

UN Rapporteur on Torture's Letters to UK, Ecuador, US and Sweden

UN Special Rapporteur on Torture Nils Melzer visited Julian Assange at HMP Belmarsh on 9 May 2019, and has [written letters](#) to the governments of the [United States](#), [United Kingdom](#), [Ecuador](#) and [Sweden](#) to express that he is “gravely concerned” about Assange’s treatment and to urge the latter three governments to ensure Assange is not extradited to the United States. Melzer, who also detailed his findings about Assange’s current health and conditions, was assisted in his assessment by medical forensic expert Prof. Duarte Vieira Nuno and psychiatrist Dr. Pau Perez-Sales.

Melzer found that the cumulative effects of Assange’s treatment by the governments’ [collective persecution](#) “**clearly amount to psychological torture.**”

Above all, most concerning is the threat of extradition to the United States, where both Assange’s human rights and the media’s freedom to conduct investigative journalism are at serious risk. Melzer writes, “**I am gravely concerned that US authorities intend to make an ‘example’ of him, in order to punish him personally, but also to deter others who may be tempted to engage in similar activities as WikiLeaks or Mr. Assange.**”

Findings & Concerns

Concerns regarding current conditions of detention

The restrictive “B-type” security regime applied to Mr. Assange, including the limited frequency and duration of lawyers’ visits and the lack of access to a computer (even without internet), severely hampers his ability to adequately prepare for the multiple and complex legal proceedings that are pending against him.

Concerns regarding current state of health

From a strictly physical point of view, several aspects of Mr. Assange’s health condition and cognitive and sensory capacity have been, and still are, significantly impaired as a direct consequence of his long-term confinement in the Ecuadorian Embassy, without access to natural sunlight and adequate medical and dental care.

From a psychological perspective, Mr. Assange showed all symptoms typical for prolonged and sustained exposure to severe psychological stress, anxiety and related mental and emotional suffering in an environment highly conducive to major depressive and post-traumatic stress disorders (PTSD). Both medical experts accompanying my visit agreed that Mr. Assange is in urgent need of treatment by a psychiatrist of his own choice and confidence, whom he does not associate with the detaining authorities, and that his current condition is likely to deteriorate dramatically, with severe and long-term psychological and social sequels, in the event of prolonged exposure to significant additional stressors, such as those expected to arise in the event of his extradition to the United States or any other country refusing to provide guarantees against refoulement to the United States.

In this regard, I am alarmed at information received after my visit, that on or about 18 May 2019, Mr. Assange was moved to the health care unit within HMP Belmarsh. The reason for this transfer appears to be a serious deterioration of the medical symptoms observed during my visit, now also involving a significant loss of weight, thus confirming Mr. Assange’s continued exposure to progressively severe psychological suffering and the ongoing exacerbation of his pre-existing trauma.

Causal relation between current medical symptoms and previous treatment and conditions

Starting from August 2010, Mr. Assange has been, and currently still is, exposed to progressively severe pain and suffering, inflicted through various forms and degrees of cruel, inhuman or degrading treatment or punishment, the cumulative effects of which clearly amount to psychological torture.

Based on the known evolution of the factual circumstances impacting Mr. Assange's daily life during the past seven years, a clear and direct causal relation can be established between the serious psychological trauma and other medical symptoms observed and his well-documented prolonged exposure to the following factors:

Prolonged arbitrary confinement by the United Kingdom and Sweden:

All records available to me show that Mr. Assange voluntarily and consistently cooperated with the Swedish police and prosecutors, both during his presence in Sweden in 2010 and after he sought refuge at the Ecuadorian Embassy in June 2012, in relation to the allegations of sexual offences which had been made against him. However, there is compelling evidence that Swedish and British prosecuting authorities, through concerted actions and omissions, have deliberately created and maintained a long-term situation rendering Mr. Assange unable to travel to Sweden for additional questioning, and to comply with British bail conditions, without simultaneously having to expose himself to the materially unrelated risk of onward extradition or surrender to the United States and, thereby, to a real risk of serious violations of his human rights.

Public shaming and judicial harassment by Sweden:

For almost nine years, the Swedish authorities have consistently maintained, revived and fueled the "rape"-suspect narrative against Mr. Assange, despite the legal requirement of anonymity, despite the mandatory presumption of innocence, despite the objectively unrealistic prospect of a conviction, and despite contradicting evidence suggesting that, in reality, the complainants never intended to report a sexual offence against Mr. Assange, but that they had been pressured ("railroaded") into doing so by the Swedish police and had subsequently decided to "sell" their story to the tabloid press.

Coercive harassment and defamation by Ecuador:

After the election of the new Ecuadorian Government in 2017, the Ecuadorian authorities reportedly began to deliberately create and maintain circumstances rendering Mr. Assange's living conditions increasingly difficult and oppressive, with the apparent aim of coercing him to voluntarily leave the Embassy, or to trigger a health crisis which would justify his involuntary transfer to a hospital under British jurisdiction, where he could be arrested. Between March 2018 and April 2019, the progressively severe harassment of Mr. Assange by the Ecuadorian authorities reportedly culminated in a situation marked by excessive regulation, restriction and surveillance of Mr. Assange's communications, meetings with external visitors (including lawyers and medical doctors) and his private life; by various degrees of harassment by security guards and certain diplomatic staff; and by the public dissemination of distorted half-truths, defamations and deliberately debasing statements, including by the State leadership.

Sustained and unrestrained public mobbing, intimidation and defamation in the United States, United Kingdom, Sweden and Ecuador

consisting of a constant stream of public statements not only by the mass media and influential private individuals, but also by current or former political figures and senior officials of various branches of government, including judicial magistrates personally involved in proceedings against Mr. Assange that have ranged from deliberate ridicule,

insult and humiliation, to distorted reporting and misleading criminal accusations, and from open threats and instigation of violence, to repeated calls for his assassination or murder.

Risks in the event of direct or indirect extradition or transfer to the US

If Mr. Assange were to be extradited or otherwise surrendered to the United States, or to Sweden or any other State refusing to provide full guarantees against onward extradition or surrender to the United States, he would be exposed to a real risk of torture or other cruel, inhuman or degrading treatment or punishment.

The risks arising in the event of his extradition or surrender to the United States, whether directly from the United Kingdom (direct refoulement) or indirectly via Sweden or any other intermediary third country (indirect refoulement) and the related concerns are the following:

Concerns related to the impunity for torture in the United States:

In the recent past, the United States Government has repeatedly refused to investigate and prosecute torture and other cruel, inhuman or degrading treatment or punishment perpetrated by its officials, despite compelling and undisputed evidence, particularly in cases involving national security.

Concerns related to conditions of detention:

If extradited to the United States, I fear that Mr. Assange may be detained in a high security prison (“Supermax”) or in an institution with comparable conditions of detention and treatment, both during his trial and after his conviction.

Concerns related to psychological ill-treatment:

Severely intimidating and debasing public statements made by current and former state officials, media representatives and other influential persons in the United States suggest that, if extradited or otherwise surrendered to the United States, Mr. Assange will be exposed to an environment of public vilification, arbitrariness and judicial bias, which will be even more intense than has been the case so far.

Concerns regarding cruel, inhuman or degrading punishment:

In light of the public prejudice prevailing in the United States against Mr. Assange, and the threat which the publishing activities of WikiLeaks are perceived to present to US national security I am gravely concerned that US authorities intend to make an “example” of him, in order to punish him personally, but also to deter others who may be tempted to engage in similar activities as WikiLeaks or Mr. Assange.

Melzer's Appeals to the Governments Involved

To the United Kingdom Government

“I urgently appeal to Your Excellency’s Government not to extradite or otherwise surrender Mr. Assange to the United States, whether directly or indirectly via another State failing to provide reliable guarantees against his onward transfer to the United States. I also respectfully recommend to Your Excellency’s Government to commute the sentence imposed for bail violation or, should that prove not possible, to review and significantly adjust its implementation so as to allow Mr. Assange to regain his physical and mental health, which is acutely endangered, most notably through urgent access to a psychiatrist of his choice and confidence, and through urgent relief from his constant exposure to traumatizing psychological stress, anxiety and depression. Moreover, Mr. Assange must be enabled to adequately prepare, with the unrestricted support of his legal team, for any judicial or administrative proceeding which may be pending against him personally, or that may otherwise require his attention.”

To the Ecuadorian Government

“I urge your Excellency’s Government to cease disseminating, without delay, any news or information which may be prejudicial to Mr. Assange’s dignity and integrity, and to his rights to fair and impartial proceedings in line with the highest standards of human rights law.”

To the United States Government

“Should Mr. Assange come under the jurisdiction of the United States for any reason, I urge your Excellency’s Government to ensure that any proceedings conducted against him meet the highest human rights standards in terms of judicial and procedural guarantees, taking further into account that Mr. Assange has no duty of allegiance to the United States but benefits from the full protection of the fundamental right to freedom of expression. Moreover, I urge the United States Government to ensure that Mr. Assange not be subjected to any form of torture or cruel, inhuman or degrading treatment or punishment, including prolonged solitary confinement and other excessively harsh conditions of detention, or grossly disproportionate sanctions such as the death penalty or a life sentence without parole.”

To the Swedish Government

“Should Mr. Assange come under Swedish jurisdiction for any reason, I urge the your Excellency’s Government to refrain from expelling, returning or extraditing Mr. Assange to the United States or any other jurisdiction, until his right to asylum under refugee law or subsidiary protection under international human rights law has been determined in a transparent and impartial proceeding granting all due process and fair trial guarantees, including the right to appeal.

Furthermore, I urge all relevant Swedish authorities to cease disseminating, without delay, any news or information which may be prejudicial to Mr. Assange’s dignity and integrity, and to his rights to a fair and impartial proceeding in line with the highest standards of human rights law.”