UK and Swedish governments continue their persecution of Julian Assange

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On Friday, the United Nations issued a public statement finding that WikiLeaks founder Julian Assange has been subjected to "arbitrary detention" through the collusion of the British and Swedish governments.

The United Nations Working Group on Arbitrary Detention (UNWGAD) is an expert group, founded in 1991 with a mandate "to investigate allegations of individuals being deprived of their liberty in an arbitrary way or inconsistently with international human rights standards, and to recommend remedies such as release from detention and compensation, when appropriate."

Following the release of the UN's opinion, Assange made a statement to the media via a video feed from the Ecuadorian Embassy, where he has sought sanctuary for more than three and a half years. He said that in total he had now been detained for five and a half years: "Today that detention without charge has been found to be unlawful. I consider the outcome a vindication." The issue was "now a matter of settled law," he added.

Releasing its findings, UNWGAD explained that they "are legally-binding to the extent that they are based on binding international human rights law, such as the International Covenant on Civil and Political Rights (ICCPR)". It added, "The Opinions of the UNWGAD are also considered as authoritative by prominent international and regional judicial institutions, including the European Court of Human Rights."

In a manner that has characterised their actions from the very beginning of their witch-hunt of Assange, the UK and Swedish governments refused to abide by international law and rejected the UN's verdict. The UK Foreign Office said, "This changes nothing. We completely reject any claim that Julian Assange is a victim of arbitrary detention."

The opinion of the five-person UNWGAD panel consists of just five paragraphs, but is a devastating indictment of Assange's illegal detention, carried out by the UK and Sweden, in alliance with the United States government.

"Assange has been subjected to different forms of deprivation of liberty: initial detention in Wandsworth prison which was followed by house arrest and his confinement at the Ecuadorian Embassy," UNWGAD said. "Having concluded that there was a continuous deprivation of liberty, the Working Group also found that the detention was arbitrary because he was held in isolation during the first stage of detention and because of the lack of diligence by the Swedish Prosecutor in its investigations, which resulted in the lengthy detention of Mr. Assange."

Assange has been detained in violation of the Universal Declaration on Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). UNWGAD states that it found Assange's "detention is in violation of Articles 9 and 10 of the UDHR and Articles 7, 9(1), 9(3), 9(4), 10 and 14 of the ICCPR..."

The Working Group calls on Sweden and the UK to ensure Assange's "safety and physical integrity" and "to facilitate the exercise of his right to freedom of movement in an expedient manner, and to ensure the full enjoyment of his rights guaranteed by the international norms on detention."

The statement is based on the "Working Group's Opinion on Julian Assange's case", adopted December 4, 2015. The 18-page document represents the findings on the application submitted to them in September 2014 by Assange's legal team. The UK and Swedish governments also presented their case to UNWGAD. The conclusions of the Working Group are a crushing rebuttal of every claim made by the UK and Swedish authorities that Assange's arrest and detention was in any way conducted according to international law.

The December opinion states, "Assange has not been

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guaranteed the international norms of due process and the guarantees to a fair trial during these three different moments: the detention in isolation in Wandsworth Prison, the 550 days under house arrest, and the continuation of the deprivation of liberty in the Embassy of the Republic of Ecuador in London, United Kingdom."

It notes, "The Working Group is concerned that the only basis of the deprivation of liberty of Mr. Assange appears to be the European Arrest Warrant issued by the Swedish prosecution *based on a criminal allegation*. Until the date of the adoption of this Opinion, Mr. Assange *has never been formally indicted in Sweden* ." [emphasis added]

The opinion concludes: "Assange has been denied the opportunity to provide a statement, which is a fundamental aspect of the *audi alteram partem* principle, the access to exculpatory evidence, and thus the opportunity to defend himself against the allegations; (2) the duration of such detention is *ipso facto* incompatible with the presumption of innocence."

Friday's UNWGAD statement declares, "In that [December] opinion, the Working Group recognized that Mr. Assange is entitled to his freedom of movement and to compensation."

The UNWGAD reached its verdict by a 3-1 majority. It noted, "Given that Mr. Assange is an Australian citizen, one of the members [Ms. Leigh Toomey] of the Working Group who shares his nationality recused herself from participating in the deliberations." This was in accordance with rule 5 of its Methods of Work, the UNWGAD said.

The lone dissenting opinion was made by Vladimir Tochilovsky, a Ukrainian prosecutor. Tochilovsky claimed that Assange was not being detained, so the UNWGAD had no mandate to even hear his case. The Swedish government supported Tochilovsky's spurious opinion.

There is no doubt that the Working Group's verdict was made in the teeth of bitter opposition from the, US, UK and Swedish governments.

The former UNWGAD panel chair, the Norwegian lawyer Professor Mads Andenas, told the *Guardian* Friday, "I'm absolutely convinced that [the panel] has been put under very strong political pressure." Andenas completed his term in office last summer and was involved in earlier stages of compiling the report on Assange's detention.

Andenas supported the panel's findings in favour of Assange, adding, "This is a courageous decision which is important for the international rule of law."

The hypocrisy of the imperialist powers, which have often used the findings of the UN panel on arbitrary detentions for their own predatory purposes, is staggering. Andenas correctly observed, "If this finding had been made against any other country with a human rights record that one does not wish to compare oneself with, then these states [Sweden and UK] would have made it clear that the [offending] country should comply with the ruling of the working group."

The bitter hostility of the UK and Swedish governments, in collaboration with the Obama administration, to the rule of international law is at one with their assault on the fundamental social and democratic rights of the working class, made necessary by their pursuit of savage austerity at home and imperialist war abroad.

The UNWGAD report demolishes the pretence that the legal vendetta against Assange had anything to do with the pursuit of "justice" for his Swedish accusers. Sweden's prosecutors could have easily, with Assange's full compliance, have interviewed him at any point since his December 2010 arrest in London. That they didn't was because they wanted to ensure that he was extradited to Sweden, in order to ship him to the US where he would pay, perhaps even with his life, for what they view as his real "crime"—WikiLeaks' exposure of the heinous acts committed by the US and its allies in Iraq, Syria, Libya, Afghanistan and throughout the world.

Workers and young people in the UK, US, Sweden and internationally must work for the defeat of the efforts to silence Assange and demand his immediate freedom.

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