armed forces, the work of the security and intelligence services of the U.S., and to the interests of the U.S. abroad. Thus, the conduct, motivation and purpose attributed to Mr. Assange confirm the political character of the 17 charges brought under the Espionage Act ('pure political' offences) and of the hacking charge (a 'relative political' offence). In addition, several U.S. government officials have at various times ascribed motives "hostile" to the U.S. to Mr. Assange, an Australian citizen.

The UK-U.S. Extradition Treaty, which provides the very basis of the extradition request, specifically prohibits extradition for political offences in Art. 4(1).

Yet the presiding judge and prosecution wish to simply

disregard this article by referring to the Extradition Act 2003 ("EA") instead, which does not include the political offence exception. This blatantly ignores the fact that the EA is merely an enabling act that creates the minimum statutory safeguards but it does not preclude stronger protections from extradition as expressly provided in subsequently ratified treaties such as the UK-U.S. Extradition Treaty.

Furthermore, there is broad international consensus that political offences should not be the basis of extradition. This is reflected in Art. 3 of the 1957 European Convention on Extradition, Art. 3 ECHR, Art. 3(a) of the UN Model Treaty on Extradition, the Interpol Constitution and every bilateral treaty ratified by the U.S. for over a century.

3. Risk of torture or other cruel, inhuman or degrading treatment or punishment in the U.S.

The United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("the UN Rapporteur on Torture"), Professor Nils Melzer, has expressed with certainty that, if extradited to the U.S., Mr. Assange will be exposed to torture or other cruel, inhuman or degrading treatment or punishment. Similar concerns have also been raised by the UN Working Group on Arbitrary Detention, and Amnesty International has recently restated its concerns in relation to the unacceptable risk of mistreatment. The detention conditions, and the draconian punishment of 175 years, in a maximum security prison, which Mr. Assange faces under the U.S. indictment, would constitute torture or other cruel, inhuman or degrading treatment or punishment, according to the current UN Rapporteur on Torture and according to the consistently expressed opinion of his predecessor, as well as of NGOs and legal authorities. If extradited, Mr. Assange would, by the U.S. government's own admission, likely be placed under Special Administrative Measures. These measures prohibit prisoners from contact or communication with all but a few approved individuals, and any approved individuals would not be permitted to report information concerning the prisoner's treatment to the public, thereby shielding potential torture from public scrutiny and government from accountability.

Under the principle of non-refoulement, it is not permissible to extradite a person to a country in which there are substantial grounds for believing that they would be subjected to torture. This principle is enshrined in the 1951 UN Convention Relating to the Status of Refugees, specifically Art. 33(1) from which no



derogations are permitted. Also relevant are Art. 3(1) UN Declaration on Territorial Asylum 1967, Art. 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and Art. 2 of the Resolution on Asylum to Persons in Danger of Persecution, adopted by the Committee of Ministers of the Council of Europe in 1967. As an obligation arising from the prohibition of torture, the principle of non-refoulement in this area is absolute and also takes on the character of a peremptory norm of customary international law, i.e. *jus cogens*.

Mr. Assange, who was accepted as a political asylee by the Ecuadorian government owing to what have proved to have been wholly legitimate fears of political persecution and torture in the U.S., should clearly have been accorded protection of this principle, firstly by Ecuador and secondly by the UK. Ecuador violated its human rights obligations by summarily rescinding Mr. Assange's asylum in direct contradiction of the 'Latin American tradition of asylum' and the Advisory Opinion OC-25/18 of 30 May 2018 of the Inter-American Court of Human Rights affirming the principle of non-refoulement in cases of persons who have entered an embassy for protection. The entry of the Ecuadorian Embassy by UK police and the arrest of Mr. Assange were thus based on an illegal revocation of his nationality and asylum, which can only be rectified by the UK upholding its own duty to protect the principle of non-refoulement by denying extradition to the U.S.

Violations of the freedom of the press and the right to know

Counts 1-17 of the indictment under the Espionage Act violate the right to freedom of expression, the right to freedom of the press and the right to know. These counts present standard and necessary investigative journalistic practices as criminal. Such practices include indicating availability to receive information, indicating what information is of interest, encouraging the provision of information, receipt of information for

the purpose of publication, and publication of information in the public interest.

Under the charge of conspiracy to commit computer intrusion, the initial indictment criminalised also Mr. Assange's alleged attempt at helping his source to maintain their anonymity while providing the documents in question, which falls squarely under the standard journalistic practice and duty of protecting the source. In a bid to detract from this fact and re-paint Mr. Assange as a malicious hacker, the U.S. DoJ has published a new "superseding indictment" on 24 June 2020, without even lodging it with the UK court first, alleging the recruitment of, and agreement with, hackers to commit computer intrusion. The new indictment has emerged unjustifiably late in the day, is based on no new information and the testimony of two highly compromised sources.

We agree with the assessment of the Commissioner for Human Rights of the Council of Europe that "The broad and vague nature of the allegations against Julian Assange, and of the offences listed in the indictment, are troubling as many of them concern activities at the core of investigative journalism in Europe and beyond."

Extradition on the basis of the indictment would gravely endanger freedom of the press, a cornerstone of European democracies enshrined in Art. 10 ECHR.

The U.S. furthermore seemingly concedes the unconstitutionality of the charges, having stated in one of its submissions to the Court that Mr. Assange will be denied the protections of freedom of speech and the press guaranteed under the First Amendment due to his being a foreign national. Furthermore, extraditing Mr. Assange to the U.S. with the knowledge of their intended discrimination against him would make the UK an accessory in a flagrant denial of his right to non-discrimination.

The extradition to the U.S. of a publisher and journalist, for engaging in journalistic activities while in Europe, would set a very dangerous precedent for the extra-territorialisation of state secrecy laws and "would post an invitation to other states to follow suit, severely threatening the



ability of journalists, publishers and human rights organisations to safely reveal information about serious international issues.” Such concerns for journalistic freedom are echoed by the journalistic profession –over a thousand journalists signed an open letter opposing Mr. Assange’s extradition. Massimo Moratti, Amnesty International’s Deputy Europe Director has branded the U.S. government’s unrelenting pursuit of Mr. Assange as “nothing short of a full-scale assault on the right to freedom of expression” which “could have a profound impact on the public’s right to know what their government is up to.”

Furthermore the Parliamentary Assembly of the Council of Europe has stated that member States should “consider that the detention and criminal prosecution of Mr Julian Assange sets a dangerous precedent for journalists, and join the recommendation of the UN Special Rapporteur on Torture” in his call to bar the extradition and for the release from custody of Mr. Assange.

Violations of the right to be free from torture, the right to health, and the right to life

The UN Rapporteur on Torture has reported, and continues to report, on the treatment of Mr. Assange as part of his United Nations mandate. On 9 and 10 May 2019, Prof. Melzer and two medical experts specialised in examining potential victims of torture and other ill-treatment visited Mr. Assange in Her Majesty’s Prison Belmarsh (“HMP Belmarsh”). The group’s visit and assessment revealed that Mr. Assange showed “all symptoms typical for prolonged exposure to psychological torture, including extreme stress, chronic anxiety and intense psychological trauma.” The UN Rapporteur on Torture concluded “Mr. Assange has been deliberately exposed, for a period of several years, to persistent and progressively severe forms of cruel, inhuman or degrading treatment or punishment, the cumulative effects of which can only be described as

psychological torture”.

The UN Rapporteur on Torture condemned “in the strongest terms, the deliberate, concerted and sustained nature of the abuse inflicted”, and characterised the failure of the UK government and the involved governments to take measures for the protection of Mr. Assange’s human rights and dignity as “complacency at best and complicity at worst”.

The abuse includes systematic judicial persecution and violations of due process rights in all jurisdictions involved and in all related legal proceedings. It has most recently been demonstrated in the treatment of Mr. Assange during the extradition proceedings heard at Woolwich Crown Court, proceedings destined to be infamously remembered for the “glass box” to which Mr. Assange was confined as if he, an award winning journalist and a publisher, was a dangerous and violent criminal.

Mr. Assange was subjected to arbitrary detention and oppressive isolation, harassment and surveillance, while confined in the Ecuadorian embassy and continues to be so subjected as a prisoner in HMP Belmarsh. In Belmarsh, Mr. Assange has served the irregular and disproportionate sentence of 50 weeks for an alleged bail infringement. Perversely, the allegation, charge and conviction resulted from Mr. Assange legitimately seeking and being granted diplomatic asylum by the Ecuadorian government, which accepted Mr. Assange’s fear of politicised extradition to, and inhuman treatment in, the U.S., as well founded. Although Mr. Assange has now served the sentence, he remains imprisoned without conviction or legal basis for the purpose of a political, and thereby illegal, extradition to the U.S. Further, he is imprisoned amid the Coronavirus pandemic, despite the above and despite his vulnerability to the virus owing to an underlying lung condition exacerbated by years of confinement and a history of psychological torture. It is particularly worrisome that, as a result of his health and the medical circumstances, he has even been unable to participate by video-link at recent hearings, yet he has been refused bail.

UK authorities violated Mr.

Assange’s right to health while deprived of his liberty in the Ecuadorian Embassy by denying him access to urgent medical diagnosis and care. The two medical experts who accompanied the UN Special Rapporteur on Torture on his May 2019 visit to HMP Belmarsh warned that unless pressure on Mr. Assange was alleviated quickly, his state of health would enter a downward spiral potentially resulting in his death. Mr. Assange’s father, Mr. John Shipton, has reported that his son was subjected to physical torture by his being placed in a “hot box.” On 1 November 2019 the UN Rapporteur on Torture stated: “unless the UK urgently changes course and alleviates his inhumane situation, Mr. Assange’s continued exposure to arbitrariness and abuse may soon end up costing his life.” Soon after, on 22 November 2019, over 60 doctors from around the world raised concerns about the precarious state of Mr. Assange’s physical and mental health which included fears for his life, and requested his transfer to a hospital properly equipped and staffed for his diagnosis and treatment.

Furthermore, it has been revealed by the employees of UC Global, who worked at the Ecuadorian embassy, that the CIA actively discussed and considered kidnapping or poisoning Mr. Assange. This shows a shocking disregard for his right to life and the due process of law of the very government seeking his extradition.

We would like to remind the UK government:

- of its duty to protect Mr. Assange’s right to life, which is the most fundamental human right enshrined in Art. 6 of the ICCPR, Art. 2 of the ECHR and Art. 2 of the Human Rights Act (HRA);
- that the prohibition of torture is a norm of international customary law and constitutes jus cogens. The prohibition is absolute and so there may be no derogation under any circumstances, including war, public emergency or terrorist threat. It is also enshrined in Art. 5 of the Universal Declaration of Human Rights (UDHR), Arts. 7 and 10 ICCPR, CAT, and Art. 3 ECHR;
- of its unconditional obligation, under Art. 12 CAT, to ensure that its competent authorities proceed to a prompt and impartial investigation of reported torture, which it has thus far failed to undertake; and
- that it is a member State of the World Health Organization, whose Constitution states: “The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of [...] political belief [...], everyone should have access to the health services they need, when and where they need them.

We call on the UK government to take immediate action to cease the torture being inflicted upon Mr. Assange, to end his arbitrary and unlawful detention, and to permit his access to independent medical diagnosis and treatment in an appropriate hospital setting. That doctors, their previous concerns having been ignored, should have to call on governments to ‘End torture and medical neglect of Julian Assange’ in The Lancet is extremely worrying.

Violations of the right to a fair trial

We condemn the denial of Mr. Assange’s right to a fair trial before

the UK courts. This right has been denied as follows.

1. Judicial Conflicts of Interest

Senior District Judge (Magistrates’ Courts) Emma Arbuthnot, who as Chief Magistrate oversees Mr. Assange’s extradition proceedings, has been shown to have financial links to institutions and individuals whose wrongdoings have been exposed by WikiLeaks, the organisation which Mr. Assange founded. This seemingly clear conflict of interest was, however, not disclosed by the District Judge. District Judge Arbuthnot did not recuse herself and was permitted to make rulings to Mr. Assange’s detriment, despite the perceived lack of judicial impartiality and independence. District Judge (Magistrates’ Courts) Michael Snow has further exhibited bias and unprofessionalism by participating in the defamation of Mr. Assange’s character, labelling the multi-award-winning public interest publisher and Nobel Peace Prize Nominee a “narcissist who cannot get beyond his own selfish interests” in response, ironically, to Mr. Assange’s legal team raising what were patently legitimate concerns regarding bias in the proceedings.

2. Inequality of Arms

Mr. Assange has been denied time and facilities to prepare his defence in violation of the principle of equality of arms which is inherent to the presumption of innocence and the rule of law. After his arrest, the British police did not allow Mr. Assange to collect and take his belongings with him. Subsequently, Mr. Assange was deprived of his reading glasses for several weeks. Until end of June 2020 he was also denied access to a computer. While a computer has now been provided it is without internet access and read only, preventing the possibility of Mr. Assange typing any notes thus being entirely unsuitable for the preparation of his defence. Mr. Assange was furthermore denied access to the indictment itself for several weeks after it had been presented, while his access to other legal documents remains limited to this day due to the bureaucracy and lack of confidentiality involved in prison correspondence. Furthermore, despite the complexity of the case and the severity of the sentence that Mr. Assange would face if extradited to be tried in the U.S., prison authorities are failing to ensure that Mr. Assange can properly consult with his legal team and prepare for his defence, by severely restricting both the frequency and duration of his legal visits. Since mid-March 2020, Mr. Assange has altogether not been able to meet in person with his lawyers. The effects of the torture to which Mr. Assange has been subjected have further limited his ability to prepare his defence and, at times during proceedings, even to answer basic questions, such as questions about his name and date of birth. While further hearings have been delayed until September, it is unclear whether this will enable Mr. Assange the necessary time and resources to prepare his defence, since he is unable to communicate with his lawyers (due to his imprisonment during the pandemic) apart from being given limited concessions for a limited period of time, i.e. phone calls restricted to 10 minutes.

3. Denial of the defendant’s ability to properly follow proceedings and direct his legal team

Mr. Assange and his lawyers have repeatedly informed the Court of

his inability to properly follow proceedings, to consult with his lawyers confidentially and to properly instruct them in the presentation of his defence due to his being prevented from sitting with them and being confined to a bulletproof glass box. The arrangement has forced Mr. Assange to resort to waving to get the attention of the judge or the people sitting in the public gallery, in order to alert his lawyers who are seated in the courtroom with their backs to him. Although District Judge Vanessa Baraitser accepted that the decision as to whether Mr. Assange should be allowed to sit with his lawyers was within her powers, yet she refused to exercise her power in Mr. Assange’s favour, despite the prosecution having made no objection to the application. Amnesty International has expressed concerns that if adequate measures are not in place at further hearings to ensure Mr. Assange’s effective participation in, and thereby the fairness of, the proceedings would be impaired.

4. Refusal to address mistreatment of the defendant

Mr. Assange’s lawyers informed the Court that during a single day, on 22 February, prison authorities handcuffed him 11 times, placed him in 5 different cells, strip-searched him twice, and confiscated his privileged legal documents. Overseeing the proceedings, District Judge Vanessa Baraitser explicitly refused to intervene with prison authorities claiming that she has no jurisdiction over his prison conditions. This oppressive treatment has rightly been condemned by The International Bar Association’s Human Rights Institute. Co-Chair, Anne Ramberg Dr jur hc, branded it a “serious undermining of due process and the rule of law.”- Further, international psychiatrists and psychologists have cited this as further evidence of psychological torture.

We remind the UK government that the right to a fair trial is a cornerstone of democracy and the rule of law. It is a basic human right enshrined in Art. 10 UDHR, Art. 14 ICCPR, Art. 6 ECHR and Art. 6 HRA. These provisions, along with long-standing common law principles, demand a fair and public hearing before an independent and impartial tribunal, the presumption of innocence until proven guilty, the right to be informed promptly and in detail of the nature and cause of the charges, the right to be provided with adequate time and facilities for the preparation of one’s defence, and the right to have the ability to communicate with one’s counsel.

For all these reasons we respectfully request that the UK government bring an end to the U.S. extradition proceedings against Mr. Assange and ensure his immediate release from custody. ■

Download the original PDF file of the letter, with footnotes and its more than 160 signatories.



I've known Julian Assange for 10 years...

Continued from page 1

Julian Assange had already spent three years inside the embassy, I decided it was important to access the full documentation on his case to try to reconstruct it using factual information. It was at that point that I filed my comprehensive FOIA request on the Julian Assange and WikiLeaks case in four jurisdictions. I ran up against a real rubber wall, one so persistent that have been forced to sue the Swedish and British authorities.

The documents I have managed to obtain after a lengthy FOIA litigation, which is still ongoing, provide indisputable evidence of the UK's role in helping to create the legal and diplomatic quagmire which has kept Julian Assange arbitrarily detained since 2010, as established by the United Nations Working Group on Arbitrary Detention (UNWGAD.)

It was the UK Crown Prosecution Service which advised the Swedish prosecutors against the only judicial strategy that could have brought the Swedish rape investigation to a quick closure: questioning Assange in London, rather than trying to extradite him to Stockholm. It was the Crown Prosecution Service which tried to dissuade the Swedish prosecutors from dropping the case in 2013. Why did the Crown Prosecution Service act this way? And why did the Crown Prosecution Service write to their Swedish counterpart: "Please do not think that the case is being dealt with as just another extradition request"?

When I tried to dig into these facts, I discovered crucial gaps in the Crown Prosecution Service's documents and asked the Service to provide an explanation for them. Their answer was rather incredible: they replied to me and my lawyers that

they had destroyed the emails, even though the case is still ongoing, very high-profile and controversial.

The Crown Prosecution Service which destroyed the records is the very same agency in charge of handling the extradition request from the United States, as well as from Sweden, if the Swedish prosecutors reopen the case before the statute of limitations on the rape allegations expires. Will anyone demand transparency and accountability from the Crown Prosecution Service in their handling of the Assange case from the very beginning?

As I watched Scotland Yard arresting Julian Assange and pushing him inside the van, with one of the agents seemingly barely able to hold back laughter, my attention latched onto two details of the scene. One was Assange's spectral white face, drained by the chronic lack of sunlight. The other was the book of interviews with Gore Vidal he was holding, *History of The National Security State*, one of the books I had brought to the embassy to help keep his mind busy and working. I gave him Vidal's book in December 2016, after the US elections, and I knew he would have appreciated Gore Vidal's brilliant analyses of the US national security state. Julian Assange doesn't just understand technology, he also understands power.

The WikiLeaks founder is now in prison and no one knows how his fight against extradition to the US will end. His situation appears very precarious. We can only hope that after nine years of this treatment and lack of reaction from the public, the media and the public finally understand that beyond Mr. WikiLeaks, there is a human being: Julian Assange. ■

Join my fight to free Julian Assange and stop US extradition

A message from Stella Moris

My partner, the journalist and WikiLeaks founder Julian Assange, is fighting extradition to the United States and faces 175 years in prison. I and many others are joined in that fight – against extradition and his continuing imprisonment. We are appealing for your help.

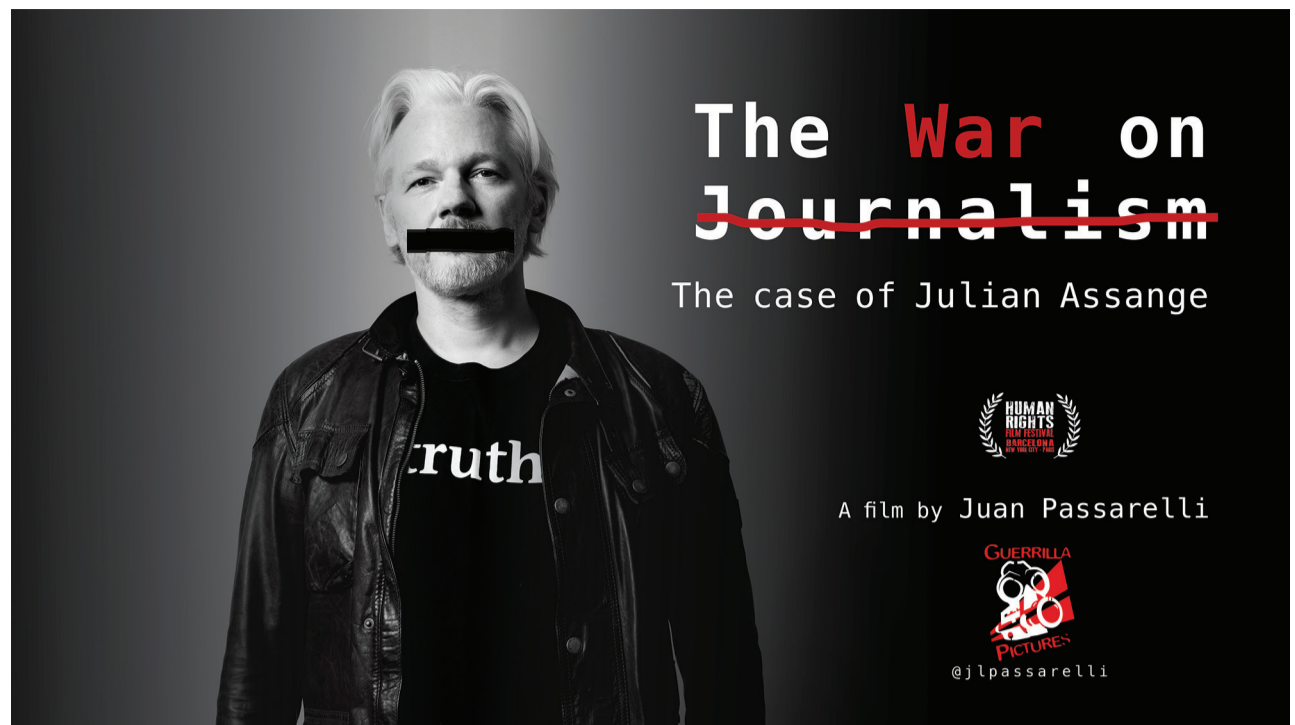
The legal costs to fight Julian's extradition have already exceeded £500,000 - and will continue to increase. We are trying to raise as much as possible to contribute to those costs. Now it is a matter of David against Goliath.

Everyone involved in the legal case is doing so at minimum remuneration or pro bono. Nevertheless, the sheer volume and range of work required, means that we need to continue to raise funds to cover the mounting costs.

You can donate at crowdjustice.com/case/julianassange



Curious eyes never run dry



Watch the new film

Journalists are under attack globally for doing their jobs. Julian Assange is facing a 175 year sentence for publishing if extradited to the United States. The Trump administration has gone from denigrating journalists as 'enemies of the people' to now criminalizing common practices in journalism that have long served the public interest.

There is a war on journalism – Julian Assange is at the centre of that war. If this precedent is set then what happens to Assange can happen to any journalist.



“Our No. 1 enemy is ignorance. And I believe that is the No. 1 enemy for everyone - it's not understanding what actually is going on in the world. It's only when you start to understand that you can make effective decisions and effective plans. Now, the question is, who is promoting ignorance? Well, those organizations that try to keep things secret, and those organizations which distort true information to make it false or misrepresentative. In this latter category, it is bad media.

Julian Assange