

UN special rapporteur on torture Nils Melzer speaks on book, *The Trial of Julian Assange*

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UN special rapporteur on torture Professor Nils Melzer gave a Q&A to the Foreign Press Association (FPA) last Friday, discussing his book, *The Trial of Julian Assange: A Story of Persecution*.

Melzer's answers provided a devastating indictment not only of the treatment of Assange, but of contemporary capitalist society and its claim to democratic rule based on "checks and balances". His efforts to secure humane and legal treatment for the WikiLeaks founder have been met with a "wall of silence. This was the untouchable case."

The special rapporteur has spoken powerfully in defence of Assange since 2019. He recalled in his introduction to the FPA briefing his initial reluctance to intervene in the WikiLeaks founder's defence. "Years of exposure to scandalous headlines and biased reporting," Melzer writes in his book, had made him dismiss a request for help from Assange's lawyers in December 2018.

After re-examining the case in March 2019 in light of the findings of the UN Working Group on Arbitrary Detention, the case history of a now totally discredited Swedish sexual assault investigation, and the medical opinions of Doctor Sondra Crosby, who found evidence for a violation of the Convention Against Torture, he decided to conduct his own investigations.

What Melzer found "really shocked me," he told the FPA conference. He concluded Assange "had been subjected to inhumane treatment" and found "massive due process violations" and facts "distorted deliberately" by the British and Swedish states and media. "The deeper I got into this case, the more dirt came to the surface. But it was not on the side of Assange, it was on the side of governments."

Having drawn these conclusions, Melzer "confronted" the governments responsible, but "all

four involved states [the US, UK, Sweden and Ecuador, who granted then revoked Assange's asylum] refused to engage in a constructive dialogue".

He found they were engaged in "a concerted effort, trying to set an example of Julian Assange to deter other journalists."

Melzer's book, "not really part of the job description" for a special rapporteur, is his response to his inability since then to secure redress for the wrongs done to Assange "through the diplomatic channels at my disposal, or by alerting the General Assembly [of the UN] or the Human Rights Council in Geneva".

The UK government's refusal to respond to Melzer's concerns beyond a single, dismissive letter he described on Friday as "profoundly shocking" and added that he has not been granted a single meeting at the ministerial level.

It is standard, Melzer explained, for him to meet with the foreign or justice minister when he intervenes in a case. But the UK has delegated meetings "downward to the administrative level" where "they cannot take any decisions... When I'm given interlocutors like this, it is a message: you're not going to change anything."

Melzer acknowledged the pressure exerted by the US on the British government but added that it was "not just about the US... [O]ther countries, they're not interested in having their dirty secrets published either. So, I don't think that this is just US pressure on those states. I think that those states are quite voluntarily cooperating with the US because they agree, they don't want this type of public transparency."

The UN and human rights experts are "instrumentalised very often," said Melzer. He pointed to the contrasting treatment of Assange and Russian dissident Alexei Navalny. "There you see the hypocrisy of official policy".

Describing the UN as “the best thing we have”, Melzer acknowledged, “It’s not a rule of law organisation. Rule of law plays as long as power politics deems it’s to its advantage. As soon as power politics goes in a different direction, the rule of law is neutralised. That’s the reality we live in today, And I think it’s a reality we have to outgrow fast if we’re to survive as a human species, given the challenges we have today.”

In seeking to raise the Assange case within the structures of the UN, Melzer explained, “I informed the Human Rights Council in my yearly meeting... I informed even the General Assembly in New York.” But “there was no reaction. I even tried to meet with the High Commissioner for Human Rights [Michelle Bachelet]. On several occasions I’ve asked, writing for a meeting, and she delegated it to a level where, again, it’s not helpful.”

The response in the media has been equally “alarming,” said Melzer. “The silence is deafening.” Citing the BBC, he told how the broadcaster released a televised interview with him when he first issued a statement on the Assange case. “The next hour, it was gone,” taken “offline, so there’s no trace of it.”

Melzer contacted the BBC to argue, “What I’m claiming is so outrageous, that either I’m wrong, and then I have to resign, or I’m right, then someone else has to resign. There is no way that an actor like the BBC can be indifferent to this... But they responded to me that ‘right now this is not newsworthy’.”

Criticising its coverage of Assange’s extradition hearings, Melzer said, “Yes they’re reporting on the court hearings, but they’re just saying, ‘the judge said this; Julian Assange said that’. They’re not really looking at what’s happening, what this is really about... The UK courts are systematically violating this person’s rights.”

Assange’s incarceration in London’s Belmarsh high security prison, for which “there is no legal basis”, not only “destroys his health” but “prevents his from preparing his case and defence properly.”

He compared the WikiLeaks founder’s treatment with that afforded the Chilean dictator, torturer and mass murderer Augusto Pinochet while he was in Britain. Pinochet “was under house arrest and he was free to receive as many visitors as he wanted and had access to the public.”

Asked what he thought of Assange’s chances of resisting extradition, Melzer said, “Unfortunately, if I look at the track record of the UK judiciary in this case, I’m not optimistic,” despite the fact that “legally speaking there is no way this extradition could ever lawfully go forward.” Critical elements of international law have been “so distorted by the UK judge” that it was “really grotesque”.

Melzer held out “hope” that the European Court would “have the integrity to apply the law as it should be,” if Assange could “somehow sustain his mental health” until such a verdict could be reached. However, he added, “the question is whether the UK would respect that ruling.”

Describing the significance of Assange’s persecution, Melzer explained it was “not just about Julian Assange as a person. Look at what he has revealed [through WikiLeaks]. These are some of the most grave crimes... War crimes are not being prosecuted. But those who expose them are being prosecuted and subjected to ill treatment, arbitrary detention and what could amount to psychological torture.”

The case is “fundamentally threatening to not only the human rights of Julian Assange but the human rights of everybody else... If the US succeeds in prosecuting this man and sending him to a supermax prison for the rest of his life, this will have an enormous chilling effect on the free press.”

His book, he concluded, has been written to “expose the facts of the case” so that people can “speak out”. He writes in its conclusion that to ignore Assange’s persecution, and work as a journalist, is “a denial of reality comparable to ignoring the fire alarm in the house of our civilization, and comes at a price which we, as a species, soon will no longer be able to afford.”



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