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List of Acronyms and Abbreviations

ACLU	American Civil Liberties Union
ATPDE	Andean Trade Promotion and Drug Eradication Act
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CD	Compact Disc
CIA	Central Intelligence Agency
CPS	Crown Prosecution Service
EAW	European Arrest Warrant
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EU	European Union
FBI	Federal Bureau of Investigation
GPS	Global Positioning System
HIV	Human Immunodeficiency Virus
HMP	Her Majesty's Prison
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IMF	International Monetary Fund
IP	Iraqi Police
NSA	National Security Agency
NSC	United States National Security Council
OPCAT	Optional Protocol to the Convention against Torture
QC	Queen's Counsel
RPG	Rocket-propelled Grenade
SAMs	Special Administrative Measures
SIGACTs	Significant Action Reports
SPA	Swedish Prosecution Authority
TBIJ	The Bureau of Investigative Journalism
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organisation

UNWGAD/WGAD	UN Working Group on Arbitrary Detention
UK	United Kingdom of Great Britain and Northern Ireland
US/USA	United States of America
USAID	United States Agency for International Development
VDPA	Vienna Declaration and Programme of Action
WMDs	Weapons of Mass Destruction

Introduction

In September 2020, hearings will resume in a British court to decide whether the founder of WikiLeaks, Julian Assange, should be extradited to the United States of America. Although the extradition request was issued in 2019, the charges against Assange, as well as the efforts to bring him in front of a US judge, is now a decade-long affair. The Australian native is being indicted for his role in the publication of thousands of classified US military documents and diplomatic communications. Specifically, he is charged with ‘obtaining’, ‘receiving’ and ‘disclosing’ classified documents that were given to WikiLeaks by US military analyst, Chelsea Manning. Assange also faces a charge for ‘conspiracy to commit computer intrusion’, a failed attempt to help Manning cover her tracks when downloading documents. From the time WikiLeaks took the world by storm in 2010 until the grand jury indictment issued against Assange in 2019, a dramatic series of events has unfolded: a struggle between one controversial figure, whose organisation transformed the paradigm of journalism in the twenty-first century; against an unlikely coalition of four different states (the United States, Sweden, Ecuador, and the United Kingdom of Great Britain and Northern Ireland) who consider the protagonist to be a criminal who must be brought to justice. The story is now at a crucial juncture. Interned in HMP Belmarsh, a high-security prison in London, Assange awaits the final hearings that will decide his fate. Based on events up to this point, Julian Assange looks destined to be extradited to the United States.

Though his name rings familiar to most ears, the reasons for Julian Assange’s emergence as a public figure and as a criminal target of the United States has largely escaped public consciousness. No sooner had WikiLeaks become headline news worldwide in the summer of 2010, than members of the political establishment in Washington were calling for retribution for perceived damage to US national security interests. Indeed, Assange would soon become the subject of a preliminary investigation and subsequent extradition battle, but in an altogether different setting. In August 2010, Swedish prosecutors announced Assange’s arrest for the alleged rape and sexual molestation of two women in Stockholm. After several weeks, during which time no charges were made, Assange left Sweden for the UK. Upon his departure however, Swedish prosecutors issued an arrest warrant for the WikiLeaks founder resulting in a protracted extradition battle in the British courts. After losing his appeal to the UK Supreme Court in 2012, and fearing Sweden would authorise his extradition to the United States, Assange sought refuge in the Ecuadorian embassy in London. Recognising the Australian’s fear of extradition to the US, where torture and ill-treatment, or even a death penalty were

conceivable, the Ecuadorian government granted asylum to Assange. He would spend almost seven years in the embassy, an impasse from which no safe alternative presented itself. This period came to an abrupt end in April 2019 when Assange was arrested and dragged from the embassy by British police. Only hours after his arrest, the United States Department of Justice unveiled an indictment against Assange and issued a request to the British government for his extradition. With the WikiLeaks founder still in prison, hearings are due to resume in September 2020 where a British judge will decide whether or not to transfer Assange from the UK to the United States.

Given the significance attributed to the case by experts from the United Nations, a detailed exploration of the Assange extradition is a justified topic of human rights research. One could be forgiven for observing the last decade as a series of isolated events in Assange's turbulent life. Since his arrest in April 2019 however, a picture emerges to make sense of a narrative that now appears to have entered its final chapter, one which draws a clear through-line from the publication of classified documents by WikiLeaks in 2010, to the current process of Assange's inevitable transfer to the US. This thesis strives to present the reader with a coherent summary of the extradition case and all its constituent elements. Thereafter, a compelling argument opposing Assange's extradition is presented through the identification of human rights violations in the case. A last objective of the thesis is the search for a meaningful explanation as to why these four states would be willing to ignore their obligations to human rights. To achieve these objectives, the following research questions were formulated:

1. Why are the United States, the United Kingdom, Sweden and Ecuador accused of human rights violations in the extradition of Julian Assange?
2. What human rights are violated by the extradition of Julian Assange to the United States of America?
3. Why is each state ignoring its obligations and duties to respect, protect and fulfil human rights?

These research questions will provide a background to the case; assess whether the extradition of Julian Assange is a violation of human rights; and finally help to situate the Assange extradition in a greater human rights context.

Chapter 1 Theoretical Framework

Prior to exploring the Julian Assange extradition case, it is necessary to first elaborate on the theoretical aspects of the research. This section provides a scholarly background to the concepts and human rights theory applied in the research.

1.1 Concepts

1.1.1 Julian Assange and WikiLeaks

The emergence of WikiLeaks in the late 2000's is viewed by McNair, Blanks-Hindman, Brevini and Bellia as a significant paradigmatic shift in journalism.¹ The media organisation was established by Julian Assange in 2006, specialising in the analysis and publication of restricted or censored documentary material relating to wars, corruption and criminal activities committed by states, corporations and other powerful entities. The organisation's anonymous submission platform provides an encrypted channel for sources to share information.² WikiLeaks and its founder came to prominent worldwide attention in 2010 with the release of hundreds of thousands of documents pertaining to the 'war on terror'. The releases had a huge impact worldwide; an unprecedented exposure of corrupt state power inflicted by a new, mysterious and uninhibited form of digital journalism. Brian McNair's description aptly summarises the impact made by the organisation on its arrival:

WikiLeaks present the most dramatic example to date of the capacity of digital communication networks to subvert the control of official information once enjoyed by political and other elites, and to shape the news agenda in ways that have the potential to seriously disrupt the exercise of power.³

The emergence of WikiLeaks prompted extensive debate about the organisation and the new territory of digital journalism and leaks. Blanks-Hindman discusses the traditionalist's view of WikiLeaks, asking if Assange's publication of classified documents without redaction crosses the lines of journalistic integrity, or if WikiLeaks lacks the values of discretion required in

¹ B. Brevini, 'WikiLeaks: Between disclosure and whistle-blowing in digital times', *Sociology Compass*, vol. 11, no. 3, 2017, pp. 1-11; B. McNair, 'WikiLeaks, journalism and the consequences of chaos', *Media International Australia*, vol. 144, no. 1, 2012, p. 77; Bellia, 'WikiLeaks and the institutional framework for national security disclosures', *Yale Law Journal*, vol. 121, no. 6, 2012, pp. 1448-1526; E. Blanks-Hindman, 'When old and new media collide: The case of WikiLeaks', *New Media & Society*, vol. 16, no. 4, 2014.

² Brevini, pp. 1-11; WikiLeaks, 'What is WikiLeaks', 3 November 2015, <https://wikileaks.org/What-is-WikiLeaks.html>, (accessed 24 July 2020).

³ McNair, p. 77.

traditional journalism.⁴ McNair's representation of WikiLeaks joins the dominant perspective on the opposing side of the argument, with WikiLeaks perceived as a force of good in promoting accountability and for strengthening democracy.⁵

Within a matter of months, debates about WikiLeaks and its role in a new dawn of digital journalism faded, while the personal fate of its founder became the focal point. Since his arrest in December 2010, Assange has been detained or imprisoned. Den Heijer focuses on Assange and WikiLeaks in the context of whether Ecuador should be able to grant Assange asylum; if the UK can legally terminate or ignore the granting of asylum; and whether Assange has a justifiable reason to be protected from potential harm caused by the United States.⁶ Later, Kampmark assesses the decision by the United Nations Working Group on Arbitrary Detention (UNWGAD or WGAD) to consider Julian Assange as arbitrarily detained, while also exploring the criticism of that decision.

During the past year, the human rights focus of the case has been heightened. The manner of Assange's forced ejection from the Ecuadorian embassy in London, the immediate issuing of an indictment against the WikiLeaks founder by the United States, and the conclusions of the UN Special Rapporteur on Torture have brought significant attention to various issues at the heart of the Assange case. Hogan, Frost, Johnson et al. write of Assange's torture and medical neglect, detailing the conditions and events that have led to his psychological torture while pressing the need for action in the global context of attacks on journalists and publishers.⁷ According to Price and Kirtley, the possible threat to press freedoms, the precedents set by potential prosecutions and about human rights in general as hanging in the balance with Assange's extradition.⁸

1.1.2 Whistle-blowers and Leakers: Assange, Manning and Snowden

The many references to leakers and whistle-blowers in this thesis can be best understood in the cases of Julian Assange, Chelsea Manning and Edward Snowden. Touchton et al. describe their actions as having 'transformed American politics by shedding light on the

⁴ Blanks Hindman, pp. 543-547.

⁵ McNair, p. 83.

⁶ M. Den Heijer, Diplomatic Asylum and the Assange Case, *Leiden Journal of International Law*, vol. 26, no. 2, 2013, pp. 339-425.

⁷ W. Hogan, S. Frost, L. Johnson et al., The ongoing torture and medical neglect of Julian Assange, *The Lancet*, vol. 396, no. 10243, 2020, pp. 22-23.

⁸ S. Price, 'WikiLeaks: Assange indictments 'the gravest attack on press freedom'', *Green Left Weekly*, no. 1223, 2019, p. 16.

inner workings of governments, parties, and corporations.’⁹ De Legasnerie describes Assange, Manning and Snowden as the most notable figures in a long struggle for civil liberties against governments since the beginning of the ‘war on terror’.¹⁰

Chelsea Manning (formerly Bradley Manning) is the source behind all of the documents released by WikiLeaks in 2010. Assigned as an intelligence analyst for the United States military in Iraq, Manning had high-level access to millions of classified documents. In January 2010, Manning downloaded documents from two military databases and copied them to a CD before travelling back to the United States on leave. After failing to pass on the documents to the Washington Post and the New York Times, Manning turned to WikiLeaks. Upon her return to Iraq in February 2010, Manning downloaded more classified documents to pass on to Assange’s organisation.¹¹ Soon after WikiLeaks began to release the documents, Manning was arrested and brought back to the US where she was charged for violations of the 1917 Espionage Act and sentenced to 35 years in prison.¹² In 2017, Manning was released after her sentence was commuted by President Barack Obama in one of his last acts before leaving office. However, she was sent back to prison for a further year in 2019 for refusing to testify in a grand jury investigation into WikiLeaks.¹³

Where Manning’s documents uncovered the military and diplomatic machinations of the ‘war on terror’, Edward Snowden’s leaking of National Security Agency (NSA) documents revealed the spying and mass surveillance operated by the US. These leaks show how the NSA carries out enormous data-gathering and communication interceptions on people all over the world. Of the mass surveillance programme, de Legasnerie states:

Anyone at all, the world over, is now exposed to the watchful eye of power: e-mails, telephone calls, and exchanges on social networks could be – or have long been – archived, collected, and examined by intelligence services, police agencies, and others.¹⁴

⁹ M.R. Touchton, C.A. Klostad, J.P. West, J.E. Uscinski, ‘Whistleblowing or leaking? Public opinion toward Assange, Manning, and Snowden’, *Research and Politics*, vol. 7, no. 1, 2020, pp. 1-9.

¹⁰ G. de Legasnerie, *The Art of Revolt: Snowden, Assange, Manning*, California, Stanford University Press, 2017.

¹¹ P. Garnett, S.M. Hughes, ‘Obfuscated democracy? Chelsea Manning and the politics of knowledge curation’, *Political Geography*, vol. 68, no. 1, 2019, p. 23.

¹² De Legasnerie, p. 4.

¹³ J. Fortin, ‘Chelsea Manning Ordered Back to Jail for Refusal to Testify in WikiLeaks Inquiry’, *The New York Times*, 16 May 2019, <https://www.nytimes.com/2019/05/16/us/chelsea-manning-jail.html>, (accessed 2 August 2020).

¹⁴ De Legasnerie, p. 12.

Unlike Manning, Snowden managed to pass on his disclosures to journalist Glenn Greenwald and leave the United States before authorities had become aware of the breach.¹⁵

As a demonstration to other potential leakers or whistle-blowers, US authorities have reacted with full force against Assange, Manning and Snowden. De Legasnerie describes the force of the response as evidence of the United States' totalitarian temperament, writing: '[W]e are witnessing a veritable spectacle of the state's repressive apparatus in all its uncompromising brutality.'¹⁶ Both in pre-trial and post-trial detention, Manning was subjected to conditions deemed by former UN Special Rapporteur on Torture, Juan Mendez, to be cruel and inhuman treatment.¹⁷ In 2019, the current Special Rapporteur, Nils Melzer, concluded that the detention and fine imposed on Manning for refusing to testify in the grand jury against WikiLeaks amounted to torture.¹⁸ Snowden, having evaded the clutches of US authorities, remains in exile in Russia and is unable to leave the country without exposing himself to being captured.¹⁹

1.1.3 'The Assange Case'

Throughout the thesis, regular reference is made to 'the Assange case', 'Assange's extradition', or other similar expressions and terms which may require further clarification. These terms generally refer to the period from 2010 until the present, during which the United States government has endeavoured to bring Assange to US jurisdiction for prosecution. The use of the term 'Assange's extradition' is a similarly general reference, but in certain instances

¹⁵ G. Greenwald, 'Explosive' NSA Spying Reports Are Imminent', Spiegel International, 19 July 2013, <https://www.spiegel.de/international/world/journalist-says-explosive-reports-coming-from-snowden-data-a-912034.html>, (accessed 2 August 2020).

¹⁶ De Lagasnerie, p. 4.

¹⁷ United Nations Human Rights Council, (A/HRC/19/61/Add.4) Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, Geneva, 29 February 2012.

¹⁸ N. Melzer, (AL USA 22/2019) Mandate of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Geneva, 1 November 2019.

¹⁹ W.E. Scheuerman, 'Whistleblowing as civil disobedience: The case of Edward Snowden', *Philosophy & Social Criticism*, vol. 40, no. 7, 2014, p. 610.

may denote the current case taking place in British courts, where hearings are ongoing to decide whether or not the request for Assange's extradition to the US should be approved.

1.1.4 Media Representation of the Assange Case

An observation which provoked this research was the discrepancy in how human rights experts have spoken about the Assange case in comparison to how the case is presented in the media. Ferrada de Noli, Fenster, Pilger and Johnstone make reference to efforts by authorities in the US, UK, Sweden and Ecuador to discredit Assange through the media.²⁰ The UN Special Rapporteur on Torture, Nils Melzer, also alludes to an 'unrestrained campaign of public mobbing, intimidation and defamation against Mr. Assange' by each of the four states.²¹ Many recent media articles reflect such claims of public authorities contributing to a negative opinion of Assange e.g. district judge at Westminster Magistrates Court labels Assange as a narcissist;²² British Home Secretary describes Assange as 'rightly behind bars';²³ Swedish prosecutors believe accusations of rape and sexual assault are 'credible'.²⁴ Ferrada de Noli claims that the media in English-speaking countries and in Sweden have helped to shape public opinion of Assange.²⁵ Pilger and Greenwald are particularly critical of the Guardian newspaper in the UK for promoting a negative view of Assange having originally benefitted from its collaboration with WikiLeaks.²⁶ Media Lens, an organisation targeting disinformation and propaganda in mainstream newspapers, published a detailed compilation of news articles which highlight false or misleading information in the Assange case.²⁷ Speaking about his initial reluctance to become involved, Melzer claims he had a 'visceral' reaction that the WikiLeaks founder is a narcissist, rapist, hacker or spy, and attributes his negative reaction to how the media has presented the case.²⁸

1.1.5 The Espionage Act of 1917

The legal basis of the extradition of Julian Assange by the United States is predominantly based on violations of the Espionage Act of 1917. The Espionage Act legislation was passed upon the entry of the US into World War I. The act prohibits the obtaining,

²⁰ J. Pilger, 'The pursuit of Julian Assange is an assault on freedom and a mockery of journalism', *New Statesman*, vol. 141, no. 5120, p. 35; M. Fenster, *Disclosure's effects: WikiLeaks and transparency*, *Iowa Law Review*, vol. 97, no. 3, 2012, pp. 753-802; M. Ferrada de Noli, *Sweden vs. Assange: Human Rights Issues*, Sweden, Libertarian Books, 2014; C. Johnstone, 'How you can be certain that the US charge against Assange is fraudulent', *CE Think Tank Newswire*, 15 April 2019, <https://uaccess.univie.ac.at/login?url=https://search-proquest-com.uaccess.univie.ac.at/docview/2400938963?accountid=14682>, (accessed 7 August 2020).

²¹ United Nations Human Rights Office of the High Commissioner, 'UN expert says "collective persecution" of Julian Assange must end now', Geneva, 31 May 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24665>, (accessed 2 August 2020).

recording, copying, communication or transmitting of information relating to national defence and security that may cause injury to the United States or provide any foreign nation with a military advantage.²⁹ As pointed out by DeWitt, the legislation is controversial for its continued use by the US government well beyond its originally intended purpose during the war emergency, and for the boundaries it can cross contrary to the US First Amendment protecting press freedoms and the freedom of the speech.³⁰ Bellia's analysis of the Espionage Act compares Julian Assange and WikiLeaks to the case of Daniel Ellsberg and the Pentagon Papers in 1971, when the US government failed to prevent the New York Times and the Washington Post from publishing leaked classified documents about the Vietnam War.³¹ The comparison demonstrates that although the Pentagon Papers case was a landmark victory for the press, the Supreme Court's decision did not prevent the government from using the legislation as a means of preventing the publication of classified documents in the future. As a result, the Espionage Act has remained a persistent worry for advocates of press freedom.³²

1.1.6 The Indictment

The thesis discusses the dangers or threats posed by the indictment of Julian Assange by the United States Department of Justice. Assange's indictment consists of 18 charges; 17

²² S. Murphy, 'Assange branded a 'narcissist' by judge who found him guilty', The Guardian, 11 April 2019, <https://www.theguardian.com/media/2019/apr/11/assange-branded-a-narcissist-by-judge-who-found-him-guilty>, (accessed 9 July 2020).

²³ A. Walsh, UK signs extradition request for Julian Assange, Deutsche Welle, 13 June 2019, <https://www.dw.com/en/uk-signs-extradition-request-for-julian-assange/a-49170772>, (accessed 7 August 2020).

²⁴ BBC News, 'Julian Assange: Sweden drops rape investigation', 19 November 2019, <https://www.bbc.com/news/world-europe-50473792>, 9 July 2020.

²⁵ Ferrada de Noli, 2014, p. 25.

²⁶ J. Pilger, 'JOHN PILGER: Assange Arrest a Warning from History', Consortium News, 12 April 2019, <https://consortiumnews.com/2019/04/12/assange-arrest-a-warning-from-history/>, (accessed 7 August 2020); D. Richardson, Glenn Greenwald on Sucker Journalists—and Why There's No Silver Bullet Coming for Trump, The Observer, 20 December 2018, <https://observer.com/2018/12/glenn-greenwald-on-sucker-journalists-and-why-theres-no-silver-bullet-coming-for-trump/> (accessed 7 August 2020).

²⁷ Media Lens, Assange Arrest - Part 1: 'So Now He's Our Property', 16 April 2019, <https://www.medialens.org/2019/assange-arrest-part-1-so-now-hes-our-property/>, (accessed 7 August 2020); Media Lens, 'Burned At The Stake' – The UN Special Rapporteur on Torture Demolishes The Fake Claims Targeting Julian Assange, 16 April 2019, <https://www.medialens.org/2020/burned-at-the-stake-the-un-special-rapporteur-on-torture-demolishes-the-fake-claims-targeting-julian-assange/>, (accessed 7 August 2020).

²⁸ DemocracyNow!, U.N. Rapporteur: Julian Assange Has Faced Psychological Torture; He Should Not Be Extradited to U.S., 22 November 2019, https://www.democracynow.org/2019/11/22/nils_melzer_julian_assange, (accessed 7 August 2020).

²⁹ K. Feuer, 'Protecting Government Secrets: A Comparison of the Espionage Act and the Official Secrets Act', *Boston College International and Comparative Law Review*, vol. 38, no. 1, 2015, pp. 91-127; Committee to Protect Journalists, 'Assange indictment marks alarming new stage in US war on leaks', 24 May 2019, <https://cpj.org/2019/05/assange-indictment-marks-alarming-new-stage-in-us.php>, (accessed 6 June 2020).

³⁰ P. DeWitt, 'The Legacy of the 1917 Espionage Act in the United States', *Historical Reflections*, vol. 42, no. 2, 2016, pp. 115–133.

³¹ Bellia, p. 1448.

³² *ibid.*

charges under the Espionage Act and one additional charge for ‘conspiracy to commit computer intrusion’.³³ All of the charges concern the ‘obtaining, receiving and disclosing’ of classified information by Assange and published on the WikiLeaks website.³⁴ The indictment entails detailed and specific technical aspects of how Assange’s alleged activities in cooperation with Chelsea Manning are a violation of the Espionage Act. However, the charges are essentially an attempt to prosecute those who possess, seek or publish information that the US government would rather keep a secret from the general public. In this context, many journalists have voiced concerns about the precedent being set by the extradition and prosecution of Assange, which the US government could exploit to silence its critics.³⁵

1.2 Human Rights Theory

1.2.1 Human Rights-Based Approach

The exploration of the Assange case in this thesis employs a ‘human rights-based approach’. The concept is most commonly associated with human development, whereby impediments to progress can be analysed and addressed based on international human rights standards.³⁶ According to Nowak, ‘the theory of a ‘human rights-based approach’ has been developed for the purpose of looking at certain phenomena through a human rights lens and by applying the international normative framework of human rights.’³⁷ In this research the approach similarly offers a means of identifying gaps between normative human rights

³³ United States District Court for the Eastern District of Virginia, (Criminal No. 1:18cr) United States of America v. Julian Paul Assange (Defendant), 6 March 2018, <https://www.justice.gov/usao-edva/press-release/file/1153481/download>, (accessed 6 July 2020).

³⁴ United States District Court for the Eastern District of Virginia, (Criminal No. 1:18-cr-111) United States of America v. Julian Paul Assange (Defendant), 23 May 2019, <https://www.justice.gov/opa/press-release/file/1165556/download>, (accessed 6 July 2020).

³⁵ J. Adler, ‘Prosecuting Assange under Espionage Act would set dangerous precedent’, The Washington Post, 24 April 2017, <https://link-gale-com.uaccess.univie.ac.at/apps/doc/A490533045/ITOF?u=43wien&sid=ITOF&xid=cd0e2729>, (accessed 28 July 2020); M. Zapotosky, R. Helderma, E. Nakashima et al., ‘Free-Press Advocates Worry Assange Charges Could Set Dangerous Precedent: Though Details Remain Unclear’, The Washington Post, 17 November 2018, <https://link-gale-com.uaccess.univie.ac.at/apps/doc/A562476697/ITOF?u=43wien&sid=ITOF&xid=7a675731>, (accessed 28 July 2020); T. Gabbard, ‘Rep. Tulsi Gabbard: Assange Arrest Sets Dangerous Precedent, Threatens Freedom of the Press’, Congressional Documents and Publications, 11 April 2019, <https://gabbard.house.gov/news/press-releases/rep-tulsi-gabbard-assange-arrest-sets-dangerous-precedent-threatens-freedom>, (accessed 28 July 2020); G. Barns, ‘The right to know trumped by the need to conceal’, The Sydney Morning Herald, 26 October 2019, <https://link-gale-com.uaccess.univie.ac.at/apps/doc/A603756131/AONE?u=43wien&sid=AONE&xid=d22f11e6>, (accessed 28 July 2020).

³⁶ W. Schicho, ‘Human Rights and Development: A Rights-Based Approach’, in M. Nowak, K.M. Januszewski, T. Hofstätter, *All Human Rights for All: Vienna Manual on Human Rights*, NWV Verlag, Vienna: Graz, 2012, p. 558.

³⁷ M. Nowak, ‘Introduction to Human Rights Theory’, in M. Nowak, K.M. Januszewski, T. Hofstätter, *All Human Rights for All: Vienna Manual on Human Rights*, NWV Verlag, Vienna: Graz, 2012, p. 277.

standards and their application in reality, albeit in the vastly different context of the Julian Assange extradition case. By exploring the Assange case from a human rights perspective, and by assessing the treatment of Assange by the relevant states against the normative international standards of human rights, dependable and legally grounded arguments or conclusions can be made about the extradition.

1.2.2 International System of Human Rights

References to the ‘international system of human rights’ are made throughout the thesis, particularly in the final chapter. The use of the term refers to the legal system developed following World War II by the United Nations (UN). With world leaders committed to preventing a repeat of the horrors of two brutal world wars, human rights became a primary goal of the international community. The drafting of the UN Charter in 1945 initiated this commitment to human rights, followed by the Universal Declaration of Human Rights (UDHR) in 1948. The Charter established the ‘principal organs’ of the UN, including the General Assembly, the Security Council as well as the International Court of Justice.³⁸ As the primary human rights document setting out the specific rights belonging to every human being, the UDHR was followed by two more documents elaborating on these rights in more detail and which are legally binding upon States Parties; the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights. Together, the UDHR, the ICCPR and the ICESCR form the International Bill of Human Rights.³⁹

Since the establishment of the UN and the first fundamental documents protecting human rights, the international system has evolved and expanded considerably over subsequent decades. The International Bill of Human Rights was followed by numerous core treaties which focus on specific human rights issues. These treaties also include dedicated monitoring bodies tasked with protecting those specific rights and preventing violations. The UN as an organisation also expanded considerably to include almost every state as a UN Member State. The international human rights system in its current guise stems largely from the 1993 Vienna Declaration and Programme of Action (VDPA), which reasserted the aspirations of the UN Charter and the UDHR following the end of the Cold War. The VDPA reaffirms human rights

³⁸ S. Chesterman, I. Johnstone, D.M. Malone, *The UN Charter, Law and Practice of the United Nations*, Oxford University Press, 2016, chapter 1.

³⁹ S. Chesterman, D.M. Malone, S. Villalpando, *The Oxford Handbook of United Nations Treaties*, Oxford, Oxford University Press, 2019.

as a universal standard, while emphasizing all human rights as ‘universal, indivisible and interdependent and interrelated.’ The Vienna Declaration also established the position of United Nations High Commissioner for Human Rights and the creation of a dedicated human rights body, the United Nations Human Rights Council, promoting human rights as the priority agenda of the international system.⁴⁰

1.2.3 State Obligations to Human Rights

State obligations to human rights as duty bearers forms an important part of the discussion of the Julian Assange case. As members of the UN and as States Parties to various treaties, states commit themselves to protecting the human rights of their citizens by adapting domestic law to conform to international human rights law, while ensuring the actions or inactions of public authorities do not interfere with any of these rights. Specifically, states have obligations to international human rights law to ‘respect, protect and fulfil’ human rights and to provide judicial remedies if they fail to meet these obligations.⁴¹ The ‘respect, protect, fulfil’ paradigm is relevant to the thesis with regard to assessments of whether the four states involved in the Assange case have met their obligations. The research primarily refers to international human rights documents such as the UDHR, the ICCPR and the Convention against Torture (CAT). These documents encompass the human rights issues discussed in the thesis, while each of the four states have signed and ratified the treaties, committing themselves to comply with the obligations therein.⁴² From a technical standpoint, many other important legal documents are relevant to the Assange case, including the European Convention of Human Rights (ECHR), the European Convention for the Prevention of Torture, as well as the United States First Amendment and the UK-US Extradition Treaty of 2003, but which are not included as part of the analysis.

1.2.4 Decline of the International System of Human Rights

Many scholars perceive the international system of human rights as ‘in decline’, or in other terms that speak of its demise. Hopgood’s analysis refers to the failure of powerful states to advance human rights in the global south and other impoverished areas of the world. Hopgood singles out the United States for its failure as a leader of the human rights movement

⁴⁰ C. Flinterman, ‘Vienna Declaration and Programme of Action: 20 Years Later’, *Netherlands Quarterly of Human Rights*, vol. 31, no. 2, 2013, pp. 129-131.

⁴¹ M. Nowak, 2012, pp. 270-273.

⁴² United Nations, ‘Treaty Collection: Status of Treaties’, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=_en, (accessed 28 July 2020).

and the secular, neo-liberal conceptions of human rights as a catalyst in the decline of the international system.⁴³ Wuerth points to the rise of nationalism and populism around the world as a sign of decline, while the failure of the Responsibility to Protect and the rapidly changing state power dynamic, led by the emergence of China and Russia, as threats to the future of the human rights regime.⁴⁴ Karp looks more specifically at a failure of the international community to realise economic, social and cultural rights following the Cold War, namely the failure to translate the rights of the ICESCR into the ‘respect, protect and fulfil’ paradigm of states as duty bearers.⁴⁵ Englehart meanwhile believes the demise is an issue of state capacity, with the world’s many ‘weak states’ having poor track records in human rights as a result of economic constraints, corruption and ineffective policing.⁴⁶ Statements by the UN and various human rights organisations have reflected the same perception of the international human rights system as deteriorating. UN Secretary General António Guterres recently claimed human rights are ‘under assault’ worldwide,⁴⁷ while Amnesty International’s 2018 report warned of an uncertain future for human rights due to a ‘rising politics of demonization’ and the ‘enduring failure of world leaders’ to find solutions.⁴⁸

Drawing from the broader discussion of a decline, this thesis narrows down on the after-effects of the ‘war on terror’. Each scholar to some extent apportions blame on the United States for its failed leadership of the international human rights system and its own reluctance to fully participate and comply with that system. Thimm believes that of its many problematic legacies, the ‘war on terror’ has led to ‘the systematic erosion’ of human rights.⁴⁹ Alston, Morgan Foster and Abresch discuss how the competence of the UN has been badly weakened by the Bush administration. Since 2003, the position of the US has been one that does not recognise the competence of the UN Human Rights Council or the system of ‘special procedures’ to examine abuses. The US government’s recusal of itself from accountability for

⁴³ S. Hopgood, *The Endtimes of Human Rights*, Ithaca, Cornell University Press, 2013.

⁴⁴ I. Wuerth, ‘International Law in the Post-Human Rights Era’, *Texas Law Review*, vol. 96, no. 2, 2017, pp. 279-349.

⁴⁵ D.J. Karp, ‘What is the responsibility to respect human rights?: Reconsidering the ‘respect, protect, and fulfill’ framework’, *International Theory*, vol. 12, no. 1, 2020, pp. 83-108.

⁴⁶ N. Englehart, ‘State Capacity, State Failure, and Human Rights’, *Journal of Peace Research*, vol. 46, no. 2, 2009, pp. 163-180.

⁴⁷ United Nations News, ‘With human rights under attack, UN chief unveils blueprint for positive change’, United Nations, 24 February 2020, <https://news.un.org/en/story/2020/02/1057961>, (accessed 27 July 2020).

⁴⁸ Amnesty International, *Amnesty International Report 2017/18: The State of the World's Human Rights*, London, Amnesty International, 2018.

⁴⁹ J. Thimm, *From Exception to Normalcy: The United States and the War on Terrorism*, Berlin, Stiftung Wissenschaft und Politik, 2018.

violations of human rights has had grave consequences for the international system.⁵⁰ Falk echoes this view and accuses the US government of being ‘motivated by a geopolitical project to achieve global domination’ and of having used the ‘war on terror’ to quash dissent among citizens by inducing fear of terrorism, leading to adverse effects on the international human rights system.⁵¹ Satterthwaite describes how the US government has gone to great efforts to produce legal arguments to support the use of actions deemed illegal under domestic and international law.⁵² Such manoeuvrings were used as the premise for invading Afghanistan and Iraq despite overwhelming opposition in the international community.⁵³ This trend was also evident in the attempts to legitimise torture as a method of interrogation, the Central Intelligence Agency’s (CIA) web of extraordinary rendition and numerous other examples where international human rights standards have been circumvented.⁵⁴ Reflecting Falk’s view of the profound negative impact caused by a refusal of the US government to accept accountability for human rights abuses, former UN Special Rapporteur on Torture, Manfred Nowak, recalls being confronted with the same question from officials worldwide when

⁵⁰ P. Alston, J. Morgan-Foster, and W. Abresch, ‘The Competence of the UN Human Rights Council and its Special Procedures in relation to Armed Conflicts: Extrajudicial Executions in the ‘War on Terror’’, *The European Journal of International Law*, vol. 19, no. 1, 2008.

⁵¹ R. Falk, *Human Rights: A Descending Spiral*, in R. Wilson, *Human Rights in the ‘War on Terror’*, New York, Cambridge University Press, 2005, pp. 226-239.

⁵² M. Satterthwaite, ‘The U.S. Program of Extraordinary Rendition and Secret Detention: Past and Future’, in *European Center for Constitutional and Human Rights E.V. (ECCHR)*, Berlin, ECCHR, 2008, p. 42.

⁵³ S.A. Shah, ‘War on Terrorism: Self Defense, Operation Enduring Freedom, and the Legality of U.S. Drone Attacks in Pakistan’, *Washington University Global Studies Law Review*, vol. 9, no. 1, 2010, p. 109.

⁵⁴ *ibid*; Thimm, p. 14.

visiting centres of detention: ‘If the US is allowed to torture its prisoners, why should other states not be allowed to do the same?’⁵⁵

1.2.5 Prohibition of Torture

The absolute prohibition of torture is a crucial factor in the possibility of Julian Assange ever regaining freedom. As a result of its ‘absoluteness’, the legal mechanisms established to protect, monitor, investigate or prosecute against torture as part of the Convention against Torture (CAT) are some of the strongest in the international human rights system.⁵⁶ The system of regular visits and inspection of detention centres established under the ECHR was a precursor to the Option Protocol on the Convention Against Torture (OPCAT).⁵⁷ The UN also established a thematic-specific position as part of its ‘special procedures’ where a representative is mandated to investigate, advise and report against acts of torture around the world, whose full title is the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (in this thesis henceforth referred to as the UN Special Rapporteur on Torture; or simply the Special Rapporteur).⁵⁸

1.2.6 United Nations Special Rapporteur on Torture

The most authoritative voice on the Julian Assange case is the current UN Special Rapporteur on Torture, Nils Melzer. In May 2019, Melzer visited Assange in HMP Belmarsh in London, accompanied by two medical experts to conduct a physical and psychological assessment. That assessment concluded that:

Mr. Assange has been deliberately exposed, for a period of several years, to progressively severe forms of cruel, inhuman or degrading treatment or punishment, the cumulative effects of which can only be described as psychological torture.⁵⁹

Owing to his active involvement in the case, Melzer has been interviewed regularly by the media and has spoken and written in great detail about all factors of the extradition. This thesis draws from many of these sources including official communications, press releases, press

⁵⁵ M. Nowak, ‘Preface: by Manfred Nowak, United Nations Special Rapporteur on Torture’, in *European Center for Constitutional and Human Rights E.V. (ECCHR)*, Berlin, ECCHR, 2008, p. 10.

⁵⁶ M. Nowak, M. Birk, G. Monina, *The United Nations Convention Against Torture and its Optional Protocol (2nd Edition): A Commentary*, Oxford, Oxford University Press, 2008.

⁵⁷ S. Egan, ‘The Optional Protocol to the Convention Against Torture: Paying the Price for Prevention’, *Irish Jurist*, vol. 44, 2009, pp. 182-202.

⁵⁸ M. Evans, ‘The UN Special Rapporteur on Torture in the developing architecture of UN torture protection’, *Nottingham Studies on Human Rights*, vol. 6, pp. 351-384.

⁵⁹ United Nations Human Rights Office of the High Commissioner, 2019(c).

conferences, television interviews, online newspaper articles, blogs and also Melzer's official Twitter account. A noteworthy factor in the extent of Melzer's importance to the Assange case is his fluency in the Swedish language, with much of the key details about the Swedish preliminary investigation only coming to light as a result. In the identification of human rights violations, Melzer's communications with each of the four governments involved in Assange's fate is an integral source for the thesis. Additionally, Melzer's commentary also provides an important basis for the assessment of the Assange case and the issue of torture within the context of a decline in the international human rights system.

Chapter 2 Methodology

This section outlines the planning and implementation of the thesis, guided by Bryman's *Social Research Methods* to accurately describe and conduct the research.⁶⁰ The research strategy takes the form of a descriptive analysis of the Julian Assange extradition case using a human rights lens and can be classified as a descriptive qualitative research strategy. As the research focusses on Julian Assange and the events surrounding his extradition, the research design is a case study. In terms of research methods, a combination of primary and secondary sources is used for the collection of data, organised and analysed in three sections, resembling Thomas's 'general inductive approach'.⁶¹ The initial observations of the Assange extradition, the identification of research problems and the subsequent development of research questions are all elaborated upon below.

2.1 Research Topic: Initial Observations and Research Problems

Within the past year, human rights have come to the fore with regard to Julian Assange's impending extradition to the United States. International organisations such as the United Nations and the Council of Europe, and most notably the UN Special Rapporteur on Torture, Nils Melzer, have expressed grave concerns about various human rights issues in Julian Assange's extradition case.⁶² They maintain that Assange's human rights have been violated and that these violations will intensify further if his extradition goes ahead. In spite of these concerns, discussion of the Assange case in a human rights context is almost entirely

⁶⁰ A. Bryman, *Social Research Methods*, Oxford, Oxford University Press, 2012.

⁶¹ D.R. Thomas, 'A General Inductive Approach for Analyzing Qualitative Evaluation Data', *American Journal of Evaluation*, vol. 27, no. 2, 2006, pp. 237-246.

⁶² Council of Europe, 'Julian Assange should not be extradited due to potential impact on press freedom and concerns about ill-treatment', Strasbourg, 20 February 2020, <https://www.coe.int/en/web/commissioner/-/julian-assange-should-not-be-extradited-due-to-potential-impact-on-press-freedom-and-concerns-about-ill-treatment>, (accessed 28 July 2020); United Nations News, 'UN experts warn Assange arrest exposes him to risk of serious human rights violations', Geneva, 11 April 2019, <https://news.un.org/en/story/2019/04/1036491>, (accessed 28 July 2020); United Nations Human Rights Office of the High Commissioner, 'UN expert on torture sounds alarm again that Julian Assange's life may be at risk', Geneva, 1 November 2019, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25249>, (accessed 28 July 2020).

absent from mainstream news media, which Melzer claims is the result of a ‘relentless smear campaign’.⁶³

Observing the enormous gap between the views of human rights experts and how the case is presented to the general public through the media, the following research problems emerge which this thesis will address. First, the reasons why Assange is being extradited are outlined, given the extent of misinformation and lack of awareness of the case among the general public. The second problem is the need to examine and discuss in detail the human rights violations; a process that should dispel arguments in favour of Assange’s extradition by bringing the human rights issues to the fore of the debate. From there, postulations about the greater context of the Assange extradition are developed, as evidently the circumstances of his continued imprisonment, and the conspicuous lack of concern among the four governments involved about their culpability for human rights violations, suggest that there is more to the Assange story than meets the eye.

2.2 Research Method

The research method used to examine the human rights issues of the Assange case closely resembles the format of Thomas’s ‘general inductive approach’. The approach is described by Thomas as a ‘systematic set of procedures for analysing qualitative data that can produce reliable and valid findings’. The general inductive approach is conducted in three stages: (1) condense raw textual data into a brief, summary format; (2) establish clear links between the evaluation or research objectives and the summary findings derived from the raw

⁶³ N. Melzer, ‘Demasking the Torture of Julian Assange’, Medium, 26 June 2019, <https://medium.com/@njmelzer/demasking-the-torture-of-julian-assange-b252ffdc768>, (accessed 28 July 2020).

data; and (3) develop a framework of the underlying structure of experiences or processes that are evident in the raw data.⁶⁴

2.3 Research Questions

With the initial observations and research problems in mind, Thomas's general inductive approach is used to develop three specific research questions, each of which are assigned a separate chapter in the thesis:

1. Why are the United States, the United Kingdom, Sweden and Ecuador accused of human rights violations in the extradition of Julian Assange?
2. What human rights are violated by the extradition of Julian Assange to the United States of America?
3. Why is each of the four states ignoring their obligations to respect, protect and fulfil human rights in the Assange case?

As per Thomas's general inductive approach, which suggests the condensing and summarising of data as a starting point, the first research question is designed to present an accurate and coherent historical summary of the Assange case. This process addresses the first research problem relating to misconceptions or lack of awareness about the Assange case in the general public. Doing so from the human rights-based perspective allows the reader to understand why Assange is being extradited and how each of the four states is involved in the case. The timeline of the case spans ten years and is divided into relevant sections which discuss the most important details, gathered from a combination of primary and secondary sources, including online newspaper articles, books, WikiLeaks publications, government records, legal documents, as well as articles and publications from various international organisations and non-governmental organisations.

The next research question serves the purpose of detailing the specific human rights violations of the Assange extradition. The second step of Thomas's general inductive approach suggests the establishment of links between the evaluation and the summary findings. This research presents the human rights violations in a manner that corresponds to the previous chapter, allowing the reader to easily refer to the summary to provide context to the violations identified. The specific process of identifying the human rights violations involves textual

⁶⁴ D.R. Thomas, p. 2.

interpretation of international human rights texts, using the literal meaning of text as written in documents such as the UDHR, ICCPR or the CAT to ascertain what rights are applicable to the case and whether they have been violated. Also included where necessary is a contextual interpretation of legal documents which supports the textual interpretation, using authoritative clarifications, such as United Nations Treaty Body General Comments. Of crucial importance are the communications between the UN Special Rapporteur on Torture and the four states involved in the case. Other informed views from experts who have written or spoken publicly about the human rights implications of the case are also used as guidance in establishing links between the evaluation and the research question.

The third and final research question searches for the greater context of the Assange case, in line with the third stage of the general inductive approach which looks to ‘develop an underlying structure of experiences or processes’. This process utilises the information already gathered in the previous chapters as a starting point, while also assessing the diplomatic relationship between the relevant states, their track records for respect of human rights and the experience of those states with WikiLeaks publications. For further insight, interviews were conducted personally with Professor Nils Melzer, the UN Special Rapporteur on Torture, and Dr Duarte Nuno Vieira, one of the medical experts involved in the physical and psychological assessment of Julian Assange in May 2019. Their views offer suggestions as to why the relevant states have so relentlessly ignored their obligations with regard to Assange’s human rights.

Chapter 3 Background to the Extradition of Julian Assange

In order to discuss human rights violations in the extradition case, or to subsequently come to any conclusions about why states are violating those rights, it is imperative to properly understand why Julian Assange finds himself on the brink of extradition and why the United States, United Kingdom, Sweden and Ecuador are being accused of violating his human rights. This section summarises the main events which are relevant to the extradition case, as well as issues which are important for the discussion of human rights violations.

3.1 The 2010 WikiLeaks Publications

The pursuit of Julian Assange by US authorities is a process which began over ten years ago. In 2010, WikiLeaks published mass volumes of classified diplomatic and military files provided by US military intelligence analyst, Chelsea Manning, pertaining to the wars in Iraq and Afghanistan. In the years prior to the leaks, the US Department of Defense had already identified WikiLeaks as an enemy target and had proposed plans on how the organisation could be destroyed.⁶⁵ It was the publication of files in 2010 however that not only established Julian Assange and WikiLeaks as conspicuous public enemies of the US government, but which also form the basis of the extradition hearings now underway in 2020.

The first publication of leaked information provided to WikiLeaks by Manning came on 5 April 2010, when the ‘Collateral Murder’ video was published on the WikiLeaks website. The footage shows US military helicopters shooting and killing over a dozen civilians and wounding several more in a Baghdad suburb on 12 July 2007.⁶⁶ On 25 July 2010, WikiLeaks caused further reputational damage to the US administration with the publication of the ‘Afghan War Diary’, an enormous repository containing over 91,000 documents.⁶⁷ This was followed by what WikiLeaks described as the ‘largest classified military leak in history’, when almost 400,000 more documents were published in ‘The Iraq War Logs’ in October.⁶⁸ By this point, voices on both sides of the political divide in the US Congress began to express their anger at WikiLeaks. The response by officials was remarkably less concerned with how the

⁶⁵ S. Strom, ‘Pentagon Sees a Threat from Online Muckrakers’, *The New York Times*, 17 March 2010, https://www.nytimes.com/2010/03/18/us/18wiki.html?_r=0, (accessed 1 July 2020); G. Greenwald, R. Gallagher, ‘Snowden Documents Reveal Covert Surveillance and Pressure Tactics Aimed at WikiLeaks and its Supporters’, *The Intercept*, 18 February 2014, <https://theintercept.com/2014/02/18/snowden-docs-reveal-covert-surveillance-and-pressure-tactics-aimed-at-wikileaks-and-its-supporters/>, (accessed 1 July 2020).

⁶⁶ WikiLeaks, 2010(c).

⁶⁷ WikiLeaks, ‘Afghan War Diary, 2004-2010’, 25 July 2010, https://wikileaks.org/wiki/Afghan_War_Diary,_2004-2010, (accessed 1 July 2020).

⁶⁸ WikiLeaks, ‘The Iraq War Logs’, 22 October 2010, <https://wikileaks.org/irq/>, (accessed 1 July 2020).

public might react to apparent war crimes and more on ways the government can crack down on WikiLeaks for publishing the documents.⁶⁹ On 28 November 2010, WikiLeaks continued its series of sensational leaks with ‘Cablegate’ and arguably sealed Assange’s fate as a target for extradition. Over 250,000 diplomatic documents consisting of communications between the US state department and its embassies worldwide, also obtained from Chelsea Manning, were released in partnership with leading international publishers, including the New York Times, Der Spiegel, The Guardian, El Pais and Le Monde.⁷⁰ From this moment on, WikiLeaks would be subjected to persistent threats to its existence.⁷¹

A day after the Cablegate releases, US Attorney General Eric Holder confirmed that an active investigation was underway. Without specifying Assange, Holder emphasized that efforts were being made to ‘close those gaps [in US law]’ that would prevent any non-resident or non-citizen of the US from being targeted for investigation.⁷² On 2 December, the leaders of the Senate Intelligence Committee, Senators Dianne Feinstein and Christopher Bond called for Assange ‘and any and all of his accomplices’ to be charged under the Espionage Act, adding that they would support efforts to ‘close the gap’.⁷³ These calls were soon answered as a grand jury was enlisted to consider charges against Assange and whether the WikiLeaks founder could be indicted. In January 2011, US prosecutors demanded access to social media accounts belonging to Assange and other leading members of WikiLeaks, adding weight to the suspicion that an investigation was in progress.⁷⁴ By the end of April, further reports emerged of a grand jury hearing into whether Assange and WikiLeaks should be prosecuted for violations of the Espionage Act of 1917.⁷⁵ True to statements made by Holder about closing the legal gap on non-citizens, the Obama administration engaged the full force of its legal and political powers to punish Assange.

⁶⁹ A. Star, *Open Secrets: WikiLeaks, War and American Diplomacy*, New York, The New York Times, 2011, pp. 76-77.

⁷⁰ Brevini, p. 2.

⁷¹ *ibid.*, p. 3.

⁷² Reuters, ‘Active US criminal probe into WikiLeaks release’, 29 November 2010, <https://www.reuters.com/article/wikileaks-usa-probe/update-1-active-us-criminal-probe-into-wikileaks-release-idUSN2921203820101129>, (accessed 1 July 2020).

⁷³ B. Kampmark, ‘Julian Assange, the UN and the limits of Detention’, *Theory in Action*, vol. 11, no. 1, 2018, p. 70.

⁷⁴ J. Reppy, ‘WikiLeaks and State Control of Information in the Cyber Age’, in G. Giacomello (ed.), *Security in Cyberspace: Targeting Nations, Infrastructures, Individuals*, New York, Bloomsbury, 2014, p. 71.

⁷⁵ E. Pilkington, ‘WikiLeaks: US opens grand jury hearing’, *The Guardian*, 11 May 2011, <https://www.theguardian.com/media/2011/may/11/us-opens-wikileaks-grand-jury-hearing>, (accessed 1 July 2020).

By the summer of 2012, discussion of investigations by US authorities took a back seat as events in Stockholm and London increasingly became the focus of public attention on Julian Assange. As outlined in later sections, Swedish authorities opened an investigation of sexual misconduct against the Australian that would later result in an extradition battle in the UK.⁷⁶ With the walls closing in on Assange in the Swedish case, mainstream media attention became increasingly focussed on the WikiLeaks founder personally and less with the work of his organisation. This new distraction appeared to have coincided with a de-escalation in investigations by US authorities. Statements made to the press by senior government officials had suggested that the case against Assange was ‘all but concluded’. In 2013, the Justice department claimed that charges would not be brought against Assange, as to do so would also require charges against publishers such as the New York Times.⁷⁷ This did little to assuage the fears expressed by Assange and his lawyers, fears which the Ecuadorian government had now recognised in providing asylum status. Documents that emerged in subsequent years would begin to justify these fears.

FBI documents published in 2014 revealed that an investigation into Assange and WikiLeaks remained active and ongoing, while in 2015 court documents in the Manning case also showed there remained a ‘sensitive, ongoing law enforcement proceeding’ against WikiLeaks.⁷⁸ Information leaked in February 2014 by whistle-blower and former NSA sub-contractor, Edward Snowden, revealed the true depths to which that the US authorities were willing to adopt to catch Assange. The NSA’s ‘Manhunting Timeline 2010’ shows on 10 August 2010, that the United States had ‘urged other nations with forces in Afghanistan, including Australia, United Kingdom and Germany to consider filing criminal charges against Julian Assange’.⁷⁹ The same document also claims to ‘exemplify the start of an international effort to focus the legal element of state power upon non-state actor Assange and the human network that supports WikiLeaks.’⁸⁰ Despite the remarks made publicly by some US government officials that the case had come to an impasse, the documents leaked by Edward

⁷⁶ C. Bassiouni, *International Extradition: United States Law and Practice*, New York, Oxford University Press, 2014, p. 889.

⁷⁷ S. Horwitz, ‘Julian Assange unlikely to face U.S. charges over publishing classified documents’, Washington Post, 25 November 2013, https://www.washingtonpost.com/world/national-security/julian-assange-unlikely-to-face-us-charges-over-publishing-classified-documents/2013/11/25/dd27decc-55f1-11e3-8304-caf30787c0a9_story.html, (accessed 1 July 2020).

⁷⁸ Kampmark, p. 71.

⁷⁹ Greenwald, Gallagher, 2014.

⁸⁰ *ibid.*

Snowden along with the court documents of the Manning case proved the opposite. As would later become clear, an attempt to extradite Assange was not a question of ‘if’ but ‘when’.

3.2 The Swedish Investigation into Allegations of Rape and Sexual Assault

In August 2010, Swedish authorities launched an investigation against Julian Assange for alleged sexual offences involving two women.⁸¹ The WikiLeaks founder had travelled to Sweden on 11 August after being invited to speak at a seminar held by the Social Democratic Brotherhood (‘Broderskapet’).⁸² Just over a week after his arrival in Sweden however, the tabloid newspaper Expressen reported that Assange was the subject of a rape investigation involving two women.⁸³ The reports were confirmed by the spokesperson for the Swedish prosecutor’s office, Karin Rosander, who announced that an arrest warrant had been issued for Assange but that the police had not yet been in contact with him. These remarks showed that it was not two rape allegations, but in fact one allegation of sexual molestation on 14 August, and one allegation of rape on 16 August.⁸⁴ Only two days after the arrest warrant was issued, the Swedish prosecution service announced that ‘Chief prosecutor Eva Finne has come to the decision that Julian Assange is not suspected of rape’.⁸⁵ Assange denied all allegations, writing on Twitter that ‘The charges are without basis and their issue at this moment is deeply disturbing’.⁸⁶ After the case was closed, former government official and lawyer, Claes Borgström, approached the director of the Swedish prosecution service, Marianne Ny about reopening the case. Borgström, who had been appointed as attorney for the women at public cost, managed to persuade Ny to reinvestigate both the claims of rape and sexual harassment.⁸⁷

⁸¹ C. Christensen, ‘The links that bind: WikiLeaks, Twitter, and the Julian Assange case’, *Popular Communication: The International Journal of Media and Culture*, vol. 14, no. 4, 2016, p. 226.

⁸² Nordic News Network, ‘Assange & Sweden: Police Interview Protocols’, 2012, <http://www.nnn.se/nordic/assange/docs/protocol.pdf>, p.7.

⁸³ D. Salihi, N. Svensson, ‘Wikileaks grundare anhalten för våldtäkt’, Expressen, 20 August 2010, <https://www.expressen.se/nyheter/wikileaks-grundare-anhalten-for-valdtakt/>, (accessed 1 July 2020); D. Ryser, ‘A murderous system is being created before our very eyes’, Republik, 31 January 2020, <https://www.republik.ch/2020/01/31/nils-melzer-about-wikileaks-founder-julian-assange>, (accessed 1 July 2020).

⁸⁴ BBC News, ‘WikiLeaks founder Julian Assange accused of rape’, 21 August 2010, <https://www.bbc.com/news/world-11047025>, (accessed 1 July 2020).

⁸⁵ J. Pilger, ‘If I can be indicted, other journalists can too’, *New Statesman*, vol. 140, no. 5036, 2011, pp. 23-25, (accessed 1 July 2020).

⁸⁶ A. Ward, ‘Swedish prosecutor drops WikiLeaks rape charge’, Financial Times, 21 August 2010, <https://www.ft.com/content/5bee5d7a-ad40-11df-a85a-00144feabdc0>, (accessed 1 July 2020).

⁸⁷ Ryser.

On 1 September, Ny then announced that the case had been reopened with ‘reason to believe a crime has been committed’.⁸⁸ In the weeks after the investigation had been reopened however, authorities had yet to contact Assange for questioning. By this point, the WikiLeaks founder had told his lawyer he was eager to respond to the allegations, but on two separate occasions had been told it was not possible; once due to the prosecutor’s busy schedule and another time because the designated police officer for questioning was ill.⁸⁹ On 27 September, Assange’s lawyer again contacted the prosecutor’s office, on this occasion requesting that his client be allowed to leave the country as he had an event to attend in Berlin. The prosecutor’s office provided written permission that Assange could leave the country but on a short-term basis. As Assange flew to Berlin however, prosecutors had apparently changed their minds and issued an arrest warrant for the Australian in absentia.⁹⁰ No further significant developments occurred until December 2, when Marianne Ny issued a European Arrest Warrant (EAW) for Assange, setting in motion a long and complicated legal battle.⁹¹ While the Swedish investigations were widely reported internationally, very few details of the allegations made against Assange were available at the time. Since then however, police interviews, court documents and various other sources of information have emerged that allow for an accurate summary of what happened during Assange’s time in Sweden.

The first incident was alleged to have occurred on the night of 13 August 2010. The woman involved, AA, was the press secretary for Broderskapet, the organisers of the event at which Assange was due to speak. As the point of contact for the party, AA had been in touch with Assange by email and offered to let him stay at her one-bedroom apartment in Stockholm as it would be unoccupied for a few days after his arrival.⁹² On 13 August however, AA returned to the apartment, a day earlier than originally planned. That evening, she had agreed with Assange that he could continue to stay at the flat. According to her police interview, AA and Assange had sex on the night of 13 August and a condom was used.⁹³ The Broderskapet seminar took place the following day, on 14 August, where Assange was key speaker and AA

⁸⁸ D. Jolly, ‘Sweden Reopens Rape Investigation of WikiLeaks Founder’, The New York Times, 2 September 2010, <https://link-gale-com.uaccess.univie.ac.at/apps/doc/A236222738/AONE?u=43wien&sid=AONE&xid=798a9e15>, (accessed 1 July 2020).

⁸⁹ Ryser.

⁹⁰ *ibid.*

⁹¹ Swedish Prosecution Authority, ‘Assange & Sweden: European Arrest Warrant’, Nordic News Network, 6 December 2010, <http://www.nnn.se/nordic/assange/docs/eaw.pdf>, (accessed 1 July 2020).

⁹² Nordic News Network, p. 7.

⁹³ *ibid.*, p. 8.

was the person responsible for organizing the seminar. Afterwards, Assange, AA and a group of others from the seminar had lunch together at a restaurant nearby. There, it was suggested that a crayfish party ought to be arranged for Assange while he was in the country. AA offered to arrange the party at her apartment and began calling friends to organise food and drinks.⁹⁴ At the party that night, according to a number of interviews, discussions were had about where Assange would stay from then on, as AA was now back again. However, AA told them that Assange was welcome to remain at her flat.⁹⁵ Assange stayed most nights at AA's flat up until the following Friday.⁹⁶

The second woman involved in the allegations, SW, turned up at the Broderskapet seminar and joined the lunch gathering afterwards with Assange, AA and the others.⁹⁷ After seeing Julian Assange in television interviews, SW considered him to be 'interesting, courageous and admirable'.⁹⁸ After finding out that Assange was coming to speak in Sweden, SW found an email address for Broderskapet's press secretary (AA), and contacted her to ask if she could attend the seminar.⁹⁹ SW sat in the front row of the room and her police interview states that Assange had given her an amused look because she wore a 'shocking-pink cashmere jumper' while sitting amongst 'grey-clad journalists'.¹⁰⁰ Following the lunch that took place after the seminar, SW asked Assange if he wanted to join her to go to the museum where she worked. According to SW, that evening they had kissed and engaged in a 'session of very heavy petting'.¹⁰¹ They parted ways at around 9pm and Assange went to AA's apartment for the arranged crayfish party. Having discussed meeting each other again, SW stated that she had several missed phone calls from Assange that night, but called him two days later. That night, SW arranged to meet Assange in the city and they took a train to Enköping where she lived. SW stated in the police interview that the pair had sex later that night and again when they awoke the next morning, during which Assange 'reluctantly agreed to use a condom'. After having breakfast, the pair had started to have sex again but according to SW, she had asked if he was wearing a condom. After indicating that he was not wearing a condom, SW replied 'You better don't have HIV'.¹⁰²

⁹⁴ *ibid.*, p. 29.

⁹⁵ *ibid.*, p. 26; *ibid.*, p. 41.

⁹⁶ *ibid.*, p. 27.

⁹⁷ *ibid.*, p. 40.

⁹⁸ *ibid.*, p. 2.

⁹⁹ *ibid.*

¹⁰⁰ *ibid.*

¹⁰¹ *ibid.*, pp. 3-4.

¹⁰² *ibid.*, p. 6.

Although a preliminary investigation had been opened and then closed again between 20 and 21 August 2010, Assange was not interviewed until 30 August.¹⁰³ During the interview, Assange was only asked about the first alleged incident with AA. He claimed that the pair had a sexual relationship from Friday 13 August until Friday 20 August. He confirmed that they had used a condom and denied intentionally damaging a condom.¹⁰⁴ The police interviewers did not ask any further significant questions with regard to allegations that would eventually transpire on 1 September. Assange did however raise the issue of whether the questioning was about ‘one or two incidents?’ and also asked if he should ‘assume that [the interview] is going to Expressen?’¹⁰⁵ The interview on 30 August was the first and last time Swedish authorities would question Assange during his time in the country. Even when Assange remained in Sweden in the weeks thereafter, when Marianne Ny had claimed that an interview could not be scheduled for Assange, or that the prosecuting officer in charge was sick, interviews did indeed take place. On 20 September, the prosecuting officer in question, Mats Gehlin, who had conducted the interview with Assange on 30 August, held two separate interviews on 20 September with Donald Boström and Johannes Wahlström.¹⁰⁶ Both of the men had been at the seminar, the subsequent lunch and also the crayfish party at AA’s apartment. Both Boström and Wahlström also stated that when discussion came up at the crayfish party about where Assange would stay for the remaining nights, AA offered that he could continue staying there.¹⁰⁷ Police interviews surrounding the alleged incident with SW do not include much detail other than what is contained in interviews with her family members and friends. Assange did however describe his version of events regarding his interactions with SW a year later:

She was a little vague, but the night in Enkopping was fun and I thought we’d had a perfectly nice time, albeit one that probably wouldn’t be repeated. She didn’t seem too fussed herself, as we had breakfast together the next morning and then rode together on her bicycle to the railway station. She kindly paid my ticket – my bank card was still on the blink, though I’m always skint – and she kissed me goodbye and asked me to call her from the train. I didn’t do that, and it has already turned out to be the most expensive call I didn’t make.¹⁰⁸

¹⁰³ *ibid.*, p. 10.

¹⁰⁴ *ibid.*, p. 14.

¹⁰⁵ *ibid.*, pp. 10-11.

¹⁰⁶ *ibid.*, p. 20, *ibid.*, p. 34.

¹⁰⁷ *ibid.*, p. 27; *ibid.*, p. 41.

¹⁰⁸ J. Assange, *Julian Assange: The Unauthorised Autobiography*, Edinburgh, Canongate, 2011.

In December 2010, the events turned ominous for Assange as the preliminary investigation had now transformed into an extradition battle in the UK. After the EAW issued by the Swedish prosecutor, Assange turned himself into police and was subsequently arrested.¹⁰⁹ After eight nights in prison, Assange was eventually granted bail on 16 December 2010 at the British High Court. This temporary reprieve was compounded by the rumours that the US Department of Justice were mounting an indictment against Assange for violations of the Espionage Act. Moreover, media outlets continued to run headlines falsely stating that Assange was being extradited for ‘rape charges’ in Sweden.¹¹⁰

On 24 February 2011, a judge at Belmarsh Magistrates’ Court ruled that Assange should be extradited to Sweden. Speaking after the ruling, Assange complained that ‘[t]here was no consideration during this entire process as to the merits of the allegations made against me, no consideration or examination of even the complaints made in Sweden’.¹¹¹ After an appeal against the extradition made on 3 March, the British High Court upheld the decision stating that the arrest warrant and proceedings against the WikiLeaks founder were proportionate.¹¹² A final chance at defeating the decision came on 5 December 2011 as Assange won the right to petition to the UK Supreme Court, with two judges of the High Court ruling that the case was of ‘general public importance’ and should be heard by the UK’s highest court. Assange’s legal team had successfully appealed by arguing that the judicial authority issuing the arrest warrant was an impartial prosecutor working for the Swedish executive. They also argued against Assange being defined in court as ‘the accused’ despite there never having been a decision to prosecute him.¹¹³ On 30 May 2012, the Supreme Court upheld the High Court’s decision with five of seven judges deciding that the arrest warrant was lawful. After a final unsuccessful application to re-open the Supreme Court appeal on 14 June, Assange’s

¹⁰⁹ O. Bowcott, ‘Julian Assange to be questioned by British police’, *The Guardian*, 7 December 2010, <https://www.theguardian.com/media/2010/dec/06/wikileaks-julian-assange-police>, (accessed 1 July 2020).

¹¹⁰ M. Fisher, ‘Julian Assange Rape Charges: Serious Crime or Anti-WikiLeaks Conspiracy?’, *The Atlantic*, 7 December 2010, <https://www.theatlantic.com/politics/archive/2010/12/julian-assange-rape-charges-serious-crime-or-anti-wikileaks-conspiracy/343133/>, (accessed 6 August 2020);

G. Sandstrom, ‘Sweden to probe WikiLeaks charges’, *Wall Street Journal*, 23 August 2010, <https://uaccess.univie.ac.at/login?url=https://search-proquest-com.uaccess.univie.ac.at/docview/746584104?accountid=14682>; (accessed 1 July 2020).

¹¹¹ M. Holden, ‘UK court agrees Assange extradition to Sweden’, *Reuters*, 24 February 2011, <https://ca.reuters.com/article/idCATRE71M7PH20110224>, (accessed 1 July 2020).

¹¹² J. Whalen, ‘Assange Loses Extradition Appeal’, *Wall Street Journal*, 2 November 2011, <https://search-proquest-com.uaccess.univie.ac.at/docview/902135661?accountid=14682>, (accessed 1 July 2020).

¹¹³ BBC News, ‘Julian Assange wins right to pursue extradition fight’, 5 December 2011, <https://www.bbc.com/news/uk-16027942>, (accessed 6 July 2020).

extradition to Sweden was confirmed, taking effect two weeks later.¹¹⁴ Five days after the decision however, travelling by motorcycle and disguised as a courier, Assange entered the Ecuadorian embassy in London seeking asylum.¹¹⁵ Two months later, Rafael Correa's government granted the asylum application, citing legitimate fears that Assange would face political persecution in the US, with Swedish authorities refusing to guarantee they would not extradite him.¹¹⁶

After the court battle in the UK had come to an end and Assange had taken refuge in the Ecuadorian embassy, the Swedish allegations lingered on until November 2019. In August 2015, Swedish prosecutors dropped their inquiry into allegations of sexual assault as the statute of limitations ran out.¹¹⁷ Two years later, the investigation into a rape allegation against Assange was also dropped, with prosecutor Marianne Ny stating that the Australian had evaded justice by remaining in the embassy.¹¹⁸ The rape investigation was reopened again in May 2019 however, after Assange was arrested and removed from the Ecuadorian embassy. Deputy Director of Public Prosecution, Eva-Marie Persson, announced that Assange's new circumstances allowed them to reopen the case and issue a new arrest warrant.¹¹⁹ Only six months later however, the investigation was closed again. Persson stated that the evidence had 'weakened considerably' to the extent that the investigation, which included interviews with seven witnesses, could no longer continue.¹²⁰

¹¹⁴ UK Supreme Court, (UKSC/22) Julian Assange (Appellant) v Swedish Prosecution Authority (Respondent), 14 June 2012.

¹¹⁵ R. Khatchadourian, 'Julian Assange, 'A Man without a Country'', *The New Yorker*, 14 August 2017, <https://www.newyorker.com/magazine/2017/08/21/julian-assange-a-man-without-a-country>, (accessed 6 July 2020).

¹¹⁶ Den Heijer, p. 399; BBC News, 'Julian Assange: Ecuador grants WikiLeaks founder asylum', 16 August 2012, <https://www.bbc.com/news/uk-19281492>, (accessed 6 July 2020).

¹¹⁷ Swedish Prosecution Authority, 'Förundersökningen mot Julian Assange läggs ned i vissa delar', 13 August 2015, <https://www.aklagare.se/nyheter-press/pressmeddelanden/2015/augusti/forundersokningen-mot-julian-assange-laggs-ned-i-vissa-delar/>, (accessed 6 July 2020).

¹¹⁸ Swedish Prosecution Authority, 'Utredningen mot Assange läggs ned', 19 May 2017, <https://www.aklagare.se/nyheter-press/pressmeddelanden/2017/maj/utredningen-mot-assange-laggs-ned2/>, (accessed 6 July 2020).

¹¹⁹ Swedish Prosecution Authority, 'Förundersökningen i Assangeärendet återupptas', 13 May 2019, <https://www.aklagare.se/nyheter-press/pressmeddelanden/2019/maj/forundersokningen-i-assangearendet-aterupptas/>, (accessed 6 July 2020).

¹²⁰ Swedish Prosecution Authority, 'Förundersökningen mot Assange läggs ned', 19 November 2019, <https://www.aklagare.se/nyheter-press/pressmeddelanden/2019/november/forundersokningen-mot-assange-laggs-ned/>, (accessed 6 July 2020).

3.3 Seven Years of Asylum in the Ecuadorian Embassy

In the context of extradition and potential human rights issues, Julian Assange's seven-year confinement in the Ecuadorian embassy in London is decisive. After the highest British court had ruled that the international arrest warrant for Assange was lawful, it looked certain that he would be extradited to Sweden to face questioning. Assange's legal team had meanwhile failed to convince Swedish authorities to rule out extradition to the United States, or for Swedish prosecutors to question Assange in London.¹²¹ In fear of extradition and political persecution in the United States, Assange sought refuge in the Ecuadorian embassy and broke the conditions of his bail in the process. With political asylum considered a foremost value among Latin American states, in addition to Ecuador's then acrimonious relations with the United States government, the Ecuadorian administration were correctly assumed to be sympathetic to Assange's situation.¹²² The confirmation of his asylum status came on 16 August 2012 and provided a timely reprieve from the grasp of British authorities, who according to officials at the embassy, had threatened to remove Ecuador's diplomatic status and enter the building to arrest Assange.¹²³

The first years in the Ecuadorian embassy provided some degree of relief for Assange, despite being unable to leave the premises. He compared his new surroundings to a space station 'sealed from the outside world and natural light', using a blue light machine to artificially create a cycle of day and night.¹²⁴ This peculiar living arrangement was particularly popular with the press who gleefully reported on Assange's sleeping arrangements, what items of furniture he had, what television programmes and films he reportedly watched, the exercise regimen he maintained and which celebrity figures had come to visit him.¹²⁵ Though confined, Assange described his new habitat in a positive light:

¹²¹ Kampmark, p. 70; J. Hudson, 'Julian Assange's Legal Battle is Back to Square One', *The Atlantic*, 27 August 2012, <https://www.theatlantic.com/international/archive/2012/08/julian-assanges-legal-battle-back-square-one/324269/>, (accessed 6 July 2020).

¹²² A. Rozental, 'Why is Ecuador Protecting WikiLeaks' Julian Assange?', *Brookings*, 28 August 2012, <https://www.brookings.edu/opinions/why-is-ecuador-protecting-wikileaks-julian-assange/>, (accessed 6 July 2020).

¹²³ Den Heijer, p. 415; *BBC News*, 2012.

¹²⁴ A. Goodman, 'Exclusive: DN! Goes Inside Assange's Embassy Refuge to Talk WikiLeaks, Snowden and Winning Freedom', 7 July 2014, *DemocracyNow.org*, https://www.democracynow.org/2014/7/7/exclusive_inside_embassy_refuge_julian_assange, (accessed 6 July 2020).

¹²⁵ P. Kingsley, 'Julian Assange's room at the Ecuadorian embassy: a glimpse inside', *The Guardian*, 1 October 2012, <https://www.theguardian.com/media/shortcuts/2012/oct/01/julian-assanges-room-ecuadorean-embassy>, (6 July 2020); S. Oliver, 'It's like living in a space station': Julian Assange speaks out about living in a one-room embassy refuge with a mattress on the floor and a blue lamp to mimic daylight', *MailOnline*, 29 September

[It is] a national security reporter's dream [...] No police can come in. There can be no raids in the night or during the day. And that's quite a comforting position for the publisher of WikiLeaks to work from.¹²⁶

In his role as editor-in-chief, Assange remained the driving force behind WikiLeaks who continued their trend of sensational leaks of classified information. Assange also appeared regularly in media interviews, placing his own difficulties in the context of the imprisonment of journalists worldwide and of the 'true democracy' being denied by corrupted institutions.¹²⁷ Assange was even involved in helping NSA whistle-blower Edward Snowden escape to Hong Kong and later Russia to avoid arrest by US authorities.¹²⁸ While maintaining a controversial public presence, Assange's relationship with Ecuadorian officials remained positive, describing how he and embassy staff ate lunch together and celebrated people's birthdays.¹²⁹ At the political level, the Ecuadorian government was steadfast in its support of the Australian during negotiations with the UK and Swedish authorities.¹³⁰ To the frustration of UK authorities, Assange's entry to the embassy had proven to be a successful escape from extradition. With Ecuador unwilling to budge from their position, the attempt to pressurise the WikiLeaks founder out of the embassy was failing, while the costs of enormous police presence outside the building were rising by millions of pounds with each passing month.¹³¹

As months turned into years at the Ecuadorian embassy, the lack of progress in the Swedish investigation ensured that Assange's future remained uncertain. Not until a Swedish court hearing in July 2014, almost four years since the arrest warrant was issued for Assange,

2012, <https://www.dailymail.co.uk/news/article-2210522/Its-like-living-space-station-Julian-Assange-speaks-living-room-embassy-refuge-mattress-floor-blue-lamp-mimic-daylight.html>, (accessed 6 July 2020).

¹²⁶ R. Brandom, 'Julian Assange at SXSW: 'national security reporters are a new kind of refugee'', The Verge, 8 March 2014, <https://www.theverge.com/2014/3/8/5484784/julian-assange-at-sxsw-wikileaks>, (accessed 6 July 2020).

¹²⁷ J. Assange, 'Statement by Julian Assange after Six Months in the Ecuadorian Embassy', WikiLeaks.org, 20 December 2012, <https://wikileaks.org/Statement-by-Julian-Assange-after.html>, (accessed 6 July 2020).

¹²⁸ Goodman.

¹²⁹ J. Hiscock, 'Julian Assange: my life in the embassy', The Telegraph, 14 October 2013, <https://www.telegraph.co.uk/news/worldnews/wikileaks/10376799/Julian-Assange-my-life-in-the-embassy.html>, (accessed 6 July 2020).

¹³⁰ D. Pearce, 'UK threatened to arrest Assange inside embassy, says Ecuadorian minister', The Guardian, 15 August 2012, <https://www.theguardian.com/media/2012/aug/15/uk-arrest-julian-assange-wikileaks-ecuador>, (accessed 6 July 2020); Ministry of Foreign Affairs Ecuador, 'Canciller Ricardo Patiño visita a Julian Assange en la embajada ecuatoriana en Londres al cumplirse los dos años de la concesión del asilo político', Cancilleria.gob.ec, 17 August 2014, <https://www.cancilleria.gob.ec/en/foreign-minister-ricardo-patino-visits-julian-assange-at-the-ecuadorian-embassy-in-london-due-to-the-two-years-of-granting-political-asylum/>, (accessed 6 July 2020).

¹³¹ Metropolitan Police, 'Cost to guard Julian Assange at the Ecuadorian Embassy in London', May 2018, https://www.met.police.uk/SysSiteAssets/foi-media/metropolitan-police/disclosure_2018/may_2018/counter-terrorism-command---cost-to-guard-julian-assange-at-the-ecuadorian-embassy-in-london, (accessed 6 July 2020).

was any official attempt made to move the case forward.¹³² Until this point, Assange's legal team had placed the majority of their resources into dealing with what they considered the greatest threat, namely the ongoing United States investigation into Assange and WikiLeaks.¹³³ With Swedish prosecutors refusing to question him in London or consider alternatives to extradition, Assange's legal team sought for the arrest warrant to be dropped, arguing that his confinement to the embassy was enforced and incompatible with the principle of proportionality.¹³⁴ After defeat in the hearings at Stockholm District Court in July 2014 and the Court of Appeal in November 2014, a final decision by the Swedish Supreme Court in May 2015 also ended with judges upholding the arrest warrant.¹³⁵ Assange's team were however buoyed by criticism of prosecutors for failing to find alternative means of investigation or to interrogate him outside of Sweden.¹³⁶ It took another two years before this occurred, when Swedish deputy chief prosecutor Ingrid Isgren travelled to London to question Assange.¹³⁷ Just over six months later, the case against Assange was dropped. While Assange's lawyers heralded the decision as a victory, UK authorities reiterated their intentions to arrest him if he left the embassy.¹³⁸

In the autumn of 2016, political changes were taking place on the other side of the Atlantic that would have grave consequences for Assange's future. As arguably the most controversial US presidential campaign in history was hitting peak intensity, changes were also afoot in Ecuador. After a decade in office, the outgoing Rafael Correa, who had granted asylum to Assange in 2012, was soon to be replaced by either Guillermo Lasso or Lenin Moreno. Lasso vowed to kick Assange out of the embassy, while Moreno stated he would let the WikiLeaks founder stay, provided he did not release material on countries who were 'friendly' with

¹³² R. Booth, 'Julian Assange ruling is latest act in long-running legal drama', *The Guardian*, 16 July 2014, <https://www.theguardian.com/media/2014/jul/16/julian-assange-long-legal-drama>, (accessed 6 July 2020).

¹³³ Goodman.

¹³⁴ L. Lazarus, 'Is the United Nations Working Group on Arbitrary Detention Decision on Assange 'So Wrong'?', *Constitutional Law Group*, 9 February 2016, <https://ukconstitutionallaw.org/2016/02/09/liora-lazarus-is-the-united-nations-working-group-on-arbitrary-detention-decision-on-assange-so-wrong/>, (accessed 6 July 2020).

¹³⁵ Swedish Prosecution Authority, 'Kronologi i Assangeärendet', 19 November 2019, <https://www.aklagare.se/nyheter-press/for-media/assangearendet/kronologi/>, (accessed 6 July 2020).

¹³⁶ Swedish Prosecution Authority, 'Julian Assange fortsatt häktad', 20 November 2014, <https://www.aklagare.se/nyheter-press/pressmeddelanden/2014/november/hovratten-julian-assange-fortsatt-haktad/>, (accessed 6 July 2020).

¹³⁷ Swedish Prosecution Authority, 'Förhör med Assange avslutat', 15 November 2016, <https://www.aklagare.se/nyheter-press/pressmeddelanden/2016/november/forhor-med-assange-avslutat/>, (accessed 6 July 2020).

¹³⁸ Swedish Prosecution Authority, 2019(c); BBC News, 2019(d).

Ecuador.¹³⁹ Indication of a more amicable relationship with the US came when Ecuador cut Assange's internet access, specifying that he was trying to interfere with the US election. It came after WikiLeaks published emails that were hugely damaging to Hilary Clinton.¹⁴⁰ Despite the perceived advantage the email leaks had given, Donald Trump was quick to disregard his infamous 'I love WikiLeaks' remark after the election. No sooner had Trump been elected than his administration had ramped up their pursuit of Assange.¹⁴¹ With new leaders in Washington DC and Quito, Assange was entering the final and most difficult phase of his confinement in the Ecuadorian embassy.

In betrayal of his predecessor, Moreno quickly dispensed with Rafael Correa's legacy in almost all areas of policy, including his stance on Assange.¹⁴² A month after becoming president, Moreno met with Donald Trump's campaign chair, Paul Manafort, to discuss the possibility of handing Assange over to US authorities in return for concessions.¹⁴³ A year later, evidence of a thawing in relations between both states became clear in a bilateral security co-operation deal. The deal included extensive support from the US to Ecuador, including financial aid, military equipment, as well as agreements and intelligence sharing.¹⁴⁴ US Vice President Mike Pence praised Moreno in their joint press statement, stating that Ecuador's new president had brought '10 difficult years' to an end through their negotiations.¹⁴⁵ Ecuador's new partnership with the Trump administration was as clear an indication of bad news as Assange could have expected. Soon after Moreno became president, Ecuadorian consul, Fidel

¹³⁹ BBC News, 'Ecuador's new president will tackle economy... and Julian Assange', 2 April 2017, <https://www.bbc.com/news/world-latin-america-39457814>, (accessed 6 July 2020).

¹⁴⁰ N. Woolf, 'Ecuador says it cut WikiLeaks founder's internet over interference in US election', *The Guardian*, 19 October 2016, <https://www.theguardian.com/media/2016/oct/19/wikileaks-ecuador-julian-assange-internet-access>, (accessed 6 July 2020).

¹⁴¹ J.E. Barnes, A. Goldman, C. Savage, 'How the Trump Administration Stepped Up Pursuit of WikiLeaks's Assange', *The New York Times*, 16 November 2018, <https://www.nytimes.com/2018/11/16/us/politics/trump-administration-assange-wikileaks.html>, (accessed 6 July 2020).

¹⁴² C. De La Torre, 'For Ecuador's Lenin Moreno, Evicting Julian Assange Is Only the Beginning', *Foreign Policy*, 22 April 2019, <https://foreignpolicy.com/2019/04/22/for-ecuadors-lenin-moreno-evicting-julian-assange-is-only-the-beginning/>, (accessed 6 July 2020).

¹⁴³ K.P. Vogel, N. Casey, 'Trump's ex-campaign chief Paul Manafort 'tried to strike deal with Ecuador to hand Julian Assange over to US'', *Independent*, 4 December 2018, <https://www.independent.co.uk/news/world/americas/paul-manafort-ecuador-julian-assange-deal-trump-wikileaks-embassy-robert-mueller-a8666956.html>, (accessed 6 July 2020).

¹⁴⁴ US Embassy & Consulate in Ecuador, 'New Cooperation Agreements between the United States and Ecuador', 22 May 2019, <https://ec.usembassy.gov/fact-sheet-on-new-cooperation-agreements-between-the-united-states-and-ecuador/>, (accessed 6 July 2020).

¹⁴⁵ WhiteHouse.gov, 'Remarks by Vice President Pence and President Lenin Moreno of the Republic Of Ecuador in Joint Press Statements', 28 June 2018, <https://www.whitehouse.gov/briefings-statements/remarks-vice-president-pence-president-lenin-moreno-republic-ecuador-joint-press-statements/>, (accessed 6 July 2020).

Narvaez was fired and all staff at the embassy were replaced.¹⁴⁶ Although Assange was granted Ecuadorian citizenship in January 2018, his relationship with the new administration continued to diminish as the clampdown on operations in London continued. In March 2018, shortly after declaring his support for Catalan independence on Twitter, Assange's internet connection was cut yet again with the government stating Assange's behaviour on social media had 'put at risk the good relations [Ecuador] maintains with the United Kingdom, with the other states of the European Union (EU), and with other nations'.¹⁴⁷ The Ecuadorian government also imposed new regulations on Assange that his WikiLeaks colleagues described as an 'isolation regime'. Assange's lawyer in Ecuador, Baltasar Garzón, submitted a legal complaint against the measures being taken, claiming they were a violation of his fundamental rights and freedoms.¹⁴⁸ However, a judge ruled against him and stated that Assange must pay for his internet service, food and laundry, in addition to other new house rules.¹⁴⁹

By the summer of 2018 it looked inevitable that Assange's days in the Ecuadorian embassy were numbered. In July, reports emerged that Moreno had travelled to London to finalise an agreement with UK government officials about ending Assange's asylum protection.¹⁵⁰ Moreno confirmed these plans days later in Spanish media, claiming that Assange 'cannot stay in the embassy forever'.¹⁵¹ Speculation increased in October 2018 when a letter sent by the US Congress to Lenin Moreno stated that it could not advance on economic promises until the issue of Assange was resolved. The letter specifically mentions how Congress was concerned about his 'continued presence at the embassy' in London and was 'disturbed' to hear that Assange's internet access was restored.¹⁵² Rumours intensified further

¹⁴⁶ S. Maurizi, 'I Was Fired for Helping Julian Assange, and I Have No Regrets', Jacobin, 25 October 2019, <https://jacobinmag.com/2019/10/julian-assange-fidel-narvaez-ecuador-moreno>, (accessed 6 July 2020).

¹⁴⁷ J. Henley, 'Ecuador cuts off Julian Assange's internet access at London embassy', The Guardian, 28 March 2018, <https://www.theguardian.com/media/2018/mar/28/julian-assange-internet-connection-ecuador-embassy-cut-off-wikileaks>, (accessed 6 July 2020).

¹⁴⁸ P. Greenfield, 'Julian Assange to regain internet access at embassy – reports', The Guardian, 14 October 2018, <https://www.theguardian.com/media/2018/oct/14/julian-assange-to-regain-internet-access-in-embassy-base>, (accessed 6 July 2020).

¹⁴⁹ BBC News, 'Julian Assange: Ecuador court rejects lawsuit over embassy rules', 30 October 2018, <https://www.bbc.com/news/world-latin-america-46027963>, (accessed 6 July 2020).

¹⁵⁰ G. Greenwald, 'Ecuador Will Imminently Withdraw Asylum for Julian Assange and Hand Him Over to the U.K. What Comes Next?', The Intercept, 21 July 2018, <https://theintercept.com/2018/07/21/ecuador-will-imminently-withdraw-asylum-for-julian-assange-and-hand-him-over-to-the-uk-what-comes-next/>, (accessed 6 July 2020).

¹⁵¹ J. Hawke, 'Julian Assange cannot stay in embassy forever, Ecuador's President says', ABC News, 28 July 2018, <https://www.abc.net.au/news/2018-07-28/julian-assange-cannot-stay-in-embassy-forever-says-ecuador/10046616>, (accessed 6 July 2020).

¹⁵² US House of Representatives, 'Committee on Foreign Affairs, Letter to President of Ecuador Lenin Moreno', 16 October 2018, https://foreignaffairs.house.gov/_cache/files/a/8/a8a63343-fba7-4ea6-8090-5fb3d9f5d3de/7B8CEDB7545C8C99DEDB0AC0931C9873.10-16-2018-letter-from-engel-ros-lehtinen-to-president-of-ecuador.pdf, (accessed 6 July 2020).

in November as a court filing inadvertently revealed that the US Department of Justice had charged Assange in a sealed indictment.¹⁵³ Finally, on 11 April 2019, Ecuador revoked Assange's asylum and invited UK Metropolitan Police to arrest Assange at the embassy. Lenin Moreno announced that it had 'ended the asylum of this spoiled brat' and that his country's patience had 'reached its limit' with Assange.¹⁵⁴

The near seven-year period spent in London's Ecuadorian embassy would prove to be a tumultuous one for Julian Assange and of great significance in the chain of events leading to the current extradition process. Though diplomatically shielded from UK and Swedish authorities, as well as the US extradition threat, Assange's time in the embassy had only served to postpone the fears he had sought refuge from in 2012.

3.4 United States Extradition Request

A longstanding fear of Julian Assange's was that the moment he set foot outside the embassy, US authorities would immediately pursue his extradition. It was a question that entered virtually every public debate about the WikiLeaks founder, with his detractors dismissing the claim as an excuse to avoid questioning. No sooner had British police dragged Assange out of the embassy on 11 April 2019 however, than the US Department of Justice had unsealed an indictment prepared over a year earlier. Assange was charged with one count of conspiracy to commit computer intrusion for his alleged role in trying to help Chelsea Manning to crack a password to a US network containing classified documents.¹⁵⁵ The full extent of US investigations emerged a month later however when a further 17 charges were added to the indictment for unlawful 'obtaining, receiving and disclosing' of classified information on the WikiLeaks website.¹⁵⁶ In June, the UK home secretary announced the government's approval

¹⁵³ G. Greenwald, 'As the Obama DOJ Concluded, Prosecution of Julian Assange for Publishing Documents Poses Grave Threats to Press Freedom', *The Intercept*, 16 November 2018, <https://theintercept.com/2018/11/16/as-the-obama-doj-concluded-prosecution-of-julian-assange-for-publishing-documents-poses-grave-threats-to-press-freedom/>, (accessed 6 July 2020).

¹⁵⁴ S. Osborne, 'Julian Assange smeared faeces on walls of Ecuadorian embassy, interior minister claims, *Independent*', 12 April 2019, <https://www.independent.co.uk/news/uk/crime/julian-assange-ecuador-embassy-faeces-london-wikileaks-arrest-a8866751.html>, (accessed 6 July 2020); H. Bachega, 'Julian Assange: Why Ecuador ended his stay in London embassy', *BBC News*, 12 April 2019, <https://www.bbc.com/news/world-latin-america-47907600>, (accessed 6 July 2020).

¹⁵⁵ United States District Court for the Eastern District of Virginia, (Criminal No. 1:18cr) *United States of America v. Julian Paul Assange* (Defendant), 6 March 2018, <https://www.justice.gov/usao-edva/press-release/file/1153481/download>, (accessed 6 July 2020).

¹⁵⁶ United States District Court for the Eastern District of Virginia, (Criminal No. 1:18-cr-111) *United States of America v. Julian Paul Assange* (Defendant), 23 May 2019, <https://www.justice.gov/opa/press-release/file/1165556/download>, (accessed 6 July 2020).

of the US extradition request, paving the way for courts to decide if Assange should be handed over to US authorities.¹⁵⁷

The process of deciding Assange's extradition has resulted in a protracted series of court hearings. The first hearing took place a month after Assange's arrest, during which time the WikiLeaks founder had already begun serving a 50-week jail sentence for violating bail in 2012.¹⁵⁸ From HMP Belmarsh maximum security prison, Assange appeared by video link to the court, stating 'I do not wish to surrender myself for extradition for doing journalism that has won many awards and protected many people.'¹⁵⁹ Reports about Assange's condition of health began to appear in the media when he was too ill to appear for a hearing on 30 May.¹⁶⁰ A day later, UN Special Rapporteur on Torture, Nils Melzer, published a report claiming that Assange was suffering from prolonged exposure to psychological torture.¹⁶¹ The courts pressed ahead with hearings however, with Chief Magistrate Emma Arbuthnot deciding on June 14 that a full extradition hearing should begin on 25 February 2020. Representing the US at the hearing, Ben Brandon described the Assange case as 'one of the largest compromises of confidential information in the history of the United States.' Mark Summers QC, Assange's representative, argued that the extradition contains a 'multiplicity of profound issues' and described the extradition case as 'an outrageous and full-frontal assault on journalistic rights'.¹⁶² In October, Assange's legal team requested a postponement of the February hearings. They argued that more time was needed to gather evidence and that communicating with their client in Belmarsh prison was extremely challenging. District Judge Vanessa Baraitser denied the request however.¹⁶³ In his first public appearance since May, Assange struggled to recall his name and age and appeared confused. Asked whether he understood the details of his case,

¹⁵⁷ M. Weaver, O. Bowcott, 'Julian Assange to appear in court after Javid signs US extradition request', *The Guardian*, 13 June 2019, <https://www.theguardian.com/media/2019/jun/13/julian-assange-sajid-javid-signs-us-extradition-order>, (accessed 6 July 2020).

¹⁵⁸ BBC News, 'Julian Assange: WikiLeaks co-founder jailed over bail breach', 1 May 2019, <https://www.bbc.com/news/uk-48118908>, (accessed 6 July 2020).

¹⁵⁹ BBC News, 'Julian Assange doesn't consent to US extradition, court hears', 2 May 2019, <https://www.bbc.com/news/uk-48134901>, (accessed 6 July 2020).

¹⁶⁰ B. Quinn, 'Julian Assange too ill to appear in court via video link, lawyers say', *The Guardian*, 30 May 2019, <https://www.theguardian.com/media/2019/may/30/julian-assange-too-ill-appear-court-via-video-link-lawyers-say>, (accessed 6 July 2020).

¹⁶¹ United Nations Human Rights Office of the High Commissioner, 2019(c).

¹⁶² BBC News, 'Julian Assange extradition case 'outrageous assault on journalism'', 14 June 2019, <https://www.bbc.com/news/uk-48633682>, (accessed 6 July 2020); W. Booth, K. Adam, 'Julian Assange to face a full extradition hearing in 2020', *The Washington Post*, 14 June 2019, https://www.washingtonpost.com/world/europe/julian-assange-to-face-a-full-extradition-hearing-in-2020/2019/06/14/a91e7ed0-8e97-11e9-adf3-f70f78c156e8_story.html, (accessed 6 July 2020).

¹⁶³ ABC News, 'WikiLeaks founder Julian Assange denied delay to extradition hearing by London judge', *ABC.net.au*, 21 October 2019, <https://www.abc.net.au/news/2019-10-22/wikileaks-founder-assange-in-court-to-fight-extradition/11625042>, (accessed 6 July 2020).

Assange said ‘not exactly’ and stated that he could not ‘think properly’.¹⁶⁴ In December, Assange’s lawyers reiterated their request for a delay to hearings claiming that Assange was being prevented from seeing the evidence in his case and that they were being blocked from visiting him.¹⁶⁵ On 23 January 2020, with both sides now requesting more time to prepare, Baraitser agreed to split the hearings in two, with one week of hearings beginning on 24 February and a further three weeks scheduled from 18 May.¹⁶⁶

With hearings underway at Woolwich Crown Court on 24 February, both legal parties put forth their arguments. Assange’s lawyer, Edward Fitzgerald QC, claimed that Assange would not receive a fair trial if extradited and that he would be subjected to inhuman and degrading treatment, adding that the extradition was politically motivated. James Lewis, representing the US government, argued that Assange is an ordinary criminal who put lives at risk by publishing classified information. Lewis said ‘journalism is not an excuse for criminal activities or a license to break ordinary criminal laws.’¹⁶⁷ US lawyers also argued against Assange’s actions being described as political. Lewis claimed that his actions were not directly for the purpose of overthrowing the US government or of changing US policy. Assange’s lawyers countered that not only was Assange’s aim to change US policy, but that he succeeded in doing so, citing the US military’s withdrawal from Iraq as a result of information made available by WikiLeaks as proof that policy had changed. Referring to the ‘Collateral Murder’ video from 2010 and the Guantánamo Bay files, Fitzgerald asked further about what other purpose there could be other than to force policy change by the US government.¹⁶⁸ Aside from the arguments put forward by both sides, Assange complained to the judge that he was unable to follow the hearing properly. Assange was not allowed to sit with his lawyers, but rather in a secure dock behind bulletproof glass. Twice during proceedings, Assange stood up and attempted to communicate with his lawyers but had failed to do so.¹⁶⁹ Comparing himself as a

¹⁶⁴ A. MacAskill, ‘WikiLeaks founder Assange appears confused at extradition hearing’, Reuters, 21 October 2019, <https://www.reuters.com/article/us-britain-assange/wikileaks-founder-assange-appears-confused-at-extradition-hearing-idUSKBN1X00Y1>, (accessed 6 July 2020).

¹⁶⁵ The Guardian, ‘Lawyers complain about lack of access to Julian Assange in jail’, The Guardian, 13 December 2019, <https://www.theguardian.com/media/2019/dec/13/lawyers-complain-about-lack-of-access-to-julian-assange-in-jail>, (accessed 6 July 2020).

¹⁶⁶ Reuters, Extradition hearing for WikiLeaks’ Assange to be split in two parts, 23 January 2020, <https://www.reuters.com/article/us-britain-assange/extradition-hearing-for-wikileaks-assange-to-be-split-in-two-parts-idUSKBN1ZM1LN>, (accessed 6 July 2020).

¹⁶⁷ Deutsche Welle, Julian Assange’s extradition hearing begins in London, 24 February 2020, <https://p.dw.com/p/3YGkh>, (accessed 6 July 2020).

¹⁶⁸ F. Perraudin, ‘Julian Assange’s lawyers: US files were leaked for political ends’, The Guardian, 27 February 2020, <https://www.theguardian.com/media/2020/feb/27/julian-assanges-lawyers-us-files-were-leaked-for-political-ends>, (accessed 6 July 2020).

¹⁶⁹ *ibid.*

spectator at a tennis match, Assange stated that he was ‘as much a participant in these proceedings as I am at Wimbledon’. Assange also complained that private communication with his legal team was impossible due to microphones located in the dock, as well as the presence of US embassy officials in the court.¹⁷⁰

With the case hanging in the balance in anticipation of the May court hearings, the sudden advance of the Coronavirus pandemic pushed Assange’s fate back by several months. In April, Assange’s lawyers requested for a postponement as they could not adequately prepare their defence with the measures in place due to the pandemic.¹⁷¹ After first rejecting the request on 7 April, Judge Baraitser eventually agreed to the delay as the circumstances had not improved. A new date for the hearing was set for 7 September 2020.¹⁷² If extradited, Assange will go on trial in the US and faces a maximum 175-year sentence if found guilty.¹⁷³

¹⁷⁰ A. MacAskill, ‘Assange complains he cannot follow US extradition hearing’, Reuters, 26 February 2020, <https://www.reuters.com/article/us-britain-assange/assange-complains-he-cannot-follow-u-s-extradition-hearing-idUSKCN20K24S>, (accessed 6 July 2020).

¹⁷¹ B. Goodwin, ‘Judge refuses to delay Assange’s extradition hearing over coronavirus pandemic’, Computer Weekly, 7 April 2020, <https://www.computerweekly.com/news/252481299/Judge-refuses-to-delay-Assanges-extradition-hearing-over-coronavirus-pandemic>, (accessed 6 July 2020).

¹⁷² ABC News, ‘Julian Assange’s extradition case delayed until September, WikiLeaks founder’s hearing moved to another court’, 4 May 2020, <https://www.abc.net.au/news/2020-05-04/julian-assange-postponed-extradition-hearing/12213674>, (accessed 6 July 2020).

¹⁷³ J. Swaine, ‘New US charges against Julian Assange could spell decades behind bars’, The Guardian, 2 May 2019, <https://www.theguardian.com/media/2019/may/23/wikileaks-founder-julian-assange-with-violating-the-espionage-act-in-18-count-indictment>, (accessed 6 July 2020).

Chapter 4 Analysis of the Human Rights Violations in the Extradition of Julian Assange to the United States

The previous chapter summarises the key events in the Julian Assange extradition case and serves as a basis for this chapter examining the first research question: ‘What human rights are violated by the extradition of Julian Assange to the United States of America?’ As per the human rights-based approach, the treatment of Assange by relevant states can be assessed against the standards set out in the international normative framework of human rights. This process serves two purposes: (1) to highlight that violations have occurred which require immediate attention (2) to establish these human rights violations as the centre of the discussion and to quash the excuses put forth by each state to impede a progressive discussion of the case. Chief among these impediments is the idea that events in Sweden, the UK and the confines of the Ecuadorian embassy are unrelated to the extradition of Assange to the United States. The pattern and accumulation of human rights violations strongly indicates otherwise, positing US extradition as the underlying cause of all these events: the Swedish preliminary investigation; the refusal of Sweden and the UK to acknowledge Assange’s asylum status; Ecuador’s ill-treatment of Assange and withdrawal of his asylum protection; as well as Assange’s continuing imprisonment in the UK while he awaits extradition to the US. The human rights-based approach reveals that the United States of America, with the cooperation of the UK, Sweden and Ecuador, has violated Julian Assange’s human rights in its desire to have the WikiLeaks founder extradited.

As a means of identifying human rights violations in the Assange case, it is important to fully elaborate on these issues with respect to state obligations and to compare them against the international framework of human rights standards. This process identifies dozens of human rights issues falling under four rights categories: (1) the right to a fair trial; followed by (2) the right to liberty and security; (3) the prohibition of torture; and (4) the freedom of expression. This method of organisation presents the sequence of how each human rights issue developed and deteriorated over time. The process begins with the right to a fair trial, showing how Assange’s first point of contact with each jurisdiction results in violations, and like a ‘domino effect’ leads to other rights abuses, namely the right to liberty and security, pertaining to Assange’s arbitrary detention as a result of due process failures, followed by the prohibition of torture with respect to the treatment of Assange by each state and the deterioration of his physical and psychological health. As a rights issue that permeates the entirety of the Assange case, the chapter finishes with the freedom of expression. Through the framework of

international human rights standards laid out in treaties such as the ICCPR and the CAT, areas where all four states involved have not respected their obligations to human rights can be identified and categorised according to the relevant issues. The communications between the UN Special Rapporteur on Torture, Nils Melzer, offers extensive and detailed insight on the human rights issues identified and how each state has responded.

4.1 The Right to a Fair Trial

The identification of human rights issues in the Assange case begins with the right to a fair trial. No other issue epitomises the complete disregard for human rights obligations shown by each state than the denial of Assange's due process rights. As presented in all four stages of the summary, the manner in which judicial authorities have dealt with Assange immediately raises doubts as to whether the right to a fair trial has been respected. The ICCPR, a legally-binding treaty which all four states involved have ratified, asserts that 'All persons shall be equal before the courts' and 'In the determination of any criminal charge [...] everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law'. The ICCPR also states that 'everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law'. Further guarantees in the covenant outline how 'everyone charged with an offence shall be informed promptly of the charges made against him; to have adequate time and facilities for preparation of his defence [...]; and 'to be tried without undue delay'.¹⁷⁴ Taking these factors into account, each stage of the summary can be examined to identify areas where the states have not fulfilled their obligations to uphold this right.

4.1.1 Sweden's Violation of the Right to a Fair Trial

On reflection of the summary, several fair trial issues arise with regard to how Swedish authorities handled the investigation against Julian Assange. Swedish prosecutors ordered Assange's arrest and provided details to the Expressen newspaper on 20 August 2010, reporting that he was suspected of having raped two women, at a point when police had only interviewed one of the alleged victims, and before Assange had even been informed at all.¹⁷⁵ Two days later, the case was dropped by the chief prosecutor in Stockholm, Eva Finne, who found no

¹⁷⁴ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, Article 14.

¹⁷⁵ N. Melzer, (AL SWE4/2019) Mandate of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Geneva, 12 September 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24838>, p. 3.

reason to suspect a rape had been committed.¹⁷⁶ However, the investigation was reopened again by a different prosecutor, Marianne Ny, on 1 September 2010.¹⁷⁷ Despite the fact that Assange had already presented himself for questioning on 30 August and remained in the country for a further four weeks, he was not questioned again after the reopening of the investigation.¹⁷⁸ Thereafter, Swedish prosecutors procrastinated by failing to advance the case while refusing to consider any alternative means of questioning when Assange was in London. The case continued intermittently over the next nine years without prosecutors ever pressing a single charge. These first indicators of possible fair trial issues, gathered from the summary in the previous chapter, are confirmed upon review of the 19-page communication sent to Sweden by the UN Special Rapporteur on Torture, fully exposing Sweden's failure to respect the right to a fair trial.¹⁷⁹

The first issue raised by Nils Melzer with regard to a fair trial is the failure of Swedish authorities to ensure confidentiality or any semblance of precaution in initiating an investigation against Assange.¹⁸⁰ According to Melzer, Swedish prosecutors issued an arrest warrant for Assange and also informed the Expressen newspaper. By this point, Assange had not been given the opportunity to respond to allegations and only one of the alleged complainants in the investigation had been questioned and had not in fact accused Assange of any crime. Additionally, Swedish authorities failed to protect anonymity and confidentiality of both the complainant and the alleged suspect as required in investigations of sexual offences.¹⁸¹ Melzer's report also shows that SW became 'emotionally distraught' when told by police that Assange would be arrested for rape based on her testimony and terminated the interview. SW also sent texts to a friend while she was still in the police station, writing that she only wanted Assange to take a HIV test but that the police were 'keen to get their hands on him' and that 'it was the police who made up the charges'.¹⁸² The second woman involved, AA, did not even intend to speak to police and was only bringing SW to a specific police station (where her personal friend IK was stationed as a police officer) to ask if they could force Assange to take a HIV test.¹⁸³ This procedural misconduct is worsened by what Melzer described as the Swedish prosecutors 'doing everything to maintain an unqualified "rape suspect" narrative'

¹⁷⁶ *ibid.*, pp. 4-5.

¹⁷⁷ Swedish Prosecution Authority, 2019(c).

¹⁷⁸ Ryser.

¹⁷⁹ Melzer, 2019(b).

¹⁸⁰ Melzer, p. 3.

¹⁸¹ *ibid.*, pp. 3-5.

¹⁸² *ibid.*, p. 4; Ryser.

¹⁸³ *ibid.*, p. 5.

against Assange while refusing to take into account substantial exculpatory evidence to the contrary.¹⁸⁴ Melzer states how the condom submitted as evidence by AA in the alleged sexual assault contains neither Assange's DNA nor AA's. Also noted in the report is that the day after the alleged incident of sexual assault, AA agreed to serve as Assange's press secretary, while insisting on hosting Assange for the entire week, even when others had offered him accommodation.¹⁸⁵

The closing and reopening of the case gives rise to further indications of fair trial abuses, namely the manipulation of evidence and apparent conflicts of interest. After the chief prosecutor in Stockholm had reviewed the statements and decided there was no reason to suspect a rape had been committed,¹⁸⁶ the investigation was reopened again by a different prosecutor.¹⁸⁷ Email exchanges show that the reopening of the case was made possible because the police officer (and personal friend of AA) who originally questioned SW was ordered by her supervisor to rewrite SW's original statement. The original statement provided by SW on 20 August was overwritten and the new statement edited on 26 August is the only version that now exists.¹⁸⁸ Further conflict of interest arises with the involvement of Claes Borgström, the lawyer appointed by the state for both AA and SW. Melzer states that Borgström was tasked by the state with overturning the decision made by prosecutor Eva Finne and to ensure the reopening of the investigation by a different prosecutor. Casting further doubt to Borgström's interest in the case is that he had previously worked in a number of senior government positions and also operated a law firm along with Thomas Bodström, the former Minister of Justice under whom two asylum seekers were handed over to the CIA for rendition in 2001 and subsequently tortured.¹⁸⁹ Heaping further doubt on the handling of the case, Facebook posts of the police officer IK not only showed photographs of her along with Thomas Bodström, but also a post expressing her disgust that the Assange case was closed by the first prosecutor and that she hoped that the 'dear, eminent and exceedingly competent' Claes Borgström will reopen the case and that 'the overrated Assange bubble (is) ready to burst'.¹⁹⁰ Confirming a long list of peculiar coincidences, Melzer outlines how AA, the police officer IK, her supervisor Mats

¹⁸⁴ *ibid.*, p. 4.

¹⁸⁵ Melzer, 2019(b), p. 3.

¹⁸⁶ BBC News, Swedish rape warrant for Wikileaks' Assange cancelled, 21 August 2010, <https://www.bbc.com/news/world-europe-11049316>, (accessed 13 July 2020).

¹⁸⁷ Swedish Prosecution Authority, 2019(c).

¹⁸⁸ *ibid.*, p. 6; Ryser.

¹⁸⁹ *ibid.*, p. 4.

¹⁹⁰ *ibid.*, p. 7.

Gehlin, lawyer for both complainants Claes Borgström, and the Justice Minister Thomas Bodström were all part of the same political party and acquainted with each other.¹⁹¹

The deficiencies that occurred at the outset of the case were followed by a complete absence of urgency on the part of Swedish authorities to move the case forward, while continuing to present Assange as a guilty party. When the investigation was reopened on 1 September 2010, Assange waited in Sweden for a further four weeks. As pointed out in the summary, Assange made himself available but no interview took place because the designated prosecutor was too busy or ill.¹⁹² Then after giving Assange permission to leave the country, Swedish prosecutors issued an international arrest warrant. As Melzer referred to in his report, prosecutors had not made any thorough attempt at questioning before issuing an international arrest warrant, a disproportionate act that only heightened the unnecessary damage to Assange's reputation.¹⁹³ Further issues outlined include the failure to inform Assange and his lawyers of the precise allegations being made against him, hindering his ability to build a defence case. After the UK Supreme Court judged that Assange should be extradited in 2012, Swedish prosecutors also managed to reduce the window of time available for appeal to the European Court of Human Rights (ECtHR) from fourteen days to 'zero'.¹⁹⁴ Several more fair trial issues are highlighted in Melzer's report, including Sweden's apparent complicity with the UK's Crown Prosecution Service (CPS), the failure to adhere to the Mutual Legal Assistance agreement which specifically provided an alternative means for prosecutors to question Assange while he was in London, as well as 'pervasive procedural procrastination'. Melzer writes:

Between 2010 and 2019, this preliminary investigation has been opened by one prosecutor, closed by another, re-opened and then closed again by a third, only to be reopened by a fourth, without any decisive procedural progress being achieved for almost a decade.¹⁹⁵

The investigation was then closed again in November 2019, but not without Swedish prosecutors continuing the portrayal of Assange as a guilty suspect. Announcing that the case could not continue because the evidence was not strong enough to press any charges, the prosecutor stated: 'I would like to emphasise that the injured party has submitted a credible and

¹⁹¹ *ibid.*

¹⁹² *ibid.*

¹⁹³ *ibid.*, p. 8.

¹⁹⁴ *ibid.*

¹⁹⁵ *ibid.*, pp. 11-12.

reliable version of events’.¹⁹⁶ Melzer reacted to the news that the investigation was closed by calling for a full investigation and reiterating his request to the Swedish government that they provide explanation for the ‘50 perceived due process violations’ his examination of the case found.¹⁹⁷

4.1.2 United Kingdom’s Violation of the Right to a Fair Trial

The summary chapter shows several indications that authorities in the United Kingdom have violated the right to a fair trial. In the Swedish investigation, the CPS consistently encouraged the prolongation of the case and prevented measures that would allow Assange to be questioned. After Assange’s arrest in April 2019, further fair trial issues arise with impartiality of public officials and the biased and derogatory language used, (with one judge describing Assange as a ‘narcissist who can’t get beyond his own ego’) as well as the proportionality of the prison sentence he was given for violating the terms of his bail agreement. As the current extradition process plays out, Assange’s fair trial woes continue at the hands of British authorities given his inability to access legal documents or communicate in any effective manner with his legal counsel. As with the actions of Swedish authorities, the CPS appeared intent on systematically and deliberately obstructing justice.

As a result of a Freedom of Information request by investigative journalist Stefania Maurizi, email correspondence between the CPS and the Swedish Prosecution Authority (SPA) over a five-year period came to public attention in 2017.¹⁹⁸ While the emails are heavily redacted, sufficient detail remains to expose the persistent and deliberate efforts by both prosecution authorities to undermine Assange’s access to justice. The emails reveal how CPS officials discouraged the Swedish prosecutors from dropping the Assange investigation. In January 2011, one CPS lawyer wrote; ‘My earlier advice remains, that in my view it would not be prudent for the Swedish authorities to try to interview the defendant in the UK’. When Swedish prosecutors had indicated that they may have to abandon the investigation, the CPS official responded: ‘Don’t you dare get cold feet!!’¹⁹⁹ In October 2013, Marianne Ny wrote

¹⁹⁶ BBC News, 2019(d).

¹⁹⁷ N. Melzer, ‘#Assange: My follow-up letter of 12 Sept asking #Sweden to explain, point by point, the #HumanRights compliance of 50 perceived due process violations, to conduct a prompt & impartial investigation and reiterating my unanswered queries of 28 May.(@NilsMelzer)’, 11 November 2019, <https://twitter.com/nilsmelzer/status/1196797810114351104?lang=en>, (accessed 9 July 2020).

¹⁹⁸ S. Maurizi, ‘Few documents, many mysteries. How our FOIA case is unveiling the questionable handling of the Julian Assange case’, La Repubblica, 13 February 2018, https://www.repubblica.it/esteri/2018/02/13/news/few_documents_many_mysteries_how_our_foia_case_is_unveiling_the_questionable_handling_of_the_julian_assange_case-188758273/, (accessed 9 July 2020).

¹⁹⁹ Ryser.

that ‘there is a demand in Swedish law for coercive measures to be proportionate’ and that having taken all options into consideration, the SPA was obliged to lift the detention order and drop the EAW against Assange. In a later email she apologised if ‘the email came as a bad surprise’ to CPS officials and that she hoped it ‘didn’t ruin your weekend’.²⁰⁰ The bias of the CPS is also clear in several emails, including one in which a CPS lawyer joked about Assange’s deteriorating health, writing that ‘the most serious condition remains the enduring damage to his ego’.²⁰¹ Serious questions also remain as to what motivations lie behind the desire for CPS officials to side against Assange and to stall the Swedish investigation. As a supposedly impartial, independent authority acting in accordance with equality and justice in the law, their email communications with the SPA are suggestive of ulterior motives outside their mandate.

After his arrest at the Ecuadorian embassy and back in the custody of UK authorities, the denial of Assange’s right to a fair trial continued. In the UN Special Rapporteur’s communication to the UK, Nils Melzer expressed concern at the ‘conflicts of interest and repeated expressions of overt bias on the part of judicial magistrates in the course of the UK’s criminal and extradition proceedings since 11 April 2019’. Melzer also described the conviction of Assange for a bail violation as arbitrary and disproportionate.²⁰² At Westminster Magistrates Court, where Assange was brought after his arrest, his defence lawyer, Liam Walker, argued that the bail offence for which he was being charged was based on a reasonable expectation that his fair trial rights would be abused as the UK had only intended to ‘secure his delivery’ to the United States.²⁰³ District Judge Michael Snow responded that ‘His assertion that he has not had a fair hearing is laughable and that Assange’s behaviour is that of ‘a narcissist who cannot get beyond his own selfish interests.’²⁰⁴ Judge Snow also criticised Walker for his claim that the chief magistrate who had previously dealt with the case, Lady Emma Arbuthnot,²⁰⁵ was biased against Assange. Snow claimed that it was ‘unacceptable’ to

²⁰⁰ Crown Prosecution Service, ‘Correspondence between the Crown Prosecution Service and the Swedish Prosecution Authority about the case of Mr Julian Assange’, 3 August 2017, https://www.cps.gov.uk/sites/default/files/documents/publications/disclosure_15_annex_0.pdf, (accessed 9 July 2020), p. 332.

²⁰¹ *ibid.*, p. 326.

²⁰² N. Melzer, (UA GBR 6/2019) Mandate of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Geneva, 29 October 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24926>, p. 6.

²⁰³ L. Dearden, ‘Julian Assange branded ‘narcissist’ by judge as Wikileaks founder faces US extradition’, Independent, 11 April 2019, <https://www.independent.co.uk/news/uk/crime/julian-assange-arrest-us-extradition-ecuador-embassy-uk-police-met-wikileaks-a8865021.html>, (accessed 9 July 2020).

²⁰⁴ S. Murphy.

²⁰⁵ Westminster Magistrates’ Court, An Application by Julian Assange: Ruling of the Senior District Judge (The Chief Magistrate Emma Arbuthnot), Ruling No. 2, 13 February 2018, <https://www.judiciary.uk/wp-content/uploads/2018/02/assange-ruling-2-feb2018.pdf>, (accessed 9 July 2020).

claim that Arbuthnot was biased on front of a packed press gallery, adding that it was ‘grossly unfair and improper to do it just to ruin the reputation of a senior and able judge in front of the press.’²⁰⁶ Walker’s claim referred to Arbuthnot’s husband, Lord James Arbuthnot of Edrom, a chair of the Defence Select Committee and board member in two arms manufacturing companies exposed by WikiLeaks for corrupt practice and bribery, and both of which have contracts with the UK Ministry of Defence.²⁰⁷ In 2009 Arbuthnot was one of a number of MPs revealed to have used taxpayers’ money to fund personal expenses.²⁰⁸ More recent revelations also showed that Lady Arbuthnot too had benefitted extensively from gifts and hospitality as a result her husband’s political activities.²⁰⁹ Arbuthnot remains in her position as Chief Magistrate, with responsibilities including ‘supporting and guiding district judge colleagues’, including Judge Vanessa Baraitser who now oversees the Assange extradition case.²¹⁰ Assange was sentenced to 50 weeks in prison for violation of bail from seven years previously. The sentence, only two weeks short of the maximum 52-week sentence for a bail violation, was described by the UN Working Group on Arbitrary Detention as disproportionate with respect to the offence committed.²¹¹

As shown in the summary, the extradition process Assange now faces in the UK also raises several fair trial issues, including public expressions by officials portraying Assange as guilty and further obstructions to his ability to adequately construct a case for defence. After signing approval on the US extradition request and paving the way for court hearings to take place, former UK Home Secretary Sajid Javid described the US request as ‘legitimate’ and that Assange was ‘rightly behind bars’.²¹² As with previous comments by members of the judiciary

²⁰⁶ Murphy.

²⁰⁷ UK Parliament, ‘MPs and Lords: Lord Arbuthnot of Edrom, Register of Interests’, <https://members.parliament.uk/member/56/registeredinterests>, (accessed 9 July 2020); M. Curtis, M. Kennard, ‘Julian Assange’s judge and her husband’s links to the British military establishment exposed by WikiLeaks’, Declassified UK, 14 November 2019, <https://www.dailymaverick.co.za/article/2019-11-14-julian-assanges-judge-and-her-husbands-links-to-the-british-military-establishment-exposed-by-wikileaks/>, (accessed 9 July 2020).

²⁰⁸ H. Watt, ‘MPs’ expenses: Senior Tory James Arbuthnot charged taxpayer for pool cleaning’, The Telegraph, 11 May 2009, <https://www.telegraph.co.uk/news/newstopics/mps-expenses/5309732/MPs-expenses-I-made-an-error-and-will-repay-pool-money-says-James-Arbuthnot.html>, (accessed 13 July 2020).

²⁰⁹ M. Curtis, M. Kennard, ‘REVEALED: Chief magistrate in Assange case received financial benefits from secretive partner organisations of UK Foreign Office’, Daily Maverick, 21 February 2020, <https://www.dailymaverick.co.za/article/2020-02-21-revealed-chief-magistrate-in-assange-case-received-financial-benefits-from-secretive-partner-organisations-of-uk-foreign-office/>, (accessed 9 July 2020).

²¹⁰ Courts and Tribunals Judiciary, Chief Magistrate Senior District Judge Emma Arbuthnot, <https://www.judiciary.uk/about-the-judiciary/who-are-the-judiciary/judicial-roles/judges/chief-magistrate/>, (accessed 9 July 2020).

²¹¹ N. Melzer, (UA SWE 2/2019) Mandate of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Geneva, 28 May 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24641>, p.3.

²¹² Weaver, Bowcott.

and prosecution authorities in both the UK and Sweden, Javid's remarks continue the state's depiction of Assange as a guilty party before any trial or legal decision has been conducted. In the hearings that began in February 2020, Assange sat in a bulletproof glass dock at the back of the courtroom, a facility designed to protect the courtroom from dangerous criminals.²¹³ He was not allowed to sit with his legal team and raised the issue with the judge that he could not hear the proceedings or communicate properly. Due to the configuration of the court, Assange's opportunity for private communication with his lawyers is not possible without prosecution lawyers and other US officials present being able to hear his comments.²¹⁴ A request to be able to sit with his lawyers, to which US lawyers did not object, was rejected by Judge Baraitser.²¹⁵ As well as the communication issues within the court, Assange also had his files from the first day of hearings confiscated upon return to HMP Belmarsh prison. Already heavily restricted in his ability to prepare his case and contact his lawyers from within prison, Assange's lawyer, Edward Fitzgerald QC, complained of interference by authorities in his defendant's ability to take part in his own case.²¹⁶

²¹³ Perraudin.

²¹⁴ MacAskill, 2020.

²¹⁵ C. Boyle, 'Assange denied request to sit next to his lawyers as first phase of extradition hearing ends', Los Angeles Times, 27 February 2020, <https://www.latimes.com/world-nation/story/2020-02-27/assange-denied-request-to-sit-next-to-his-lawyers-as-first-phase-of-extradition-hearing-ends>, (accessed 9 July 2020).

²¹⁶ B. Quinn, 'Julian Assange was 'handcuffed 11 times and stripped naked'', The Guardian, 25 February 2020, <https://www.theguardian.com/media/2020/feb/25/julian-assange-handcuffed-stripped-naked-claim-lawyers>, (accessed 9 July 2020).

4.1.3 Ecuador's Violation of the Right to a Fair Trial

As the only state to have supported Assange's fears of extradition to the US, Ecuador too would later neglect their obligations with respect to fair trial rights. In 2012, the Ecuadorian government under Rafael Correa granted asylum to Assange believing his fear of refoulement to the US to be credible and that his human rights were at risk. As shown in the summary, the new presidency under Lenin Moreno from 2017 onwards saw a change of policy on Assange. In 2018, his internet access was removed and his ability to receive social visits to the embassy was drastically shut down, blocking all possible external communication. In April 2019, without warning, Assange's Ecuadorian citizenship and his asylum status were revoked and British police were invited to the embassy to arrest him. Following these events, Moreno and other Ecuadorian officials claimed Assange was 'discourteous and aggressive' and made several accusations that Assange exercised extremely bad hygiene.²¹⁷

Like the behaviour of UK and Swedish authorities, Moreno's government engaged in similar actions when dealing with Assange, denying him basic due process rights while making damaging and defamatory remarks about the WikiLeaks founder in public. Defending his decision to revoke asylum and citizenship, and to eject Assange from the embassy, Moreno justified his decision claiming the WikiLeaks founder had broken the rules of his asylum status and that the removal of that status was in line with international law.²¹⁸ Moreno also publicly commented on Assange in a manner contributing to the destruction of Assange's public reputation, branding him a 'spoiled brat' and stating that he cannot use political asylum 'as a way to evade the consequences of committing crimes'.²¹⁹ In the days and weeks that followed, Moreno and other government officials claimed Assange had repeatedly broken rules and displayed aggressive behaviour towards embassy staff.²²⁰ Moreno also accused Assange of a series of other misdemeanours, saying that he turned the embassy into a centre for spying, had smeared excrement on the walls in the embassy, had abused staff and had hosted hackers inside the building.²²¹ At a time when his removal from the embassy was widely covered around the

²¹⁷ Bachega.

²¹⁸ P. Wintour, 'Assange tried to use embassy as 'centre for spying', says Ecuador's Moreno', *The Guardian*, 14 April 2019, <https://www.theguardian.com/media/2019/apr/14/assange-tried-to-use-embassy-as-centre-for-spying-says-ecuadors-moreno>, (accessed 9 July 2020).

²¹⁹ *ibid.*

²²⁰ Bachega.

²²¹ Bachega.

world, Moreno's comments fuelled the image of Assange as a reprehensible character.²²² The UN Special Rapporteur's communication roundly rejected the arguments put forth by the Ecuadorian government.

Melzer expressed his extreme concern at the removal of citizenship and political asylum protection from Assange without any legal proceedings, without opportunity to provide a statement, or the chance for legal remedy, given the inevitability of his extradition to the US.²²³ Emphasising this point, Melzer reminded the Ecuadorian government that it was for this specific reason that Assange had been granted protection in the first place in 2012.²²⁴ On the shutdown of Assange's communication, the Special Rapporteur asserted that while Moreno's government may have some legitimacy in taking actions to ensure that the embassy does not interfere with other states, the full suppression of Assange's methods of communication is at odds with his rights as a diplomatically protected asylee.²²⁵ Regarding the series of remarks about Assange's hygiene, abuse of staff, hacking or interference with the affairs of other states, Melzer accused Ecuadorian officials of frequently using debasing remarks. Melzer wrote:

In my view, the systematic dissemination, since early 2018, by the Ecuadorian political leadership of an unsubstantiated, strongly debasing narrative about Mr. Assange, is an apparent attempt to pre-emptively justify his subsequent expulsion from the Embassy.²²⁶

Despite the support provided under Rafael Correa's government, protecting Assange from extradition to the US after 2012, Ecuador is now a perpetrator in the systematic denial of the WikiLeaks founder's right to a fair trial.

4.1.4 United States of America's Violation of the Right to a Fair Trial

Already denied fair trial rights by Sweden, the UK and Ecuador, the worst is most likely yet to come with Assange's pending extradition to the United States. Not only has the fear of a show trial been a central concern for Assange and his supporters, Ecuador's granting of

²²² S. Walters, 'Assange inside his fetid lair: Revealed, the full squalid horror that drove embassy staff to finally kick him out', Daily Mail, 13 April 2019, <https://www.dailymail.co.uk/news/article-6917341/Assange-inside-fetid-lair-squalid-horror-drove-embassy-staff-finally-kick-out.html>, (accessed 9 July 2020).

²²³ N. Melzer, (AL ECU 15/2019) Mandate of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Geneva 2 October 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24861>, p. 3.

²²⁴ *ibid*; Ryser.

²²⁵ Melzer, 2019(a), p. 10.

²²⁶ *ibid*.

asylum status in 2012 was recognition of that fact by a UN Member State. The Ecuadorian government claimed that ‘serious indications of retaliation’ required them to protect Assange from a possible death sentence.²²⁷ These fears for Assange’s human rights have now taken on an even more critical nature since April 2019 after the unsealing of a US grand jury indictment. Given the actions of Sweden, the UK and Ecuador in denying Assange his fair trial rights, as well the extremely suspicious circumstances regarding surveillance at the Ecuadorian embassy, there is no reason for Assange to expect a reversal of fortunes when confronted with the US judicial system. Moreover, the dubious, state-contrived nature of espionage trials in the Eastern District of Virginia, and the persistent public calls for the harshest punishment for Assange by US officials over the past decade would render any possibility of a fair proceeding impossible.

If Assange loses his case against extradition, he will go on trial in the Eastern district of Virginia, known infamously as the ‘espionage court’ which handles all cases involving suspected spies and terrorists in the US.²²⁸ The case will be heard by Judge Leonie Brinkema, the same government-appointed judge who has presided over all previous national security cases, including CIA whistle-blowers John Kiriakou and Jeffrey Sterling.²²⁹ No previous case heard at the court has ever resulted in a single instance where a national security defendant has won their case. According to Nils Melzer, the choice of the Eastern District of Virginia is intentionally chosen because the jury will be selected from an area where 85 percent of the population is employed at the CIA, the Pentagon, or other national intelligence and security agencies that operate in the state. Of further disadvantage, the case will take place behind closed doors and will be based on classified evidence to which Assange’s lawyers will not be allowed access.²³⁰ The judicial process against those accused of espionage ensures a pre-determined outcome and will, by design, violate the right to a fair trial; the trial of Assange will be a show trial.

Before an anticipated show trial even begins, it appears likely that US authorities have already managed to compromise Assange’s defence. In 2019, Spanish newspaper El PAIS exposed how a private company in charge of surveillance at the Ecuadorian embassy were conducting an intensive monitoring programme of Assange and the visitors he received to the

²²⁷ Den Heijer, p. 418.

²²⁸ N. Miller, ‘You don’t stand a chance’: how the press freedom argument will go for Assange’, The Sydney Morning Herald, 9 June 2019, <https://www.smh.com.au/world/north-america/you-don-t-stand-a-chance-how-the-press-freedom-argument-will-go-for-assange-20190607-p51vfi.html>, (accessed 15 July 2020).

²²⁹ L.C. Gardner, *The War on Leakers: National Security and American Democracy from Eugene V. Debs to Edward Snowden*, The New Press, New York, 2016, p. 256.

²³⁰ Ryser.

embassy. The Spanish High Court heard testimony that US authorities have direct audio and video footage of Assange, including private meetings with lawyers.²³¹ In January 2020, three employees of US Global SL testified that David Morales, head of the security company, regularly passed on recorded materials to the CIA. After Lenin Moreno's government took power, Morales is said to have replaced surveillance cameras in the embassy building with new ones that could record audio. Additionally, witnesses claim that information was downloaded from phones, laptops and tablets belonging to visitors. Morales was alleged to have travelled to Virginia and Las Vegas at least once a month to pass on information collected from the embassy.²³²

The consistent public denouncement of WikiLeaks and Julian Assange by US officials over the last decade eliminates the only remaining hope of protecting Assange from an unfair trial. Many commentators have drawn parallels between Assange's case and Daniel Ellsberg, who leaked the Pentagon Papers in 1971.²³³ Like Assange, Ellsberg was charged under the Espionage Act for conspiracy and for illegally obtaining classified documents, but won his case when the Supreme Court ruled that his actions had protected the public from government deception. The wave of support for Ellsberg's actions and a tide of public distrust in the government was a victory against the Nixon administration's attempt to shut down those who exposed illicit government actions.²³⁴ In Assange's case however, no such tide of support exists after a consistent campaign to depict Assange as a criminal who poses a grave danger to US citizens. A typical depiction of Assange in the US came from then CIA director, Mike Pompeo, who claimed Assange had a 'common cause with dictators' and likened WikiLeaks to a 'non-state hostile intelligence service often abetted by state actors like Russia'. In a long-winded speech in April 2017 at the Center for Strategic and International Studies, Pompeo stated:

No, Julian Assange and his kind are not the slightest bit interested in improving civil liberties or enhancing personal freedom. They have pretended that America's First Amendment freedoms shield them from justice. They may have believed that, but they

²³¹ J.M Abad Linan, 'WikiLeaks reports spying operation against Julian Assange at Ecuador embassy in London', El Pais, 10 April 2019, https://english.elpais.com/elpais/2019/04/10/inenglish/1554906053_635126.html, (accessed 15 July 2020).

²³² J.M. Irujo, 'Three protected witnesses accuse Spanish ex-marine of spying on Julian Assange', El Pais, 21 January 2020, https://english.elpais.com/elpais/2020/01/21/inenglish/1579611351_198492.html, (accessed 13 July 2020).

²³³ Bellia, p. 1450.

²³⁴ M. Elliott, J. Thomson, 'The Pentagon Papers, RAND in Southeast Asia: A History of the Vietnam War Era', *RAND Corporation*, 2010, pp. 415-498, www.jstor.org/stable/10.7249/cp564rc.18, (accessed 14 July 2020), p. 496.

are wrong. Assange is a narcissist who has created nothing of value. He relies on the dirty work of others to make himself famous. He is a fraud—a coward hiding behind a screen.²³⁵

Nils Melzer's response to the United States government explicitly criticises the failure of authorities to discourage public mobbing, the use of hate speech and incitement to violence against Assange.²³⁶ Aside from contributing to the psychological torture of the WikiLeaks founder, such incessant attacks completely disregard the state's obligation to refrain from utterances that affect the presumption of innocence.

The denial of Assange's right to a fair trial seems certain beyond any doubt before the WikiLeaks founder is even extradited. His trial will be decided by a jury of government employees and their relatives who will not view Assange with much favour, in a court infamous for its record of imposing the harshest of sentences on those who fall foul of the Espionage Act. To compound matters further, evidence used in the trial will most likely feature material recorded through illegal surveillance of Assange and his lawyers taken from the Ecuadorian embassy. Add to this ten years of openly hostile rhetoric used by the Obama and Trump administrations, intent on ensuring that the public looks at Julian Assange with scorn and on WikiLeaks with the same antipathy as they have for foreign dictators and terrorists. The extensive violations of the right to a fair trial in the case up to this point will pale in comparison to how Assange is dealt with under US jurisdiction.

4.2 The Right to Liberty and Security

The intentional denial by Sweden, the UK, Ecuador and the United States of Julian Assange's right to a fair trial automatically renders his imprisonment as a deprivation of liberty. Article 9 of the Universal Declaration of Human Rights (UDHR) states that 'No one shall be subjected to arbitrary arrest, detention or exile'.²³⁷ Article 9(1) of the ICCPR likewise states that 'Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention', while Article 9(3) states that 'Anyone arrested or detained shall be brought promptly before a judge [...] and shall be entitled to trial within a reasonable time

²³⁵ Central Intelligence Agency, 'Director Pompeo Delivers Remarks at CSIS', 13 April 2017, <https://www.cia.gov/news-information/speeches-testimony/2017-speeches-testimony/pompeo-delivers-remarks-at-csis.html>, (accessed 15 July 2020).

²³⁶ N. Melzer, (AL USA 17/2019) Mandate of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Geneva, 12 September 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24839>, p. 8.

²³⁷ Universal Declaration of Human Rights, (adopted 10 December 1948) 217 A (III).

or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody [...].²³⁸ The protections specified in these documents against the deprivation of liberty and arbitrary arrest raise huge questions as to the conduct of each state responsible for Assange's detention. The excessive dithering by Swedish prosecutors, the aggression of British police who awaited Assange's exit with a permanent presence outside the embassy, and Ecuador who reneged on their commitment to protecting an asylum seeker, is a campaign orchestrated by the United States to deprive Julian Assange of his liberty.

The collusion between the Swedish and British prosecution authorities in prolonging a preliminary investigation for nine years, without ever pressing a single charge against Assange, would indicate that both states have seriously neglected their human rights obligations with regard to the deprivation of liberty. Their actions eventually drew the criticism of the UN Working Group on Arbitrary Detention (WGAD). In February 2016, the WGAD published Opinion 54/2015 in which it recognised Julian Assange as arbitrarily detained and called on the British and Swedish governments to facilitate his rights to freedom of movement and to bring an end to his detention.²³⁹ They assessed Assange's initial detention in 2010 at Wandsworth prison and subsequent house arrest, in addition to his confinement to the Ecuadorian embassy, concluding that Assange had been continuously deprived of his liberty from December 2010 onward and thus attributed his detention in the embassy to the actions of the UK, Sweden and the US.²⁴⁰ The report was met with derision by the British government. Then Prime Minister, David Cameron, claimed that the findings were 'ridiculous' and stated that Assange should 'face the arrest warrant made against him' and 'stand trial' in Sweden.²⁴¹ The Swedish government also dismissed the report, with Foreign Minister Anders Rönquist claiming that their authorities have no control over Assange's decision to stay at the embassy and that there is no decision or action to be taken by Sweden.²⁴²

²³⁸ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, Article 9.

²³⁹ United Nations Human Rights Office of the High Commissioner, 'The Working Group on Arbitrary Detention Deems the deprivation of liberty of Mr. Julian Assange as arbitrary', Geneva, 5 February 2016, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17012>, (accessed 5 August 2020).

²⁴⁰ *ibid.*

²⁴¹ N. Watt, R. Mason, 'Julian Assange should submit to Swedish warrant, says David Cameron', *The Guardian*, 10 February 2016, <https://www.theguardian.com/media/2016/feb/10/julian-assange-submit-swedish-arrest-warrant-david-cameron>, (accessed 5 August 2020).

²⁴² SVT Nyheter, Svenska åklagarna: FN-gruppens rapport betydelselös, 5 February 2016, <https://www.svt.se/nyheter/utrikes/svenska-aklagarna-fn-gruppens-rapport-betydelselos> (accessed 5 August 2020).

As outlined in the working group's opinion report however, Assange was not in detention of his own choice, as repeatedly claimed by UK authorities, but rather on a well-founded fear of persecution and inhumane treatment by US authorities if extradited; a fear which Ecuador officially recognised.²⁴³ The claim by Swedish authorities that they have no control over Assange's confinement to the embassy contradicts the WGAD's assertion that Sweden has obligations to recognise Assange's asylum and to guarantee against 'refoulement' under human rights conventions and customary international law. The WGAD also highlighted that the issuing of an EAW was disproportionate given that mutual assistance protocols would have allowed Swedish prosecutors to question Assange in the UK.²⁴⁴ In previous cases, they agreed that a deprivation of liberty occurs when an individual is 'forced to choose between either confinement, or forfeiting a fundamental right (such as asylum) and thereby facing a well-founded risk of persecution.', adding that the United Nations Commissioner of Refugees and the European Court of Human Rights both follow the same principle.²⁴⁵ Apart from lending some moral support to Assange's defence, none of the requests in the WGAD report were considered or acted upon by states. The report helped to support the argument that the threat of US extradition was the driver behind his asylum saga at the Ecuadorian embassy and confirmed that both Sweden and the UK should take action to end his detention while respecting the principle of non-refoulement. Nonetheless, both governments furthered the narrative that Assange was avoiding justice by staying in the embassy, and at great cost and resource to the taxpayer in each state.

After his forced removal from the Ecuadorian embassy, Assange's imprisonment in HMP Belmarsh prompted the working group to reiterate their stance. Assange was convicted of violating bail on a preliminary investigation that had already been discontinued without any charges. In a new statement on 3 May 2019, the working group asserted that the 50 weeks Assange would now spend in prison was grossly disproportionate. They criticised the UK government for not complying with the 2015 request, instead choosing to further extend Assange's arbitrary detention. They also criticised the imprisonment of Assange in HMP Belmarsh, a high-security prison usually reserved for those who have committed serious

²⁴³ United Nations Human Rights Office of the High Commissioner, 2016.

²⁴⁴ Human Rights Council, (A/HRC/WGAD/2015) Opinions adopted by the Working Group on Arbitrary Detention at its seventy-fourth session, 30 November – 4 December 2015, Geneva, 22 January 2016, <http://www.ohchr.org/Documents/Issues/Detention/A.HRC.WGAD.2015.docx>, (accessed 5 August 2020).

²⁴⁵ *ibid.*

criminal offences.²⁴⁶ Now over a year on from his sentencing, Assange remains in detention. Though his sentence was scheduled to end on 22 September 2019, Judge Vanessa Baraitser told Assange at a hearing on 14 September that he would remain in detention based on ‘substantial grounds’ he would abscond.²⁴⁷ Assange’s detention continues despite numerous requests by his lawyers to grant him bail. With several British prisons badly affected by the Coronavirus pandemic, Edward Fitzgerald QC stressed the risk his client is exposed to having suffered from several respiratory tract infections and heart issues after years of confinement.²⁴⁸ Despite several low-risk offenders being released early and the availability of GPS-tagging devices to ease the burden on the prison system, Assange was told that he cannot be released because only those on custodial sentences were eligible.²⁴⁹

Unless a final decision is reached when hearings resume in September 2020, Assange will have spent an entire decade in various forms of arbitrary detention. Since 8 December 2010, after voluntarily presenting himself to police, Assange has been either in prison, under house arrest, or confined to the Ecuadorian embassy and unable to leave the building. By ignoring their obligations to ensure fair trial, the UK, Sweden, Ecuador and the US have heaped further suffering on an individual they have detained without charge for anything other than what the WGAD consider to be a minor bail violation in relation to an investigation that has been discontinued.²⁵⁰

4.3 Prohibition of Torture

After an assessment on 9 May 2019, the UN Special Rapporteur on Torture reported ‘overwhelming and clear’ evidence that Julian Assange has been tortured.²⁵¹ Nils Melzer visited Julian Assange at HMP Belmarsh prison in London accompanied by a forensic expert and a psychiatric expert who carried out examinations on Assange’s physical and psychological

²⁴⁶ United Nations Human Rights Office of the High Commissioner, ‘United Kingdom: Working Group on Arbitrary Detention expresses concern about Assange proceedings’, 3 May 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24552&LangID=E>, (accessed 5 August 2020).

²⁴⁷ The Guardian, ‘Julian Assange to remain in jail pending extradition to US’, 14 September 2019, <https://www.theguardian.com/media/2019/sep/14/julian-assange-to-remain-in-jail-pending-extradition-to-us>, (accessed 5 August 2020).

²⁴⁸ M. Holden, ‘Wikileaks founder Julian Assange denied bail by London court’, Reuters, 25 March 2020, <https://www.reuters.com/article/us-health-coronavirus-britain-assange/wikileaks-founder-julian-assange-denied-bail-by-london-court-idUSKBN21C266>, (accessed 5 August 2020).

²⁴⁹ SBS News, ‘Despite prisoner coronavirus fears, UK government won’t release Julian Assange’, 5 April 2020, <https://www.sbs.com.au/news/despite-prisoner-coronavirus-fears-uk-government-won-t-release-julian-assange>, (accessed 5 August 2020).

²⁵⁰ United Nations Human Rights Office of the High Commissioner, 2019(d).

²⁵¹ United Nations Human Rights Office of the High Commissioner, 2019(c).

health.²⁵² Their assessment concluded that Assange showed ‘all the symptoms that are typical for a person who has been exposed to psychological torture over an extended period of time’.²⁵³ Melzer placed the blame for Assange’s torture on the actions of all four states involved and said they had consistently failed to protect his human rights and dignity. He stated:

In 20 years of work with victims of war, violence and political persecution I have never seen a group of democratic States ganging up to deliberately isolate, demonise and abuse a single individual for such a long time and with so little regard for human dignity and the rule of law.²⁵⁴

The human right on the prohibition of torture is enshrined in several international legal documents, including Article 5 of the UDHR, as well as Article 7 of the ICCPR. A designated treaty, the Convention against Torture (CAT), defines torture as ‘any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person’, including for the purposes of intimidation, for the obtaining of confessions, or for the punishment of a crime. To comply with the CAT, States Parties are obliged to ensure effective measures are in place to protect against torture. Furthermore, Article 3 (1) prohibits ‘refoulement’ or extradition of a person ‘where there are substantial grounds for believing that he would be in danger of being subjected to torture.’²⁵⁵ Given the absolute nature of the prohibition of torture, and that the US, UK, Sweden and Ecuador are all States Parties to the relevant treaties, the assessment of this right is of utmost importance in the argument against Julian Assange’s extradition to the US.

In December 2018, the UN Special Rapporteur on Torture, Nils Melzer, was contacted by Assange’s lawyers asking if he could intervene.²⁵⁶ The Special Rapporteur’s mandate involves three main responsibilities; informing states of urgent cases where individuals are at risk of torture, performing fact-finding missions through country visits, and reporting their activities to the Human Rights Council and the UN General Assembly.²⁵⁷ After examining all documents and evidence available to him in the Assange case, Melzer decided to investigate

²⁵² *ibid.*; DemocracyNow!, Julian Assange Appears Frail and Confused in London Court Hearing, 24 October 2019, https://www.democracynow.org/2019/10/24/headlines/julian_assange_appears_frail_and_confused_in_london_court_hearing, (accessed 5 August 2020).

²⁵³ United Nations Human Rights Office of the High Commissioner, 2019(c).

²⁵⁴ *ibid.*

²⁵⁵ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, (adopted 10 December 1984, entered into force 26 June 1987) A/RES/44/144, Article 3.

²⁵⁶ Ryser.

²⁵⁷ United Nations Human Rights Office of the High Commissioner, Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, <https://www.ohchr.org/en/issues/torture/srtorture/pages/srtortureindex.aspx>, (accessed 5 August 2020).

the case. Melzer followed his assessment by sending a letter to each of the four governments involved to ‘refrain from further disseminating, instigating or tolerating statements or other activities prejudicial to Assange’s human rights and dignity and to take measures to provide him with appropriate redress and rehabilitation for past harm.’²⁵⁸

Each government provided responses denying culpability for Assange’s situation.²⁵⁹ The Swedish government, already having denied Nils Melzer’s critical assessment of their investigation against Assange and the assertion he was arbitrarily detained in the Ecuadorian embassy, quickly dismissed their role in Assange’s torture. They claimed that Melzer’s assertion that Sweden is responsible for contributing to Assange’s symptoms of torture ‘completely lacks any support in international law, including human rights law.’²⁶⁰ In a one-page response, the UK government also denied responsibility and rejected Melzer’s claims that Assange was arbitrarily detained. The British government wrote that it ‘rejects any allegation that Julian Assange has been subjected to torture in any form as a result of actions by the UK government.’²⁶¹ The general nature of the Ecuadorian government’s response to the Special Rapporteur was a rejection of his findings and the relevancy of his mandate to Ecuador’s actions. The US government’s lengthy rebuttal described Melzer’s assessment as ‘fundamentally wrong’, claiming that Assange confined himself to the Ecuadorian embassy to avoid criminal charges. They also highlighted that Assange has never been in US custody and that they never ‘consented to, or acquiesced’ in Assange’s torture. With regard to the claim that Assange has suffered from ‘sustained and unrestrained public mobbing, intimidation or defamation’ from political figures or members of the media in the US, the government accused the Special Rapporteur of suggesting they should suppress freedom of expression. Lastly, the letter rejected Melzer’s view that Assange would face further torture if extradited to the US,

²⁵⁸ United Nations Human Rights Office of the High Commissioner, 2019(c).

²⁵⁹ Misión Permanente del Ecuador ante la ONU, Response to letter from UN Special Rapporteur on Torture (UA ECU 10/2019), 4 July 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34799>, (accessed 5 August 2020); Ministry for Foreign Affairs, Response to letter from UN Special Rapporteur on Torture (UA SWE 2/2019), 12 July 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34778>, (accessed 6 August 2020); UK Mission Geneva, Response to letter from UN Special Rapporteur on Torture (GBR 3/2019), 7 October 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34906>, (accessed 6 August 2020); The Permanent Mission of the United States of America to the United Nations and Other International Organisations in Geneva, Response to letter from UN Special Rapporteur on Torture (USA 14/2019), 16 July 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34784>, (accessed 6 August 2020).

²⁶⁰ Ministry for Foreign Affairs.

²⁶¹ UK Mission Geneva.

writing that he would be guaranteed due process and that the US justice system protects individuals in keeping with obligations under international human rights law.²⁶²

The Special Rapporteur responded to the letters received by each government, reiterating the validity of his assessment as well as pressing for further clarifications. However, Melzer gave a detailed response highlighting the various ways in which their government had contributed to Assange's torture symptoms. In the response to the Swedish government, Melzer quashed suggestions that his conclusions could not be attributed to the four states involved, replying that there was a 'deliberate, sustained and concerted effort' to isolate, demonise and silence Assange.²⁶³ The Special Rapporteur's response to Ecuador recalled concerns he had previously expressed on 5 April 2019 about Assange's imminent expulsion from the embassy and how he had urged the Ecuadorian government to refrain from doing so as it would put Assange in danger of being extradited to the US where he faced a high risk of being tortured.²⁶⁴ Melzer further added that his 5 April statement had expressly reminded Ecuador that denying Assange adequate protection from 'refoulement' would be a violation of international law, an act which is prohibited under all circumstances without exception.²⁶⁵ Deeming the letter from the UK government to have given an unsatisfactory response, the Special Rapporteur again restated his opinion that Assange had suffered from symptoms of torture while also questioning the continued arbitrary detention of Assange. Melzer claimed that the UK's 'deliberate, systematic and completely unwarranted obstruction' of Assange's due process rights both in the Swedish investigation and the current US extradition case to be significant contributing factors to Assange's psychological condition.²⁶⁶ Responding to the US, Melzer strongly countered claims that Assange would be protected against conditions of torture if extradited, stating:

While US law may be formally consistent with the absolute and non-derogable prohibition of torture [...], in practice, successive US Governments have proven to be either unable or unwilling to ensure the full and effective implementation of this prohibition.²⁶⁷

²⁶² The Permanent Mission of the United States of America to the United Nations and Other International Organisations in Geneva.

²⁶³ Melzer, 2019(b), pp. 13-14.

²⁶⁴ Melzer, 2019(a), p. 2

²⁶⁵ *ibid.*, p. 3.

²⁶⁶ Melzer, 2019(e), p. 6.

²⁶⁷ Melzer, 2019(c), p. 2.

The Special Rapporteur also cited the ‘consistent and reliable’ evidence of torture, cruel, inhuman or degrading treatment to which defendants or detainees have been exposed to in maximum security prisons in the United States. If extradited, Assange is likely to be subject to Special Administrative Measures (‘SAMs’) which deny prisoners all forms of social contact or access to any form of information. Prisoners under the SAMs are even denied access to attorneys or in exceptional circumstances, under observation and monitoring of the FBI. According to a report published by the Center for Constitutional Rights at Yale University Law School:

SAMs are the darkest corner of the U.S. federal prison system, combining the brutality and isolation of maximum security units with additional restrictions that deny individuals almost any connection to the human world.²⁶⁸

Melzer also referred to the ‘pervasive reluctance’ of US authorities to prosecute any officials who have been proven to plan, consent or perpetrate acts of torture in the past, including for war crimes.²⁶⁹ Referring to the 2014 Senate Committee Report which called for prosecutions of officials for systematic torture, as well as the treatment of whistle-blowers who have uncovered US war crimes, Melzer points out the US government’s continuous disregard for its obligations to investigate and prosecute against acts of torture.²⁷⁰

The assessment carried out by the Special Rapporteur and the subsequent communications with each of the four governments involved fully exposes the violation of the prohibition of torture in the Assange case. Through his mandate, Nils Melzer has brought significant public attention to the case from the perspective of the prohibition of torture. As an inviolable right, the conclusion that Assange has suffered psychological torture is something which the US, UK, Sweden and Ecuador cannot circumnavigate without publicly exposing their own unwillingness to comply with an absolute human right.

4.4 The Right to Freedom of Expression

The removal of Julian Assange from the Ecuadorian embassy in April 2019 is a troubling event not just for him alone, but for the very fabric of our democracies; our right to

²⁶⁸ The Center for Constitutional Rights, *The Darkest Corner: Special Administrative Measures and Extreme Isolation in the Federal Bureau of Prisons*, Allard K. Lowenstein International Human Rights Clinic, September 2017, https://ccrjustice.org/sites/default/files/attach/2017/09/SAMs%20Report.Final_.pdf, (accessed 14 July 2020), p. 1.

²⁶⁹ Melzer, 2019(c), p. 2.

²⁷⁰ Melzer, 2019(c), p. 3.

freedom of expression. Assange's arrest was a significant step towards the extradition of an individual who published evidence of war crimes. The states who have denied Assange any trace of his right to a fair trial, who have kept him imprisoned without charge for almost ten years, and who have engaged in a campaign of harassment and public mobbing leading to extreme forms of psychological torture, will put the editor-in-chief of a publishing organisation before a show-trial and send him to the torturous conditions of a maximum security prison, where he will likely remain for the rest of his life; all for doing things investigative journalists might do on a daily basis.

From the outset, even when the US indictment against Assange only included the charge for 'conspiracy to commit computer intrusion', the Committee to Protect Journalists (CPJ) warned that press freedom was at stake. Many had predicted that the hacking charge was simply a pretext for extraditing Assange with additional charges of greater significance to journalists to follow later.²⁷¹ These fears were realised on 23 May 2019, when seventeen further charges were added to the indictment for the illegal 'obtaining, receiving and disclosing of classified information'.²⁷² The indictment makes ominous use of the 1917 Espionage Act, legislation which was passed during World War I to criminalise the release of any information that would threaten national security in the war effort.²⁷³ Ben Wizner of the American Civil Liberties Union (ACLU) described the use of the act to prosecute Assange as a dangerous precedent, stating: 'For the first time in the history of our country, the government has brought criminal charges against a publisher for the publication of truthful information.'²⁷⁴

The right to freedom of expression is enshrined in Article 19 of Universal Declaration of Human Rights (UDHR) and Article 19 of the ICCPR. Both documents state that everyone shall have the right to hold opinions without interference and shall have the right to freedom of expression, including the right to seek, receive and impart information.²⁷⁵ The monitoring

²⁷¹ A. Ellerbeck, A. Asher Schapiro, 'Why the prosecution of Julian Assange is troubling for press freedom', Committee to Protect Journalists, 12 April 2019, <https://cpj.org/2019/04/why-prosecution-julian-assange-press-freedom/>, (accessed 5 August 2020).

²⁷² US Department of Justice, 'WikiLeaks Founder Julian Assange Charged in 18-Count Superseding Indictment', 23 May 2019, <https://www.justice.gov/opa/pr/wikileaks-founder-julian-assange-charged-18-count-superseding-indictment>, (accessed 5 August 2020).

²⁷³ C. Savage, 'Assange Indicted Under Espionage Act, Raising First Amendment Issues', The New York Times, 23 May 2019, <https://www.nytimes.com/2019/05/23/us/politics/assange-indictment.html>, (accessed 5 August 2020).

²⁷⁴ ACLU, 'ACLU Comment on Julian Assange Indictment', 23 May 2019, <https://www.aclu.org/press-releases/aclu-comment-julian-assange-indictment>, (accessed 5 August 2020).

²⁷⁵ Universal Declaration of Human Rights, (adopted 10 December 1948) 217 A (III); International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, Article 19.

body of the ICCPR, the Human Rights Committee, offers an interpretation of Article 19 in General Comment No. 34, where the right of everyone to freedom of expression is regarded as an ‘indispensable’ condition for the full development of the individual and the ‘foundation stone for every free and democratic society’.²⁷⁶ The freedom of expression is described as the bedrock upon which democracy and human rights can flourish. The capacity of a citizen to criticise his or her government and state, has been the founding principle of the post-Enlightenment era – from the US and French constitutions of the eighteenth century, to the creation of the United Nations and the development of international human rights standards in the twentieth century.²⁷⁷

Considering the significance of freedom of expression to democracy and human rights, fears of a war on journalism are not without substance. US officials have dismissed such concerns by painting Assange and WikiLeaks as entities outside the realm of what should be qualified as journalism, and thus claiming that Assange does not enjoy First Amendment protection. The head of the National Security Division of the US Department of Justice, John Demers said that ‘Assange is no journalist’ and accused him of endangering the lives of named sources who were assisting US forces in Iraq and Afghanistan.²⁷⁸ However, Matthew Miller, former spokesperson for the Justice Department under the Obama administration, stated that with respect to the Espionage Act, there is no differentiation between journalists and non-journalists.²⁷⁹ The charges concern anyone who obtains, receives or discloses classified information. Journalist Glenn Greenwald described arguments by the Trump administration that press freedoms do not apply to Assange as blatant ignorance of the First Amendment: ‘Press freedoms belong to everyone, not to a select, privileged group of citizens called “journalists”’.²⁸⁰ Bruce Brown, executive director of the Reporters Committee for Freedom of the Press described the attempt to prosecute Assange for ‘receipt and publication of classified information’ as a ‘dire threat’, regardless of the assertion that Assange is not a journalist.²⁸¹ In

²⁷⁶ United Nations Human Rights Committee, General Comment No. 34, Article 19: Freedoms of Opinion and Expression, 12 September 2011, CCPR/C/GC/34.

²⁷⁷ L. Gearon, *Freedom of Expression and Human Rights*, Brighton, Sussex Academic Press, 2006, pp. 115-116.

²⁷⁸ US Department of Justice, Remarks from the Briefing Announcing the Superseding Indictment of Julian Assange, Eastern District of Virginia, 23 May 2019, <https://www.justice.gov/opa/press-release/file/1165636/download>, (accessed 6 August 2020).

²⁷⁹ Committee to Protect Journalists, 2019.

²⁸⁰ G. Greenwald, ‘The indictment of Assange is a blueprint for making journalists into felons’, Washington Post, 28 May 2019, <https://www.washingtonpost.com/outlook/2019/05/28/indictment-assange-is-blueprint-making-journalists-into-felons/>, (accessed 6 August 2020).

²⁸¹ Reporters Committee for Freedom of the Press, ‘Reporters Committee statement on latest Assange indictment’, 23 May 2019, <https://www.rcfp.org/may-2019-rcfp-assange-statement/>, (accessed 6 June 2020).

effect, whether Assange should be described as a journalist is irrelevant. More importantly, it is the actions for which Assange is being charged that pose the greatest fears for journalists.

Of further alarm to news media outlets is the numerous references to Assange's 'conspirators' or 'co-conspirators in the indictment'.²⁸² The summary chapter highlighted how various major outlets worldwide collaborated with WikiLeaks in publishing over 250,000 classified documents. Greenwald wrote in the Washington Post:

If Assange can be declared guilty of espionage for working with sources to obtain and publish information deemed 'classified' by the U.S. government, then there's nothing to stop the criminalization of every other media outlet that routinely does the same.²⁸³

The Freedom of the Press Foundation claimed the indictment was an explicit attempt by the Trump administration to criminalise journalism and 'the most significant and terrifying threat to the First Amendment in the twenty-first century'.²⁸⁴ These worries are echoed by dozens of other organisations, legal experts, politicians, journalists and other public figures worldwide who fear for the future of journalistic freedom.²⁸⁵

The dangers to freedom of the press cannot be overstated under the current US administration. In 2017, Donald Trump's former attorney general, Jeff Sessions, warned of a crackdown on reporters and their sources for leaking government information.²⁸⁶ This policy promise has been fulfilled through violence against journalists and the branding of critical media outlets as 'fake news' and 'the enemy of the people'.²⁸⁷ In 2020, during a week in which

²⁸² United States District Court for the Eastern District of Virginia, (Criminal No. 1:18-cr-111) United States of America v. Julian Paul Assange (Defendant), 23 May 2019, <https://www.justice.gov/opa/press-release/file/1165556/download>, (accessed 6 July 2020), pp. 2-12; WikiLeaks, 'WikiLeaks responds to espionage act indictment against Assange: Unprecedented attack on free press', 24 May 2019, <https://wikileaks.org/WikiLeaks-response-espionage-act.html>, (accessed 6 June 2020).

²⁸³ G. Greenwald, 2019.

²⁸⁴ Freedom of the Press Foundation, 'The Trump admin's new charges against Julian Assange are a fundamental threat to press freedom in the 21st century', 23 May 2019, <https://freedom.press/news/trump-administrations-new-charges-against-wikileaks-and-julian-assange-are-most-fundamental-threat-press-freedom-21st-century/>, (accessed 6 June 2020).

²⁸⁵ WikiLeaks, 'Julian Assange charged under Espionage Act in unprecedented attack on First Amendment', 23 May 2019, <https://defend.wikileaks.org/2019/05/23/julian-assange-charged-under-espionage-act-in-unprecedented-attack-on-first-amendment/>, (accessed 6 June 2020).

²⁸⁶ J. Edwards Ainsley, 'Trump administration goes on attack against leakers, journalists', Reuters, 4 August 2017, <https://www.reuters.com/article/us-usa-trump-sessions-leaks/trump-administration-goes-on-attack-against-leakers-journalists-idUSKBN1AK1UR>, (accessed 6 June 2019).

²⁸⁷ M. Flynn, 'Trump inciting 'violence': More than 200 retired journalists condemn president's 'un-American' attacks on press', Washington Post, 25 October 2019, https://www.washingtonpost.com/nation/2018/10/25/trump-inciting-violence-nearly-retired-journalists-condemn-presidents-un-american-attacks-press/?utm_term=.254bb5a7d374, (accessed 6 June 2019); BBC News, 'Media seen as enemy of people - Donald Trump', 1 November 2018,

he had also threatened to deploy the US military against peaceful protestors, Trump tweeted an attack at journalists by describing them as ‘truly bad people with a sick agenda’.²⁸⁸ Nothing in the behaviour of the current US regime would suggest that any journalist is safe. Assange’s actions in publishing the information he received from Chelsea Manning is precisely the type of action which acts as a ‘fourth estate’, allowing citizens to judge whether their government is acting responsibly and respecting human rights. The extradition is the persecution of someone for publishing truthful information, a disincentive for other journalists who dare to do anything remotely similar or risk the same treatment, resulting in a further slipping away of democratic societies from our already imperilled right to freedom of expression.

4.5 Reaction to the Human Rights Violations: US, UK, Sweden and Ecuador ignoring Obligations to Human Rights

The research question applied in this chapter asked ‘What human rights are violated by the extradition of Julian Assange to the United States of America?’ and finds four categories of human rights violations: (1) the right to a fair trial, (2) the right to liberty and security, (3) the prohibition of torture, and (4) the freedom of expression. In summary, all four states have ignored their obligations to respect Julian Assange’s human rights over the past ten years. Only days after the United States’ security agency the NSA had circulated a memo among its allies asking for the arrest and detainment of Julian Assange,²⁸⁹ Swedish prosecutors set in motion a preliminary investigation with a total disregard for due process, creating a ‘rape narrative’ so effective that Assange is now the centre of the story as opposed to the content of his publications about war crimes. The United Kingdom ensured the Swedish investigation lingered on, their respective prosecution services acting with an exigency that suggests Assange was no ordinary citizen, but one of tremendous political currency. Ecuador also joined the attack, harassing and isolating Assange before eventually inviting British police to arrest Assange from his place of asylum without any valid legal basis for doing so. His subsequent imprisonment marks nine-and-a-half years of arbitrary detention and the continuance of his torture, inhuman and degrading treatment. The purpose of this treatment is to punish someone

<https://www.bbc.com/news/av/world-us-canada-46057126/media-seen-as-enemy-of-people-donald-trump>, (accessed 6 June 2019).

²⁸⁸ D. Trump, ‘The Lamestream Media is doing everything within their power to foment hatred and anarchy. As long as everybody understands what they are doing, that they are FAKE NEWS and truly bad people with a sick agenda, we can easily work through them to GREATNESS!’, (@realDonaldTrump), 31 May 2020, <https://twitter.com/realdonaldtrump/status/1267132763116838913?s=11>, (accessed 15 July 2020).

²⁸⁹ EdwardSnowden.com, ‘Manhunting Timeline 2010’, 19 February 2014, <https://edwardsnowden.com/2014/02/18/manhunting-timeline-2010/>, (accessed 6 August 2020).

for publishing truthful information that reveals state crimes; an action protected by the right of all human beings to ‘seek, receive and impart information and ideas of all kinds’.

The introduction to this chapter alluded to how the identification of human rights violations would nullify the common excuses put forth by states for the way Julian Assange has been handled. At the crux of the human rights assessment is the absence of any criminal charge against Assange and the systematic obstruction of his ability to prove his innocence. His detention is thus based not on the act of committing a crime, but clearly for another purpose that each state has considered more important than respecting their obligations to human rights. The pattern of human rights violations, the systematic way in which they have been violated, and the manner in which all of these accumulated actions have unfolded point to an intentional, cooperative effort by all four states to ensure Julian Assange is extradited to the United States. For as long as the case continues in its current circumstances, the failure of each state to respect its obligations to human rights must become the imperative focus of any discussion of Julian Assange’s extradition to the US.

The identification of human rights violations necessitates prompt action by the United States, the UK, Sweden and Ecuador. The conclusion that Assange has suffered from severe forms of psychological torture brings into play a number of important provisions of the CAT. Under Articles 4 and 12, states must criminalise acts of torture, including complicity or participation in acts of torture and must also conduct an investigation where there is reason to believe an act of torture has been committed within or from a jurisdiction. Articles 5 to 9 and 13 to 14 of the CAT compel states to prosecute violations and provide redress or rehabilitation to victims. As mandated under Human Rights Council resolution 34/19, the Special Rapporteur on Torture brings these responsibilities to the attention of each state and specifically outlines the actions that need to be taken. Sweden was singled out for its need to explain the neglect of international human rights obligations with regard to due process and the presumption of innocence.²⁹⁰ The British government was asked to explain why Assange continues to be detained and to provide information about his health, including details about the medical attention he is receiving. Melzer also demanded an explanation as to how the UK would ensure Assange is afforded adequate facilities to prepare his legal defence.²⁹¹ All four states were asked to provide the results of, or plans to carry out an investigation into the actions or inactions that resulted in Assange’s psychological torture, or cruel, inhuman or degrading treatment or

²⁹⁰ Melzer, 2019(b), p. 16.

²⁹¹ Melzer, 2019(e), pp. 9-10.

punishment. In addition, the Special Rapporteur requested details from each state as to how Assange would be protected from further torture, as well as measures being taken to ensure Assange is rehabilitated and compensated as a result of his rights being violated.

Each government responded to Melzer's original communication in May 2019. In each instance, the conclusion that Assange has been denied his fair trial and due process rights, is being arbitrarily detained and is suffering from the effects of psychological torture has been dismissed. The follow-up letters by Melzer outlined in full detail the specific actions or inactions of each state in violating Assange's human rights, while also demanding the specific measures that now need to be undertaken to address the case. Only the governments of Ecuador and Sweden have responded a second time, both of which have chosen to again deny the Special Rapporteur's assessment of the case.²⁹²

²⁹² Misión Permanente del Ecuador ante la ONU, Response to letter from UN Special Rapporteur on Torture (AL ECU 15/2019), 2 December 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35027>, (accessed 6 August 2020); Ministry for Foreign Affairs, Response to letter from UN Special Rapporteur on Torture (AL SWE 4/2019), 11 November 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34953>, (accessed 6 August 2020).

Chapter 5 Analysis of why the United States of America, the United Kingdom, Sweden and Ecuador are ignoring their Obligations to Human Rights

The unwillingness of each state to address the human rights violations outlined in the previous chapter prompts the third and final research question: ‘In the extradition of Julian Assange, why are the United States, the UK, Sweden and Ecuador ignoring their obligations to respect human rights?’ The identification of violations should be an end in itself and a decisive call-to-action for the governments concerned. The full extent of these violations and their ramifications were made explicitly clear by the UN Special Rapporteur on Torture and the UN Working Group on Arbitrary Detention. However, each state flatly ignores the conclusions presented to them and tries instead to undermine the mandate of experts who criticise them. Moreover, states continue to depict Assange as the architect of his own suffering and persist with the very actions that have led to his ill health. In effect, each state is ignoring its obligations to respect the international system of human rights, including international human rights treaties such as the CAT, which compels them to investigate, criminalise and prosecute against actions leading to torture. This chapter focusses on this phenomenon, utilising the summary of the Assange case and the identification of human rights violations in his extradition as a means of proffering an explanation as to why the United States, the UK, Sweden and Ecuador are ignoring their obligations to human rights.

Reflection on the previous two chapters which analyse Julian Assange’s extradition from a human rights perspective reveals a curious pattern. The ‘war on terror’ could be described as a global campaign led by the United States in cooperation with their allies that resulted in extensive human rights violations. During the second stage of analysis reviewing the human rights issues specific to Julian Assange’s case reveals the same answer: the extradition of Assange is a US-led pursuit with the assistance of other states, resulting in human rights violations. Both the WikiLeaks releases and the attempt to extradite its founder involve powerful governments committing war crimes, human rights violations and torture with impunity. However, the personal stigmatisation of Julian Assange has served as an effective diversion, moving attention away from the actions of states and onto an individual who brought the truth to the world’s attention in the first place. The research question, asking why states are ignoring their obligations to human rights in the Assange extradition, is a means of re-diverting that attention, or to use the analogy of the Special Rapporteur on Torture, to take the spotlight

being pointed at Julian Assange and instead point it toward ‘the elephant in the room’.²⁹³ As the central actor in the human rights violations, it is important to assess the role of the United States and the obsession with eliminating the threat of Julian Assange and WikiLeaks. It is also important to establish why the UK, Sweden and Ecuador would be so willing to cooperate with the extradition in spite of the clear human rights violations involved. Through this assessment, the extradition of Assange offers a glimpse into states deviating from their obligations under the international system of human rights.

5.1 United States: Contempt for Human Rights in the ‘War on Terror’

The answer to the title of this chapter is rooted in the conduct of successive US governments since 2001. Without doubt, the pursuit of Assange is driven by the United States, which seeks to avenge the enormous reputational damage caused by WikiLeaks. Doing little to persuade the public that WikiLeaks publications are misrepresentative, the US has hunted down Assange with extraordinary force. Actions in the pursuit of revenge are matched by rhetoric, with Assange described by US officials as a ‘hi-tech terrorist’, ‘an enemy of America’, or ‘an anti-American operative with blood on his hands’, while some officials even called for his execution.²⁹⁴ Describing the force of the US reaction against leakers or whistle-blowers, de Lagasnerie writes: ‘[W]e are witnessing a veritable spectacle of the state’s repressive apparatus in all its uncompromising brutality.’²⁹⁵ As Assange’s extradition looms, rather than focussing on the crimes originally revealed in the 2010 leaks, deliberation of the case in the media remains stranded on the extraneous matters of whether Assange’s actions broke the law. Australian journalist John Pilger writes that even those media outlets which now realise the threat posed to their own rights as publishers remain distracted from the war crimes that were exposed.²⁹⁶ The following sub-chapters review the extent of US transgressions during the ‘war

²⁹³ ‘Nils Melzer about Julian Assange: The Elephant in the Room Speech’, [online video], 2020, <https://www.youtube.com/watch?v=ubFpOKYxgdo&t=153s>, (accessed 18 July 2020).

²⁹⁴ E. MacAskill, ‘Julian Assange like a hi-tech terrorist, says Joe Biden’, *The Guardian*, <https://www.theguardian.com/media/2010/dec/19/assange-high-tech-terrorist-biden>, (accessed 18 July 2020); B. Quinn, ‘Trump administration targeting ‘enemy of America’ Julian Assange, court told’, *The Guardian*, <https://www.theguardian.com/uk-news/2020/feb/24/julian-assange-hearing-journalism-is-no-excuse-for-breaking-law>, (accessed 18 July 2020); M. Beckford, ‘Sarah Palin: hunt WikiLeaks founder like al-Qaeda and Taliban leaders’, *The Telegraph*, 30 November 2010, <https://www.telegraph.co.uk/news/worldnews/wikileaks/8171269/Sarah-Palin-hunt-WikiLeaks-founder-like-al-Qaeda-and-Taliban-leaders.html>, (accessed 18 July 2020); H. Siddique, M. Weaver, ‘US embassy cables culprit should be executed, says Mike Huckabee’, *The Guardian*, 1 December 2010, <https://www.theguardian.com/world/2010/dec/01/us-embassy-cables-executed-mike-huckabee>, (accessed 18 July 2020).

²⁹⁵ De Lagasnerie, p. 4.

²⁹⁶ J. Pilger, ‘The Lies About Assange Must Stop Now’, *JohnPilger.com*, 24 November 2019, <http://johnpilger.com/articles/the-lies-about-assange-must-stop-now>, (accessed 20 July 2020).

on terror’ and explain why the US government is so determined to exact revenge against Assange in blatant contempt for their obligations to human rights.

5.1.1 Collateral Murder

If one event can be said to encapsulate the nature of the ‘war on terror’, it is the ‘Collateral Murder’ video published by WikiLeaks on 5 April 2010. The video shows a US Apache helicopter gunning down at least a dozen people (some estimate as many as 23 were killed) and seriously wounding several more, including two children.²⁹⁷ Two of those killed were employees of the Reuters news agency: the photographer Namir Noor-Eldeen and his assistant Saeed Chmagh, both of whom were reporting on events from the conflict zones in Iraq. The officers in the Apache helicopter had identified a group of men on the street, a number of whom they deemed to be armed combatants. The pilots believed many of the men were carrying arms, also mistaking Noor-Eldeen’s telephoto lens for a rocket-propelled grenade (RPG). Moments later, the pilots engaged in an extended round of fire, killing eight people.²⁹⁸ A few minutes later, a passing van stopped to help Chmagh who was lying on the street and struggling to get up. The driver, along with another man, tried to lift the wounded Chmagh into the van. However, the pilots were given permission to engage in fire again, this time killing Chmagh. When US ground troops arrived at the scene, they discovered two children in the van, still alive but seriously wounded – an eight-year old boy and a four-year old girl, both who suffered ‘several penetrating wounds’.²⁹⁹ Noor-Eldeen, it was later discovered, may actually have survived the initial attack, but a US tank drove over him as he lay wounded on the ground.³⁰⁰

The Reuters news agency demanded information on what happened to their employees, prompting the US military to carry out an investigation. According to the report, the explanation provided for the death of both Noor-Eldeen and Chmagh is that neither had made ‘effort to visibly display their status as press or media representatives’ adding that their ‘familiar behaviour with, and close proximity to, the armed insurgents’ made them appear as

²⁹⁷ WikiLeaks, 2010(c); S.E. Marmura, *The WikiLeaks Paradigm: Paradoxes and Revelations*, Switzerland, Palgrave Macmillan, 2018, p. 39.

²⁹⁸ US Department of Defense, Investigation into Civilian Casualties Resulting From An Engagement on 12 July 2007 in the New Baghdad District of Baghdad, Iraq, 12 July 2007, https://web.archive.org/web/20121105051046/http://www.wired.com/images_blogs/dangerroom/2010/04/6-2nd-brigade-combat-team-15-6-investigation.pdf, p. 13, (accessed 6 August 2020).

²⁹⁹ *ibid.*, p.14.

³⁰⁰ E. Bumiller, ‘Video Shows U.S. Killing of Reuters Employee’, *The New York Times*, 5 April 2010, <https://www.nytimes.com/2010/04/06/world/middleeast/06baghdad.html>, (accessed 15 July 2020).

active combatants.³⁰¹ The report explains the pilots believed ‘the van was to be used as a means of escape for the wounded insurgents’ and had arrived ‘as if on cue’, while the children were not visible to them.³⁰² After WikiLeaks released the video in April 2010, the US Secretary of Defense, Robert Gates, claimed that it was too easy to distort the events and that they fail to portray the stressful conditions under which the US military operates. Gates likened the video to viewing the conflict ‘through a soda straw’.³⁰³ The US military investigation concluded that the actions of their officers were lawful with rules of engagement.³⁰⁴

The footage released by WikiLeaks, accompanied by subtitles of the dialogue between US soldiers, paints an entirely different picture of how the event transpired. Although the report claimed pilots had identified an RPG and were then given permission to engage in fire,³⁰⁵ the video released by WikiLeaks clearly shows that permission to engage was provided before any mention of an RPG.³⁰⁶ Additionally, the claim that the van arrived ‘as if on cue’ is also inaccurate, with the video showing the helicopter circling over Saeed Chmagh for three minutes before the van arrived to help him.³⁰⁷ What is arguably the most damning aspect of the footage however, is the laughter and thrill the soldiers clearly exhibit after gunning down their targets. Following the first engagement of fire, one officer says: ‘Oh, yeah, look at those dead bastards.’³⁰⁸ Soldiers also complemented each other on their shooting accuracy: ‘Oh yea, look at that. Right through the windshield!’ When Saeed Chmagh was crawling on the ground and clearly struggling, the pilots say: ‘Cmon buddy... All you gotta do is pick up a weapon’, contradicting the assertion that soldiers only shot at targets under stress and in fears for their own safety. The apathy of officers toward the loss of civilian life is also clear in the video. After hearing that two children were in the van and seriously wounded, one officer comments: ‘Well it’s their fault for bringing their kids into a battle’.³⁰⁹ One of the ground troops who came to rescue the children requested permission from command to bring them to a US medical facility, but was instead told to hand them over to the ill-equipped and debilitated Iraqi medical

³⁰¹ US Department of Defense.

³⁰² *ibid.*, p. 15.

³⁰³ C. Beckett, *WikiLeaks: News in the networked era*, Polity Press, Cambridge, 2012, p. 43.

³⁰⁴ P. Stewart, ‘WikiLeaks guilty, at least morally: Robert Gates’, Reuters, 1 August 2010, <https://www.reuters.com/article/us-usa-afghanistan-wikileaks/wikileaks-guilty-at-least-morally-robert-gates-idUSTRE6700W420100801>, (accessed 20 July 2020).

³⁰⁵ US Department of Defence.

³⁰⁶ Collateral Murder - WikiLeaks - Iraq, [online video], 2010, https://www.youtube.com/watch?v=5rXPrfnU3G0&feature=emb_title, (accessed 20 July 2020).

³⁰⁷ *ibid.*

³⁰⁸ WikiLeaks, ‘Collateral Murder – Transcript’, 5 April 2010, <https://collateralmurder.wikileaks.org/en/transcript.html>, (accessed 20 July 2020).

³⁰⁹ *ibid.*

service.³¹⁰ ‘Roger, that’s a negative on the evac of the two, ah, civilian, ah, kids to, ah, rusty they’re going to have the IPs [Iraqi Police] link up. They can put us over here. Break. IPs will take them up to a local hospital over.’³¹¹

5.1.2 Exposing the ‘War on Terror’

The Collateral Murder video was just one story of several thousand revealed by WikiLeaks that year, exposing the enormous human cost of the ‘war on terror’ and the rampant disregard shown by US-led forces for rules of engagement. In contempt of all requirements in international law, the Bush administration reverted to full-scale conflict in Afghanistan in October 2001. Four months later, at his State of the Union address, Bush announced:

In four short months [we have] captured, arrested and rid the world of thousands of terrorists, destroyed Afghanistan’s terrorist training camps, saved a people from starvation and freed a country from brutal oppression.³¹²

The following year, his administration triggered another war in Iraq on the pretext that Saddam Hussein had links with the 9/11 terrorist attacks and also had a stockpile of weapons of mass destruction (WMDs). After only a matter of weeks of that invasion, George Bush was again utilising the power of politically choreographed ceremony, declaring the Iraq campaign as a ‘job well done’.³¹³ As would later become apparent in both conflicts, the war was only beginning. In Afghanistan, with the aim of destroying al-Qaeda and the country’s de-facto power, the Taliban, US forces only served to chase them into Afghanistan’s mountain regions and into neighbouring Pakistan. An operation intended to last less than a few months transformed into a 13-year struggle, ending without any result that could be remotely described as positive.³¹⁴ In Iraq, the only mission accomplished by the toppling of Saddam Hussein’s regime was to arouse a political and sectarian civil war, ensuring that the torturous reality that characterised the Hussein regime continued during a further eight years of US occupation.³¹⁵

³¹⁰ A. Goodman, D. Goodman, D. Moynihan, *Democracy Now!: Twenty Years Covering the Movements Changing America*, New York, Simon & Schuster Paperbacks, p. 85.

³¹¹ WikiLeaks, 2010(b).

³¹² Washington Post, President Bush 2002 State of the Union Address, 29 January 2002, <https://www.washingtonpost.com/wp-srv/onpolitics/transcripts/sou012902.htm>, (accessed 20 July 2020).

³¹³ BBC News, ‘Bush speech: Full Text’, 2 May 2003, <http://news.bbc.co.uk/2/hi/americas/2994345.stm>, (accessed 20 July 2020).

³¹⁴ S. Shane, ‘Senate Report Explores 2001 Escape by bin Laden From Afghan Mountains’, 28 November 2009, https://www.nytimes.com/2009/11/29/world/asia/29torabora.html?_r=1, (accessed 20 July 2020).

³¹⁵ Reuters, ‘Timeline: Invasion, surge, withdrawal; U.S. forces in Iraq’, 18 December 2011, <https://www.reuters.com/article/us-iraq-usa-pullout-idUSTRE7BH08E20111218>, (accessed 20 July 2020).

The historical importance of WikiLeaks in this context cannot be understated given the wealth of details now publicly available about the Afghanistan and Iraq wars. The sheer volume of documents helped to confirm or supplement pre-existing information about specific occurrences, providing a historical narrative of the wars that eliminated efforts to deny, contradict or manipulate the facts. The Iraq War Logs are the most notable example, namely the significant action (SIGACT) reports written by military personnel on the ground, documenting daily occurrences between 2004 until 2010. These reports revealed 109,032 deaths, 66,081 of which were civilians, equating to 31 civilian deaths per day during the recorded period.³¹⁶ Prior to the leaks, US authorities claimed that the number of civilian casualties was not available and that such counts had not taken place since the Vietnam War.³¹⁷ A number of studies attempted to account for civilian deaths in Iraq, including the British medical journal *The Lancet* which calculated an astounding 600,000 deaths as a result of the war up until 2006. However, in a press conference in October that year, George W. Bush unequivocally denounced the study, sticking by previous US estimates that 30,000 people had died. A Pentagon official claimed the *Lancet* figure was ‘way, way beyond any number I have seen’, adding that 50,000 would be the maximum estimate.³¹⁸ However, the Iraq war logs not only proved that the estimates were much higher, but that the US were in fact keeping detailed records that went well beyond the publicly announced figures.³¹⁹

The SIGACT reports also revealed thousands of horrific events previously unreported. One revelation was that Iraqi security forces (trained by US military to assist counter-insurgency operations and to eventually take over security responsibility in Iraq) regularly employed violence, torture, and even execution in operations. While these were documented and registered by ground troops, military authorities had a clear policy of not taking further action. Some examples of methods used by Iraqi forces included limbs being chopped off, burning prisoners with acid, shackling prisoners and hanging them by their wrists or ankles, or the use of electric drills to physically torture detainees.³²⁰ In one incident, twelve Iraqi soldiers brought a prisoner into the street, beating and punching him, before then shooting him dead.

³¹⁶ WikiLeaks, 2010(d).

³¹⁷ T.B. Seybolt, J.D. Aronson, B. Fischhoff, *Counting Civilian Casualties*, Oxford University Press, p. 37.

³¹⁸ *ibid.*, p. 39.

³¹⁹ BBC News, ‘Wikileaks: Iraq war logs ‘reveal truth about conflict’, 23 October 2010, <https://www.bbc.com/news/world-middle-east-11612731>, (accessed 20 July 2020).

³²⁰ WikiLeaks, ‘War Diaries - Suspicious Incident 2007-06-16’, 22 October 2010, <https://warlogs.wikileaks.org/id/50A2284C-BF55-E1FD-BEA7B6AED9A0AD20/>, (accessed 20 July 2020); N. Davies, J. Steele, D. Leigh, ‘Iraq war logs: secret files show how US ignored torture’, *The Guardian*, 22 October 2010, <https://www.theguardian.com/world/2010/oct/22/iraq-war-logs-military-leaks>, (accessed 20 July 2020); BBC News, 2010(b).

The SIGACT report recorded the full details of the event and brought it to attention for investigation, and also reflected that the US military had a video of the execution in their possession.³²¹ This report however, along with hundreds more, were marked as ‘no investigation is necessary’.³²²

5.1.3 Torture and Extraordinary Rendition

What the Iraq War Logs had done to enrich the historical record of that war, so too did the Cablegate releases with respect to the US extraordinary rendition programme. With the cooperation of numerous states and intelligence services worldwide, including almost all European states, US agents were secretly arresting terrorist suspects without any legal recourse and transferring them to detention centres in other countries to undergo interrogation.³²³ Though extensive evidence of renditions was already available and sufficient to prove beyond doubt the true nature of such events, WikiLeaks publications supplemented previous work with additional inculpatory details. In the case of Khaled el-Masri, diplomatic cables released by WikiLeaks showed how US officials derailed a criminal investigation into his case. A German citizen, el-Masri was severely tortured for five months before CIA agents realised they had mistaken him for someone else and sent him back to Germany.³²⁴ With el-Masri’s case in news headlines, then US Secretary of State Condoleezza Rice responded to rumours about the case:

The United States does not transport, and has not transported, detainees from one country to another for the purpose of interrogation using torture [...] The United States has not transported anyone, and will not transport anyone, to a country where we believe he will be tortured.³²⁵

Documents released by WikiLeaks not only added further confirmation that such denials were utterly false, but also confirmed previous reports that US authorities pressured Germany to drop el-Masri’s case. The deputy US chief of mission in Berlin warned a German official that

³²¹ The Guardian, ‘Iraq war logs: Video shows detainee executed by Iraqi soldiers’, The Guardian, 22 October 2010, <https://www.theguardian.com/world/iraq/warlogs/BCD499A0-F0A3-2B1D-B27A2F1D750FE720>, (accessed 20 July 2020).

³²² N. Davies, J. Steele, D. Leigh.

³²³ M. Nowak, *Extraordinary Renditions and the Protection of Human Rights*, NWV, Vienna, 2010; D. Marty, ‘Alleged secret detentions and unlawful inter-state transfers involving Council of Europe member states’, Council of Europe Committee on Legal Affairs and Human Rights, 7 June 2006, https://assembly.coe.int/CommitteeDocs/2006/20060606_Ejdoc162006PartII-FINAL.pdf, (accessed 20 July 2020).

³²⁴ European Court of Human Rights, *El-Masri v. The Former Yugoslav Republic of Macedonia*, no.39639/09, 13 December 2012.

³²⁵ A. Edwards, C. Ferstman, *Human Security and Non-Citizens: Law, Policy and International Affairs*, Cambridge University Press, New York, p. 540.

if a prosecution of the agents went ahead, to ‘weigh carefully at every step of the way the implications for relations with the U.S.’. Five months later, German authorities dropped the arrest warrants.³²⁶

WikiLeaks also contributed extensive additional material on the infamous US prisons at Abu Ghraib and Guantanamo Bay. In 2003, Amnesty International reported: ‘The notorious Abu Ghraib Prison, centre of torture and mass executions under Saddam Hussein, is yet again a prison cut off from the outside world’.³²⁷ Fears of torture in the prison were confirmed to the world a year later when photos emerged of US soldiers gleefully posing beside inmates they had tortured or forced into humiliating sexual acts.³²⁸ The Bush administration repeatedly downplayed the Abu Ghraib reports as the work of a minority of ‘bad apples’.³²⁹ Closer to home, the Guantanamo Bay facility in Cuba also turned out to be a centre of torture, with a 2005 Amnesty International report describing the prison as ‘the gulag of our times’.³³⁰ WikiLeaks provided extensive materials on Abu Ghraib and Guantanamo Bay prisons, including detainee policies,³³¹ prisoner files,³³² standard operating procedures,³³³ and numerous other documents that shed light on the actions of US authorities in interrogation centres. These documents helped to reveal the full spectrum of information on the systematic torture infrastructure of the US around the world.

Despite the Bush administration’s attempt to circumvent obligations to international human rights law by ‘revising’ their interpretation of the Geneva Conventions of 1949, the excessive use of torture rendered all such attempts a farce.³³⁴ The bending of all laws and respect for human rights became the new norm in the post 9/11 era. With a tide of evidence

³²⁶ B. Egleko, ‘WikiLeaks cables recount how U.S. pressured allies’, SFGATE, 6 March 2011, <https://www.sfgate.com/opinion/article/WikiLeaks-cables-recount-how-U-S-pressured-allies-2456987.php>, (accessed 20 July 2020); WikiLeaks, ‘(07BERLIN200_a) El Masri: Munich Prosecutor Announces Arrest Warrants’, https://search.wikileaks.org/plusd/cables/07BERLIN200_a.html, (accessed 20 July 2020).

³²⁷ Amnesty International, ‘Press Release: Iraq: Human rights must be foundation for rebuilding’, 20 June 2003, <https://www.amnesty.org/download/Documents/108000/mde141362003en.pdf>, (accessed 20 July 2020).

³²⁸ Amnesty International, ‘Iraq: Beyond Abu Ghraib: Detention and torture in Iraq’, March 2006, <https://www.amnesty.org/download/Documents/76000/mde140012006en.pdf>, p. 11, (accessed 20 July 2020).

³²⁹ Human Rights Watch, ‘The Road to Abu Ghraib’, June 2004, <https://www.hrw.org/reports/2004/usa0604/1.htm>, (accessed 20 July 2020).

³³⁰ Amnesty International, ‘Speech by Irene Khan at Foreign Press Association’, 25 May 2005, <https://www.amnesty.org/download/Documents/88000/pol100142005en.pdf>, (accessed 20 July 2020).

³³¹ WikiLeaks, ‘Detainee Policies: Release 1’, 24 October 2012, <https://wikileaks.org/detaineepolicies/>, (accessed 20 July 2020).

³³² WikiLeaks, ‘Gitmo Files: WikiLeaks Reveals Secret Files on All Guantánamo Prisoners’, 24 April 2011, <https://wikileaks.org/detaineepolicies/>, (accessed 20 July 2020).

³³³ WikiLeaks, ‘Camp Delta Standard Operating Procedure’, 7 November 2007, https://wikileaks.org/wiki/Camp_Delta_Standard_Operating_Procedure, (accessed 20 July 2020).

³³⁴ The American Journal of International Law, ‘U.S. Abuse of Iraqi Detainees at Abu Ghraib Prison’, *The American Journal of International Law*, vol. 98, no. 3, 2004, p. 593.

already amassed, the 2010 publications by WikiLeaks helped to fully expose an era of false motives, widespread torture, extreme violence and an estimated 500,000 deaths.³³⁵

5.1.4 United States of America: Review

In the midst of everything that has occurred since 2010, it is easy to become distracted from what should remain the centre of the story: the exposure by WikiLeaks of war crimes, civilian killings, and the prevalence of torture at the hands of the United States. The US indictment is based on actions Assange took to get the documents and publish them. However, there can be no doubt that it is the content of those documents that drives the motivation for Assange's extradition. The power of such exposures is a threat to the United States, evidenced by the cases of Chelsea Manning and Edward Snowden, as well as the draconian sentence Assange faces if he is extradited. When confronted with evidence of human rights violations, the US chooses to persecute those who deliver the message rather than to address the violations they have committed as required by their obligations under the international human rights system.

5.2 United Kingdom: A Special Relationship with the United States and complicity in the 'War on Terror'

As the most supportive ally to the US after the 9/11 attacks and a complicit actor in many transgressions committed during the 'war on terror', the British establishment has as much reason to fear WikiLeaks as officials in Washington. Reflecting on this research however, one can hardly describe the manner in which Assange has been submitted for extradition as the behaviour of one equal counterpart state doing a favour for another. The time and resources employed to try and arrest Assange (at huge cost to the British taxpayer) and the complete disregard for a proud tradition of justice suggests that Assange's extradition has enormous political value in the context of the relationship between the UK and the United States. To propose answers as to why the UK would ignore its obligations to respect human rights in the extradition of Assange, this section assesses the context of the 'special relationship' between

³³⁵ P. Bump, *ibid.*

the UK and the United States during the ‘war on terror’, as well as the prominent role played by the UK in WikiLeaks publications.

5.2.1 The ‘Special Relationship’

In his famous speech in Fulton, Missouri in 1946, Winston Churchill described the alliance between Great Britain and the United States as a ‘special relationship’.³³⁶ This cordiality and its eponymous epithet has endured with Britain a willing and cooperative player in the US’s unipolar domination of the post-war era. In more recent times, the special relationship has emerged most eventfully with regard to George W. Bush and Tony Blair. The latter’s decision to support the United States in a deeply unpopular war remains a sensitive issue in Britain. For acceding to American demands, the media labelled Blair as the President’s poodle, wilfully following the whims of his owner in the White House.³³⁷ A public inquiry found in 2016 that Blair had not exhausted all alternative peaceful avenues to addressing the concerns that Saddam Hussein possessed weapons of mass destruction, while measures to ensure that a war was necessary were ‘far from satisfactory’.³³⁸ Aside from the reputational damage of the Iraq Inquiry, the widespread acts of torture committed by British troops in tandem with their US counterparts is also now a shared legacy of both states.³³⁹

One expert on UK-US affairs, highlighting the importance of the relationship, claimed: ‘People have to realize that the relationship with the United States has been the number one foreign policy goal of the British ever since the second world war.’³⁴⁰ By committing itself to the US campaign against terrorism, the UK government was not only asserting itself as a world power, but also as the most reliable friend to the US in its hour of need. The perception in London is that ‘Britain only ever has influence on the world stage through its relationship with the United States and that it is loath to give that up’.³⁴¹ Private memos between both leaders, released in the 2016 Iraq Inquiry, showed that not only did Bush assume the UK would join

³³⁶ International Churchill Society, ‘Two words: Special. Relationship.’, 5 March 2019, <https://winstonchurchill.org/news-and-events/past-events/two-words-special-relationship/#:~:text=When%20Sir%20Winston%20Churchill%20delivered,Churchill%2C%20alliances%20were%20critically%20important.,> (accessed 20 July 2020).

³³⁷ S. Azubuike, ‘The Poodle Theory and the Anglo-American “Special Relationship”’, *International studies*, vol. 42, no. 2, 2005, pp.123-139.

³³⁸ L. Harding, ‘Tony Blair unrepentant as Chilcot gives crushing Iraq war verdict’, *The Guardian*, 6 July 2016, <https://web.archive.org/web/20160707153638/https://www.theguardian.com/uk-news/2016/jul/06/chilcot-report-crushing-verdict-tony-blair-iraq-war>, (accessed 20 July 2020).

³³⁹ R. Blakely, S. Raphael, ‘British torture in the ‘war on terror’’, *European Journal of International Relations*, vol. 23, no. 2, 2017, p. 260.

³⁴⁰ Deutsche Welle, ‘Legacy of UK-US special relationship contributed to British decision to invade Iraq’, 28 January 2010, <https://p.dw.com/p/LdAi>, (accessed 20 July 2020).

³⁴¹ *ibid.*

the military invasion of Iraq, but that Blair would agree with any decision by his counterpart. In a note from 28 July 2002, Tony Blair pledged to Bush 'I will be with you, whatever.'³⁴² At the inquiry, Blair claimed he 'could not and did not offer some kind of 'blank cheque' in how we accomplished our shared objective'.³⁴³ The claim is inconceivable however, given that the former Prime Minister was informed in a meeting eight months before the Iraq invasion that Bush cared less about anything else. In a memo from 23 July 2002, security officials who had been in Washington for discussions told Blair:

Military action was now seen as inevitable. Bush wanted to remove Saddam, through military action, justified by the conjunction of terrorism and WMD. But the intelligence and facts were being fixed around the policy. The NSC [US National Security Council] had no patience with the UN route, and no enthusiasm for publishing material on the Iraqi regime's record. There was little discussion in Washington of the aftermath after military action.³⁴⁴

These memos formed part of the damning confirmation in the Iraq Inquiry report of Tony Blair's ill-fated reign as British Prime Minister. Still, Blair responded to suggestions that the invasion was a mistake by saying 'I believe I made the right decision and the world is better and safer place as a result of it [...] there were no lies, there was no deceit, there was no deception'.³⁴⁵

The collaboration of Tony Blair's government in the 'war on terror' is a telling example in assessing the UK's behaviour in the Assange extradition case. Rather than joining a war out of the professed need to protect the world from terrorism, Britain seemingly joined primarily to maintain its relationship with the US. A report by Foerster and Raymond identifies the UK as having benefitted enormously from the 'special relationship', in a financial sense as well as with increased diplomatic power internationally.³⁴⁶ However, in the uncertain context of the UK's departure from the EU, Britain must work ever harder to demonstrate its value to its

³⁴² R. Booth, 'With you, whatever': Tony Blair's letters to George W Bush', *The Guardian*, 6 July 2016, <https://www.theguardian.com/uk-news/2016/jul/06/with-you-whatever-tony-blair-letters-george-w-bush-chilcot>, (accessed 20 July 2020).

³⁴³ M. Hosenball, 'Tony Blair had qualms on Iraq war, but promised Bush support "whatever"', *Reuters*, 6 July 2016, <https://www.reuters.com/article/britain-iraq-inquiry-note/tony-blair-had-qualms-on-iraq-war-but-promised-bush-support-whatever-idINKCN0ZM1CR>, (accessed 20 July 2020).

³⁴⁴ W. Strabala, *WMD, Nukes and Nuns*, New York, Algora Publishing, 2006, p. 38.

³⁴⁵ Tony Blair Institute for Global Change, 'Transcript: Press Conference on the Iraq Inquiry', 6 July 2016, <https://institute.global/tony-blair/transcript-press-conference-report-iraq-inquiry>, (accessed 5 August 2020).

³⁴⁶ S. Foerster, R. Raymond, 'The US-UK "Special Relationship" at a Critical Crossroads', *Atlantic Council*, 2017, <https://www.jstor.org/stable/resrep03496>, pp. 5-9, (accessed 20 July 2020).

transatlantic partner and earn the trust of a volatile US president.³⁴⁷ Evidently, executive power in the ‘special relationship’ lies much closer to Washington than London, offering some clue as to the full-scale cooperation of the UK in the extradition of Julian Assange at the expense of adherence to human rights obligations.

5.2.2 The UK and WikiLeaks

While deference to the US may largely explain the UK’s treatment of Julian Assange, WikiLeaks still poses a threat which UK powers would presumably rather live without. Similar to the US example, much credit is due to WikiLeaks revelations for how much is now publicly known about Britain’s involvement in the ‘war on terror’. In 2008 WikiLeaks published a restricted report written two years earlier by the UK Ministry of Defence which analysed stability operations in post-war Iraq. The report condemned the planning of the war, claiming that the legal basis for the war was ‘controversial’ and likely violated the Geneva Conventions; that the UK were tied to the US desire to invade Iraq despite British authorities’ reluctance to do so without UN Security Council approval; how British and US forces had vastly differing attitudes to human rights, namely in attitudes to causing collateral damage or the abuse of detainees; as well as various other damaging revelations.³⁴⁸ The report also detailed how violence and abuse became normalised among British troops, while investigation into these cases was widely ignored. From 191 investigations into such incidents, only five acts of deliberate abuse were recorded.³⁴⁹

Other WikiLeaks documents corroborate the type of acts alleged in the report by the UK Ministry of Defence. One revelation was that three specific military units in Afghanistan were responsible for 21 previously unreported occurrences where civilians were killed or wounded.³⁵⁰ Many of the incidents involved British troops firing indiscriminate ‘warning shots’ at vehicles approaching checkpoints when they failed to stop or slow down; reports show that four children were killed and several more wounded.³⁵¹ Like their US counterparts, WikiLeaks files show that British forces failed to report extensive abuses committed by Iraqi

³⁴⁷ *ibid.*, p. 12.

³⁴⁸ WikiLeaks, ‘UK Stability Operations in Iraq report 2006’, 23 June 2008, https://wikileaks.org/wiki/UK_Stability_Operations_in_Iraq_report_2006, (accessed 20 July 2020).

³⁴⁹ WikiLeaks, ‘Leaked UK report damns Iraq war planning’, 6 August 2008, https://wikileaks.org/wiki/Leaked_UK_report_damns_Iraq_war_planning, (accessed 20 July 2020).

³⁵⁰ The Guardian, ‘Afghanistan war logs: British Marines patrol kills two, wounds two in Toyota with “warning shots”’, 25 July 2010, <https://www.theguardian.com/world/afghanistan/warlogs/4F4AE864-F26D-4AAF-9F40-C9A30F25C104>, (accessed 20 July 2020).

³⁵¹ The Guardian, ‘Afghanistan war logs: List of civilian shootings by British troops’, 25 July 2010, <https://www.theguardian.com/world/2010/jul/25/british-shootings-afghan-civilians-list>, (accessed 20 July 2020).

soldiers, including the torture, rape and execution of detainees.³⁵² These reports came a year after allegations that British forces had created their own miniature version of Abu Ghraib in Shatt-al-Arab after a cluster of cases involving sexual humiliation and torture against young Iraqi prisoners.³⁵³ The political issues highlighted by the UK Ministry of Defence report are echoed in other WikiLeaks documents. With the Iraq Inquiry underway and tensions already high, the ‘Cablegate’ releases included communications between the UK Director General for Security Policy and the US Under-secretary of State. In one correspondence, the UK official wrote that British government had ‘put measures in place to protect your interests during the UK inquiry into the causes of the Iraq war’.³⁵⁴ Despite establishing an inquiry amid huge public protests and political divisions, the promise to protect US interests showed the inquiry was already being compromised before it even began.

5.2.3 United Kingdom: Review

The abandonment of all legal standards in the Assange case might be unexpected of British authorities, but their compliance and assistance with US policies and demands is certainly not. Suspicions in that regard are evident in the email communications between the CPS and the SPA, hinting that a coordinated effort to keep Assange detained had higher purposes than the Swedish preliminary investigation. These theories are strengthened in consideration of the ‘special relationship’, particularly on reflection of what WikiLeaks has revealed about the UK’s role in planning and carrying-out military operations in Iraq and Afghanistan. With US partnership of crucial importance to Britain’s influence in the world, but under heavy strain from the effects of Britain’s exit from the EU and an erratic American president, the UK government must carefully balance what demands it can deny without

³⁵² P. Baz, ‘WikiLeaks to release another bombshell on war in Afghanistan’, *The Globe and Mail*, 23 October 2010, <https://www.theglobeandmail.com/news/world/wikileaks-to-release-another-bombshell-on-war-in-afghanistan/article1215419/>, (accessed 20 July 2020).

³⁵³ R. Verkaik, ‘Britain’s Abu Ghraib: Did Britain collude with US in abuse of Iraqis?’, *Independent*, 14 November 2009, <https://www.independent.co.uk/news/uk/home-news/britains-abu-ghraib-did-britain-collude-with-us-in-abuse-of-iraqis-1820545.html>, (accessed 20 July 2020); Deutsche Welle, ‘Britain faces its own Abu Ghraib as torture allegations surface’, 14 November 2009, <https://p.dw.com/p/KX6L>, (accessed 20 July 2020).

³⁵⁴ R. Booth, ‘WikiLeaks cable reveals secret pledge to protect US at Iraq inquiry’, *The Guardian*, 30 November 2010, <https://www.theguardian.com/world/2010/nov/30/wikileaks-chilcot-iraq-war-inquiry>, (accessed 20 July 2020).

causing irreparable damage to that relationship; obligations to human rights violations in the extradition of Julian Assange is one discernible example.

5.3 Sweden: A Neutral State Supporting the ‘War on Terror’

To the casual observer, Sweden should have no reason to deny Julian Assange his rights. Along with its Nordic neighbours, Sweden is an international benchmark to which other countries often seek to aspire. In virtually every indicator of a well-functioning state – democracy, government transparency, political accountability, gender equality, foreign aid expenditure, refugee and asylum integration, rule of law – Sweden is a top performer.³⁵⁵ Such is the strength of this reputation, that the mere suggestion of malfeasance with respect to the Assange investigation seems ludicrous. As outlined in the previous chapter however, Swedish authorities have completely and utterly disregarded all obligations to human rights in the Assange case. A closer look at Sweden’s dealings with the United States reveals some indications as to why.

5.3.1 Sweden and US Extraordinary Renditions

Those who suggest Assange should simply have gone to Stockholm for questioning without a guarantee of non-extradition to the United States disregard Sweden’s track record in other cases. Sweden was one of several countries that cooperated with the CIA extraordinary rendition programme in which terrorist suspects were arrested without any legal process and transferred to secret detention centres worldwide to be interrogated.³⁵⁶ In December 2001, Swedish security services arrested two Egyptian asylum seekers and immediately brought them to Stockholm airport. The men were handed over to a group of US agents who then brought them to Egypt. Though Swedish authorities claimed that they had received diplomatic assurances the men would not be subjected to torture, inhuman or degrading treatment following repatriation, both were later imprisoned and tortured by Egyptian authorities.³⁵⁷ In 2005, the Swedish Chief Justice Ombudsman gave ‘extremely grave criticism’ of Swedish security police, finding that not only had they acted in ‘remarkable deference to the American

³⁵⁵ The Economist, ‘Democracy Index 2019’, 2020, <https://www.eiu.com/topic/democracy-index>, (accessed 20 July 2020); United Nations Development Programme, ‘Human Development Reports’, 2020, <http://hdr.undp.org/en/indicators/137906>, (accessed 20 July 2020); World Justice Project, ‘WJP Rule of Law Index’, 2020, <https://worldjusticeproject.org/our-work/research-and-data/wjp-rule-law-index-2020#:~:text=Denmark%2C%20Norway%2C%20and%20Finland%20topped,our%20last%20report%20in%202019.>, (accessed 20 July 2020).

³⁵⁶ Nowak, 2010; D. Marty.

³⁵⁷ *ibid.*; Human Rights Watch, ‘Sweden Violated Torture Ban in CIA Rendition’, 9 November 2006, <https://www.hrw.org/news/2006/11/09/sweden-violated-torture-ban-cia-rendition>, (accessed 5 August 2020).

officials’,³⁵⁸ but also that when handing the men over to the CIA, they ‘remained in the background while the American officials exercised public authority on their own’.³⁵⁹ Separate UN reports concluded that Sweden had violated the absolute ban on torture.³⁶⁰

A decade after Agiza and Alzery were brought to Egypt, another curious case occurred when two Swedish nationals of Somali origin were extradited to the United States to face terrorism charges. The men had left Sweden in 2008 to join a training camp allegedly run by the terrorist group al-Shabaab. In August 2012, both men were set to be flown back to Sweden after making contact and expressing their desire to return home.³⁶¹ Instead of being repatriated to Sweden however, the men were seized by the FBI and later extradited to New York to face terrorism charges.³⁶² Peculiarly, the Swedish foreign minister, Carl Bildt, claimed that his office had no knowledge of the US operation. An assessment by Swedish prosecutors showed that there were no legal grounds to charge either of the men as neither had committed any crime.³⁶³ Nonetheless, both men were sentenced to eleven years in prison in the US.³⁶⁴

5.3.2 Sweden and the US: Military and Intelligence Partners

In addition to allowing the United States to have free reign on extraditing suspected terrorists, Sweden was also a willing supporter in the Iraq and Afghanistan wars, raising questions about the country’s status as a peace-supporting state. Leaked US military documents revealed that in March 2003, Sweden provided intelligence about several dozen civilian bunkers they had constructed in Baghdad, enabling the US military to identify bombing targets.³⁶⁵ The reports suggested that US specialists were allowed access to top secret Swedish

³⁵⁸ The Rendition Project.org.uk, ‘A review of the enforcement by the Security Police of a Government decision to expel two Egyptian citizens’, 22 March 2005, [https://www.therenditionproject.org.uk/pdf/PDF%20314%20\[Mohamed%20et%20al%20v.%20Jeppesen%20Dataplan,%20Inc.%20-%20Wigenmark%20Decl.,%20Ex.%20F%20\(Dec%202007\)\].pdf](https://www.therenditionproject.org.uk/pdf/PDF%20314%20[Mohamed%20et%20al%20v.%20Jeppesen%20Dataplan,%20Inc.%20-%20Wigenmark%20Decl.,%20Ex.%20F%20(Dec%202007)].pdf), (accessed 5 August 2020).

³⁵⁹ *ibid.*

³⁶⁰ UN Human Rights Committee, Decision: Alzery v. Sweden, CCPR/C/88/D/1416/2005, 10 November 2006; UN Committee Against Torture, Decision: Agiza v. Sweden, CAT/C/34/D/233/2003, 20 May 2005.

³⁶¹ The Local, ‘Terror-accused Swedes’ US extradition ‘a failure’, 8 January 2013, <https://www.thelocal.se/20130108/45480>, (accessed 5 August 2020).

³⁶² Radio Sweden, ‘Lawyer for "Al Shabaab Swedes" will ask for Swedish intelligence’, 10 January 2013, <https://sverigesradio.se/sida/artikel.aspx?programid=2054&artikel=5405190>, (accessed 5 August 2020).

³⁶³ The Local, ‘Bildt: Sweden in dark over US terror extradition’, 20 January 2013, <https://www.thelocal.se/20130120/45710>, (accessed 5 August 2020).

³⁶⁴ Radio Sweden, ‘Swedes get 11 years in prison for fighting alongside al-Shabaab’, 16 January 2016, <https://sverigesradio.se/sida/artikel.aspx?programid=2054&artikel=6346723>, (accessed 5 August 2020).

³⁶⁵ The Local, ‘Sweden ‘helped US bomb Iraq in 2003’: report’, 3 September 2012, <https://www.thelocal.se/20120903/42972>, (accessed 5 August 2020).

defence information a month before the Iraq campaign,³⁶⁶ in direct contradiction of the government's public condemnation of the invasion without UN Security Council support.³⁶⁷ The WikiLeaks publications in 2010 stoked more speculation about Sweden's role in the war, including documents that showed Swedish troops were involved in counter-insurgency operations in Afghanistan, contrary to their peacekeeping mandate.³⁶⁸ WikiLeaks also revealed that in 2008, shadow minister of foreign affairs Urban Ahlin asked US officials if they could send a local politician from Afghanistan to Sweden to tell human impact stories that would get the Swedish people to sympathise with their country's involvement in the war.³⁶⁹

Further to the alleged military support, the NSA files released by Edward Snowden in 2013 revealed large-scale intelligence cooperation between Sweden and the United States. One NSA document describes the Swedish intelligence agency as an extremely competent, innovative and trusted partner which gave access to a 'unique collection on high-priority Russian targets such as leadership, internal politics and energy'.³⁷⁰ One such leak revealed that the Swedish intelligence agency cooperated with the NSA in the Quantum project, a highly-sophisticated hacking programme, used in particular to target Russia.³⁷¹ Other documents published by WikiLeaks revealed that the Swedish government tried to hide that they had given the US access to data on Swedish citizens; a move which would have required parliamentary approval.³⁷² The US were also shown to have forced Sweden into adopting specific legislation on data retention and copyrighting laws that allowed Swedish authorities to monitor all internet traffic data in the country; data which was then passed on to the US. In response, one public servant resigned, claiming that the country was selling out its own citizens to appease the US.³⁷³

³⁶⁶ M. Ölander, 'CIA krävde att Sverige skulle utöka samarbetet', Expressen, 6 December 2010, <https://www.expressen.se/nyheter/cia-kravde-att-sverige-skulle-utoka-samarbetet/>, (accessed 5 August 2020).

³⁶⁷ The Local, 'Sweden 'helped US bomb Iraq in 2003': report', 3 September 2012, <https://www.thelocal.se/20120903/42972>, (accessed 5 August 2020).

³⁶⁸ R. Taras, *Fear and the Making of Foreign Policy: Europe and Beyond*, Edinburgh, Edinburgh University press, 2015, p. 177.

³⁶⁹ M. Ferrada de Noli, *Sweden's Geopolitical Case Against Assange: 2010-2019*, Sweden, Libertarian Books, 2019, p. 28; O. Julander, 'Wikileaks avslöjar: Så ville Ahlin sälja in kriget till svenskarna', Expressen, 1 December 2010, <https://www.expressen.se/nyheter/wikileaks-avslojar-sa-ville-ahlin-salja-in-kriget-till-svenskarna/>, (accessed 5 August 2020).

³⁷⁰ J.T. Richelson, *The US Intelligence Community*, New York, Routledge, 2016, p. 382.

³⁷¹ R. Zuiderveld, 'FRA:s USA-samarbete oroar konfliktforskaren Agrell, SVT Nyheter', 11 December 2013, <https://www.svt.se/nyheter/inrikes/agrell-kan-vara-liktydigt-med-vapnat-angrepp>, (accessed 5 August 2020); BBC News, 'NSA 'developing code-cracking quantum computer'', 3 January 2014, <https://www.bbc.com/news/technology-25588605#:~:text=The%20US%20National%20Security%20Agency,by%20whistle%20blower%20Edward%20Snowden.>, (accessed 5 August 2020).

³⁷² C. Engström, 'FRA-lagen var ett rakt beställningsjobb åt USA', Nyheter 24, 29 March 2012, <https://nyheter24.se/nyheter/inrikes/526557-fra-bestallningsjobb-at-usa>, (accessed 5 August 2020).

³⁷³ Taras, p. 177.

A source in Swedish security services remarked that US involvement in their affairs was so heavy that individual officials see themselves as working under the direct order of the CIA. A common joke in security circles followed that misbehaviour would result in being sent to Guantanamo.³⁷⁴

5.3.3 Swedish Political Support for US Agendas

In the search for commonalities with Swedish-American relations and the Assange case, a figure that consistently appears is that of Thomas Bodström. As Minister for Justice between 2001 and 2006, Bodström was investigated by the Swedish parliament's constitutional committee for his involvement in the aforementioned CIA rendition of two asylum seekers to Egypt. A former government press secretary claimed that Bodström had full knowledge of the CIA operation days in advance.³⁷⁵ Bodström was also involved in a previous constitutional committee inquiry carried out in 2006 in which he was accused of ordering raids on the Swedish file-sharing website The Pirate Bay on orders from the US government. The programme alleged that prior to the raids, a delegation of Swedish politicians from Bodström's ministry had travelled to Washington to discuss the operation.³⁷⁶ Highlighted in a number of interviews by UN Special Rapporteur on Torture, Nils Melzer, it was Bodström's legal firm who represented the two women at the centre of the Assange investigation.³⁷⁷ Bodström's legal partner, Claes Borgström, was the legal representative assigned to the two women and who convinced Marianne Ny to reopen the preliminary investigation.³⁷⁸ After being denied a leave of absence from political duties in 2010, Bodström moved immediately to the United States with his family, giving up his seat in parliament.

5.3.4 Sweden: Review

Beneath its image of a liberal and neutral country, Sweden conceals its expression of geopolitical power in cooperation with the United States. The CIA rendition of Agiza and Alzery offered an insight into the nature of the relationship between the two countries, as do

³⁷⁴ Ölander.

³⁷⁵ P. Vinthagen Simpson, 'Bodström reported over CIA terror deportations', 19 January 2009, The Local, <https://www.thelocal.se/20090119/17020>, (accessed 5 August 2020).

³⁷⁶ L. Roper, 'US government behind Pirate Bay raid', The Local, 2 June 2006, <https://www.thelocal.se/20060602/3969>, (accessed 5 August 2020).

³⁷⁷ J. Wu, 'Former Swedish Justice Minister offers a view of the Assange case and the relevant laws', Harvard Law Today, 25 April 2011, <https://today.law.harvard.edu/former-swedish-justice-minister-offers-a-view-of-the-assange-case-and-the-relevant-laws/>, (accessed 5 August 2020).

³⁷⁸ T. Borchert, 'Schwedens Justiz im Dienst der CIA?', Frankfurter Rundschau, 6 February 2020, <https://www.fr.de/politik/schwedens-justiz-dienst-cia-13526440.html>, (accessed 5 August 2020).

the later revelations by WikiLeaks and Edward Snowden's NSA files. Not only were Sweden an active collaborator with the US 'war on terror' on military and intelligence matters, the apparent cronyism of Swedish political figures with US officials suggests that both states share political outlooks. That Julian Assange would be immune from such bilateral dealings, having threatened its power, is hard to fathom. If the United States wants Assange, Sweden is unlikely to refuse; even if it requires ignorance of obligations to human rights.

5.4 Ecuador: Economic Dependence on the United States

The treatment of Julian Assange by the Ecuadorian government between 2012 and 2019 exemplifies the control wielded by the United States over Latin-American countries. After providing Assange with seven years of asylum protection and giving him Ecuadorian citizenship, Lenin Moreno's government decided to bring its support of the Australian to an abrupt and ignominious end. Moreno's predecessor Rafael Correa granted Assange asylum during an era of anti-US imperialism. Moreno's removal of that asylum coincided with a return to cordial relations with Washington. Like the UK and Sweden, it is the context of Ecuador's relationship with the US which reveals answers to its neglect of human rights obligations.

5.4.1 The Correa Presidency: Cutting ties with the United States

During the 'pink tide', a trend of socialist governments who gained power in Latin American countries, Rafael Correa promised to wean Ecuador off its dependence on neoliberal policies.³⁷⁹ Correa wasted little time in adopting his anti-imperialist policies. His first year in office began with a purge of top military officials with perceived ties to US intelligence, claiming they were 'totally infiltrated and subjugated to the CIA.'³⁸⁰ After expelling the US ambassador from the country in 2011, relations with the White House soured considerably after Ecuador gave asylum to Assange in 2012.³⁸¹ In 2013, Correa forced the US Agency for International Development (USAID) to cease activity in the country, and later ordered several US diplomats and military staff to leave Ecuador.³⁸² When rumours emerged that Ecuador was

³⁷⁹ S. Ellner, W. Avilés, 'The Distinguishing Features of Latin America's New Left in Power: The Chávez, Morales, and Correa Governments', *Latin American Perspectives*, vol.39, no. 1, 2012, pp.96-114.

³⁸⁰ S. Romero, 'Ecuador's Leader Purges Military and Moves to Expel American Base', *The New York Times*, 21 April 2008, <https://www.nytimes.com/2008/04/21/world/americas/21ecuador.html>, (accessed 5 August 2020).

³⁸¹ A. Isaacs, 'It's Not About Assange', *The New York Times*, 19 August 2012, <https://www.nytimes.com/2012/08/20/opinion/why-correa-lets-assange-stay-in-ecuador-embassy.html>, (accessed 5 August 2020).

³⁸² *The Guardian*, 'Ecuador expels US military staff', 25 April 2014, <https://www.theguardian.com/world/2014/apr/25/ecuador-expels-us-military-attaches>, (accessed 5 August 2020).

considering an asylum application by Edward Snowden, US officials threatened to pull out of the Andean Trade Promotion and Drug Eradication Act (ATPDEA), an act that gave Ecuador and fellow Andean nations tax-free access to US markets.³⁸³ Before US officials could enforce such cuts, Correa's government defiantly and abruptly removed itself from the Act. Government spokesperson Fernando Alvarado announced: 'Ecuador will not accept pressures or threats from anyone, and it does not traffic in its values or allow them to be subjugated to mercantile interests.' The government also made an impudent offer of \$23 million in aid per year to the US for 'providing education about human rights'.³⁸⁴ Regardless of his motives, which some compared to the authoritarian consolidation of power under Hugo Chavez in Venezuela or Evo Morales in Bolivia, Correa's denunciation of 'the Washington consensus' was extremely popular with voters railing against the country's history of corruption and poverty blamed on US free market policy.³⁸⁵

5.4.2 The Moreno Presidency: Re-alignment with the United States

In spite of a campaign which promised to continue the 'Citizens' Revolution' initiated by Rafael Correa, Lenin Moreno immediately took to entirely eliminating his predecessor's influence from Ecuadorian politics. The new president called for a referendum in February 2018 to impose limited election terms, a move seen as Moreno's way of ensuring Correa could not make a return to power.³⁸⁶ Moreno drastically moved to what his critics have described as a neoliberal restoration and a return to alignment with US policy, massively reducing public investment while increasing tax relief for those in higher wealth brackets. Moreno also privatised a number of state-owned companies and entities, taking windfall payments in the energy sector out of government coffers and into the hands of transnational corporations.³⁸⁷

Arguably the biggest snub to Correa's economic policies, Moreno turned to the IMF in March 2019 for a bailout of \$4.2 billion 'aimed at modernizing the economy and paving the

³⁸³ D. Beeton, 'Ecuador Ruins U.S. Policymakers Fun', Center for Economic Policy and Research (CEPR), 27 June 2013, <https://cepr.net/ecuador-ruins-us-policymakers-fun/>, (accessed 5 August 2020).

³⁸⁴ A. Valencia, B. Ellsworth, 'Ecuador offers U.S. rights aid, waives trade benefits', Reuters, 27 June 2013, <https://www.reuters.com/article/us-usa-security-ecuador-idUSBRE95Q0L820130627>, (accessed 5 August 2020); Beeton.

³⁸⁵ CBC News, 'Ecuador's new leader has no kind words for U.S.', 15 January 2007, <https://www.cbc.ca/news/world/ecuador-s-new-leader-has-no-kind-words-for-u-s-1.691509>, (accessed 5 August 2020).

³⁸⁶ BBC News, 'Ecuador 'rejects unlimited election terms', blocking Correa return', 5 February 2018, <https://www.bbc.com/news/world-latin-america-42937819>, (accessed 5 August 2020).

³⁸⁷ J. Emersberger, 'Moreno's Neoliberal Restoration Proceeds in Ecuador', Counterpunch, 13 November 2018, <https://www.counterpunch.org/2018/11/13/morenos-neoliberal-restoration-proceeds-in-ecuador/>, (accessed 5 August 2020); D. Rohatyuk, 'Ecuador's Government Is Persecuting the Man Who Doubled Health Care

way for strong, sustained and equitable growth'.³⁸⁸ In reality, the loan imposed a strict economic programme on Ecuador translating into heavy austerity measures, including thousands of public employee layoffs and tax reforms aimed at reducing the loan deficit.³⁸⁹ To meet the fiscal targets set by the IMF, Moreno abolished oil subsidies in order to raise \$1.3 billion. With oil prices rising by 120 percent,³⁹⁰ the move sparked weeks of violent protests resulting in the death of twelve people and the need for government officials to temporarily vacate the capital to safety. Defeated by the backlash, Moreno reinstated the subsidies and instead has sought for a loan extension from the IMF.³⁹¹

Since taking power, all of Moreno's political and diplomatic efforts are part of a realignment with the United States. In terms of Assange's removal from the embassy in London, Ecuador's economic servitude to US interests cannot be overlooked. Shortly after being elected, Moreno met with Donald Trump's presidential campaign manager Paul Manafort in Quito for talks over a potential Chinese investment in Ecuador's state-owned electricity company. The pair were also alleged to have discussed the handing-over of Assange in exchange for concessions on debt.³⁹² In a more public demonstration of new relations between both states, Moreno welcomed US Vice President Mike Pence on an official visit in June 2018 and talked of a renewal of a shared bond of freedom between Ecuador and the US.³⁹³ Behind the public façade, Mike Pence discussed the issue of Assange with Moreno, as well as other commercial trade interests.³⁹⁴ Since that meeting, several more visits from US officials to Ecuador included the Secretary of State Mike Pompeo, USAID's chief Mark Green and several

Spending', Jacobin, 19 April 2020, <https://jacobinmag.com/2020/04/ecuador-lenin-moreno-coronavirus-rafael-correa-health-care>, (accessed 5 August 2020).

³⁸⁸ International Monetary Fund, 'IMF Executive Board Approves US\$4.2 Billion Extended Fund Facility for Ecuador', 11 March 2019, <https://www.imf.org/en/News/Articles/2019/03/11/ecuador-pr1972-imf-executive-board-approves-eff-for-ecuador>, (accessed 5 August 2020).

³⁸⁹ TeleSUR, 'Post-IMF Deal, Ecuador Fires 10,000 Public Officials in 3 Days', 4 March 2019, <https://www.telesurenglish.net/news/Post-IMF-Deal-Ecuador-Fires-10000-Public-Officials-in-3-Days-20190304-0013.html>, (accessed 5 August 2020).

³⁹⁰ The Globe Post, 'Ecuador Declares Emergency Amid Major Protests Over IMF Sponsored Cuts', 4 October 2019, <https://theglobepost.com/2019/10/04/ecuador-austerity-protests-imf/>, (accessed 5 August 2020).

³⁹¹ International Monetary Fund, 'Ecuador: Second and Third Reviews Under The Extended Fund Facility Arrangement and Request for a Waiver of Nonobservance and Modifications of Performance Criteria-Press Release and Staff Report', 20 December 2019, <https://www.imf.org/en/Publications/CR/Issues/2019/12/20/Ecuador-Second-and-Third-Reviews-Under-The-Extended-Fund-Facility-Arrangement-and-Request-48898>, (accessed 5 August 2020).

³⁹² K.P. Vogel, N. Casey, 'Manafort Discussed Deal With Ecuador to Hand Assange Over to U.S.', The New York Times, 3 December 2018, <https://www.nytimes.com/2018/12/03/us/politics/manafort-assange-wikileaks-ecuador.html>, (accessed 5 August 2020).

³⁹³ WhiteHouse.gov.

³⁹⁴ A. Blake, 'Mike Pence raises Julian Assange case with Ecuadorean president, White House confirms', The Washington Times, 29 June 2018, <https://www.washingtontimes.com/news/2018/jun/29/mike-pence-raises-julian-assange-case-with-ecuador/>, (accessed 5 August 2020).

other key officials from Washington.³⁹⁵ Written proof that the exchange of Assange for financial cooperation came with the letter from US Congress. On 16 October 2018, the letter signed by members of the Committee on Foreign Affairs expressly states that economic cooperation and the return of USAID to Ecuador will only be possible when the ‘significant challenge’ created by Rafael Correa is overcome, namely the handing over of Assange to ‘the proper authorities’.³⁹⁶

5.4.3 Ecuador: Review

The treatment of Julian Assange by the Ecuadorian government is determined by its relationship with the United States. Rafael Correa’s granting of asylum protection to Assange in 2012 was an opportunity to infuriate and provoke US authorities, whose influence he was intent on removing from the country. Lenin Moreno’s subsequent removal of that protection and expulsion from the London embassy was likewise a gesture defined by relations with the United States, but as part of a realignment between both states. Until 2017, Ecuador under Correa’s government was the only state providing protection of Assange’s human rights. However, Ecuador’s instability, and their reliance on the economic and political clout of the United States ensured Assange’s asylum protection was always a precarious situation. Like the UK and Sweden, though under altogether different circumstances, Ecuador too is a state which complies with the demands of the United States at the expense of its own obligations to human rights.

5.5 ‘The Elephant in the Room’: Prioritising Power over Human Rights

The violation of human rights by the US, UK, Sweden and Ecuador in the extradition of Julian Assange is a worrying indicator for the health of the international system of human rights. Assange’s case presents obvious human rights violations and yet in every jurisdiction, authorities have ignored demands by qualified experts and continue to clear a path for his extradition to the US. The facilitation of the extradition is a typical example of governments prioritising the importance of positive relations with the United States above all other concerns. In doing so, they follow the US on a path which veers ever further from respect for human rights obligations. This divergence marks what many have claimed is a worldwide deterioration of respect for the international regime of treaties and mechanisms which serve to protect human

³⁹⁵ US Department of State, ‘U.S. Relations with Ecuador: Bilateral Relations Fact Sheet’, 12 August 2019, <https://www.state.gov/u-s-relations-with-ecuador/>, (accessed 5 August 2020).

³⁹⁶ US House of Representatives.

rights. The analogy used by the Special Rapporteur on Torture is ‘the elephant in the room’, in reference to the invisible but tangible complacency of governments who outwardly advocate for human rights, providing the maintaining of those standards does not interfere with the ‘Realpolitik’ of international relations.³⁹⁷ The Assange case is a perfect example of this phenomenon, demonstrating not only the power of the US over the states within their sphere of influence, but also the greater threat now posed to the entire international system of human rights.

5.5.1 United States Ultimatum: ‘Either you are with us, or with the terrorists’

In 2001, George W. Bush warned the nations of the world: ‘Either you are with us, or with the terrorists’.³⁹⁸ Nearly two decades on, this belligerent approach to diplomacy survives in the extradition of Assange, with the UK, Sweden and eventually Ecuador prioritising US interests at the expense of meeting their human rights obligations. Globally, the power and influence of the US leaves many states with the same choice, engulfing all other states within that sphere of influence into what Nils Melzer described as an ‘established track record of granting and systematically enforcing impunity for serious international crimes’.³⁹⁹ Under Bush, Obama and now Trump, the ‘war on terror’ has become a perennial crusade with the indiscriminate killing of civilians and the refusal to investigate or prosecute against war crimes. The climate of fear and paranoia also lingers on, resulting in an unprecedented crackdown on leakers or whistle-blowers who try to reveal state secrets. All the while, much of the international community becomes locked in the binary choice of ‘with us or against us’ and contribute to the downward spiral of respect for human rights.

The decade-long pursuit of Assange is symptomatic of American contempt for the international human rights system since the 9/11 terrorist attacks and the subsequent ‘war on terror’. Capitalising on the climate of fear that followed the attack on the Twin Towers, the Bush administration embarked on a comprehensive re-interpretation of international law, humanitarian law and human rights law.⁴⁰⁰ Torture now became acceptable in interrogations; extrajudicial kidnapping of suspects and rendition to countries where torture is prevalent became a policy approved and assisted by many European states; murder, torture, rape,

³⁹⁷ ‘Nils Melzer about Julian Assange: The Elephant in the Room Speech’, [online video], 2020, <https://www.youtube.com/watch?v=ubFpOKYxgdo&t=153s>, (accessed 18 July 2020).

³⁹⁸ S. Tankel, *With Us and Against US: How America's Partners Help and Hinder the War on Terror*, New York, Columbia University Press, 2018, p. 3.

³⁹⁹ Melzer, 2019(c), p. 3.

⁴⁰⁰ M. Welch, ‘Sovereign impunity in America’s war on terror: examining reconfigured power and the absence of accountability’, *Crime Law and Social Change*, vol. 47, no. 3, 2007, p. 136.

enforced disappearances and executions became acts unworthy of prosecution or even investigation;⁴⁰¹ all in the name of fighting terrorism and ‘spreading freedom’.⁴⁰² The legacy of the Bush administration’s disregard for human rights has set an example for other states around the world who now ask: ‘Why do you criticize us for torture if even the United States of America is officially using this practice?’⁴⁰³

Heralding a new era of ‘change’ in 2008, President Barack Obama had the opportunity to divert this course by bringing an end to practices violating human rights and by investigating and prosecuting against acts of torture as required by the CAT.⁴⁰⁴ Obama promised to permanently close Guantanamo Bay in 2008, yet the detention facility remains in operation in 2020.⁴⁰⁵ More discouragingly, no thorough investigations were conducted on practices of torture; no effective remedy or reparations were provided to victims; and the response to bringing perpetrators of torture to justice was to ‘look forward, not backward’.⁴⁰⁶ Other 9/11-era human rights issues also persisted or worsened under Bush’s successor. Bringing large numbers of US ground forces out of conflict zones, Obama insisted that the use of drone strikes offered a ‘surgical and precise’ method of fighting terrorism without putting the lives of innocent people at risk.⁴⁰⁷ However, statistics from the Bureau of Investigative Journalism (TBIJ) found that targeted killing by drones resulted in at least 384 civilian deaths during Obama’s presidency.⁴⁰⁸ Invasive programmes of surveillance which emerged during the Bush era also became more intrusive under Obama, despite the promise of measures to protect the privacy and data of citizens. Rather than confronting the inherent issues in the NSA’s mass surveillance, Obama expanded US surveillance power through an executive order allowing data streams collected by the NSA to be shared with other agencies such as the FBI and Department of Homeland security.⁴⁰⁹ In his attempts to crack down on leakers or whistle-

⁴⁰¹ Human Rights Watch, ‘U.S. Responsibility for Enforced Disappearances in the “War on Terror”’, 7 June 2007 <https://www.hrw.org/legacy/backgrounder/usa/ct0607/3.htm>, (accessed 5 August 2020).

⁴⁰² Welch, p. 144.

⁴⁰³ M. Nowak, 2008, p. 10.

⁴⁰⁴ M. Nowak, M. Birk, T. Crittin, ‘The Obama administration and obligations under the Convention Against Torture’, *Law & Contemporary Problems*, vol. 20, no. 1, 2011, pp. 33(34).

⁴⁰⁵ C. Rosenberg, ‘Inside the Most Secret Place at Guantánamo Bay’, *The New York Times*, 14 March 2020, <https://www.nytimes.com/2020/03/14/us/politics/guantanamo-bay-camp-7-911.html>, (accessed 21 July 2020).

⁴⁰⁶ M. Nowak, M. Birk, T. Crittin, *ibid*.

⁴⁰⁷ D. Rohde, ‘The Obama Doctrine’, *Foreign Policy*, vol. 192, 2012, p. 66.

⁴⁰⁸ J. Purkiss, J. Serle, ‘Obama’s Covert Drone War in Numbers: Ten Times More Strikes than Bush’, *The Bureau of Investigative Journalism*, 17 January 2017, <https://www.thebureauinvestigates.com/stories/2017-01-17/obamas-covert-drone-war-in-numbers-ten-times-more-strikes-than-bush>, (accessed 5 August 2020).

⁴⁰⁹ C. Savage, ‘N.S.A. Gets More Latitude to Share Intercepted Communications’, *The New York Times*, 12 January 2017, https://www.nytimes.com/2017/01/12/us/politics/nsa-gets-more-latitude-to-share-intercepted-communications.html?_r=0, (accessed 22 July 2020).

blowers such as Snowden, Manning or Assange, Obama's administration served more prosecutions under the 1917 Espionage Act than all previous US administrations combined.⁴¹⁰ Leaving the White House with some piecemeal improvements, the Obama presidency was one in which the 'war on terror' and the disregard for obligations to human rights continued.

The decline in respect for human rights in the United States, initiated under George W. Bush and continued under Barack Obama, has reached a disconcerting peak under President Donald Trump. The contempt for human rights law, the rapid advancements of the industrial-military complex, and ever more sophisticated surveillance technologies are now the weapons of a President who not only views human rights as an inconvenient nuisance, but who actively and openly attacks the very structures of the international human rights movement. Trump's campaign against the press, with Assange's extradition as the prime example, is just one aspect of a campaign to eliminate checks and balances on executive power. With a surge in troops in conflict zones, a dramatic increase in the number of drone strikes, regressive treatment of minorities, oppressive tactics used to quash dissenting opinion, as well as frequent use of racist and sexist public rhetoric, respect for human rights by the United States is at an all time low.⁴¹¹

5.5.2 Decline of International System of Human Rights

Donald Trump's election has marked a worrying general decline in the international system of human rights. Speaking at the twenty-fifth anniversary of the Vienna Declaration and Programme of Action in 2018, former UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein hinted at the ominous worldwide 'back-sliding' on human rights and the rise of nationalist leaders such as Trump. Zeid remarked:

Human rights are sorely under pressure around the world – no longer a priority: a pariah. The legitimacy of human rights principles is attacked. The practice of human rights norms is in retreat.⁴¹²

Trump's frequent public attacks on the media are arguably the most conspicuous indicators of the decline in human rights. One recent study showed that attacks on journalists are a strong

⁴¹⁰ B. White, 'The President as a Character: A Narrative Analysis of USA TODAY and the New York Times Coverage of Drone Strikes during the Obama Presidency', *Global Media Journal*, vol. 1, no. 10, 2016, p. 2.

⁴¹¹ S. Brechenmacher, S. Feldstein, 'Trump's war on terror', *The National Interest*, vol. 152, 2017, pp. 58-68; M. Hooghe, R. Dassonneville, 'Explaining the Trump Vote: The Effect of Racist Resentment and Anti-Immigrant Sentiments', *PS: Political Science & Politics*, vol. 51, no. 3, 2018, pp. 528-534.

⁴¹² United Nations Human Rights Office of the High Commissioner, "'Human rights no longer treated as a priority, but as a pariah,'" Zeid tells 25th anniversary gathering in Vienna', Vienna, 22 May 2018, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23117&LangID=E>, (accessed 5 August 2020).

precursor to more extreme repression, while also indicating a high likelihood that all human rights conditions will deteriorate within the following two years.⁴¹³ A number of recent high profile cases of murdered journalists would indicate this corner has already been turned.⁴¹⁴ Following the murder of Jamal Khashoggi, a journalist and prominent critic of the regime in his native Saudi Arabia, the UN Secretary General Antonio Guterres expressed concern about a ‘new normal’ in states targeting journalists, human rights activists or dissidents who run afoul of authoritarian regimes, and called on the international community to demand truth and accountability, and to clearly demonstrate that such acts are unacceptable.⁴¹⁵ Comparing Guterres’s call-to-action against the actual response from leaders of the world’s most powerful states does not offer much optimism however. Only months after Khashoggi’s brutal murder, world leaders stood side-by-side, laughing and smiling while posing for a photograph at the G20 summit with Crown Prince Mohammed Bin Salman taking centre-stage and shaking hands with President Trump.⁴¹⁶ The fact that various investigations revealed Khashoggi’s murder was most likely carried-out under the direct order of the Crown Prince,⁴¹⁷ reveals the true extent to which states are committed to taking a stand against the killing of journalists.

As with Khashoggi’s murder and other high-profile cases, the extradition of Assange may be a point-of-no-return for the international community’s chance to halt the deterioration of the human rights system. The violations identified in the previous chapter stem from a failure of each state to apply the most fundamental protections; the type of protections one would take for granted in a democracy. In Assange’s case however, the US, UK, Sweden and Ecuador have combined to deny independent, impartial and fair legal proceedings to the WikiLeaks founder while keeping him detained without charge for almost a decade. Moreover, not only does each state knowingly contribute to Assange’s torture, they are also facilitating his extradition to a jurisdiction where further acts of torture will be inflicted in total violation of the absolute and non-derogable prohibition of torture and the principle of non-refoulement. All of these most fundamental human rights are being violated, not for the commission of a serious

⁴¹³ A.R. Gohdes, S.C. Carey, ‘Canaries in a coal-mine? What the killings of journalists tell us about future repression’, *Journal of Peace Research*, vol. 54, no. 2, 2017, p. 172.

⁴¹⁴ UNESCO, *Intensified attacks, new defences: developments in the fight to protect journalists and end impunity*, Paris, UNESCO Publishing, 2019.

⁴¹⁵ Khashoggi: UN head demands ‘truth’, [online video] 2018, https://www.bbc.com/news/video_and_audio/features/world-45849645/45849645, (accessed 5 August 2020).

⁴¹⁶ A. Taylor, ‘Saudi crown prince is center stage at G-20, only nine months after Khashoggi killing’, 28 June 2019, <https://www.washingtonpost.com/world/2019/06/28/saudi-arabias-mbs-is-center-stage-g-only-nine-months-after-khashoggi-killing/>, (accessed 21 July 2020).

⁴¹⁷ United Nations Human Rights Office of the High Commissioner, ‘Khashoggi killing: UN human rights expert says Saudi Arabia is responsible for “premeditated execution”’, Geneva, 19 June 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24713>, (accessed 5 August 2020).

crime, but rather for the publication of truthful information about state transgressions, adding a further human rights violation of freedom of expression to the list. Whatever minor offence Assange might have been guilty of, his role in publishing the documents he received from Chelsea Manning certainly cannot be considered illegal. On the contrary, both took measures deemed integral to the survival of democracy and all other human rights against malfeasant state power.

Human rights are only secure when states comply with their obligations and populations have access to information that allows them to make informed decisions and to hold governments accountable via a free and independent press. Yet, instead of championing Julian Assange as a distinguished member of the ‘fourth estate’, he is being persecuted, imprisoned and will likely spend the rest of what remains of his life in a maximum security prison. The case is a stark indication that the international system of human rights, developed over the past 75 years through the commitment of states worldwide to ensure that all human life could be protected from the horrors of totalitarianism, is now in serious decline.

5.5.3 Changing Perspectives: The Assange Case in Public Discourse

Given the failure of governments to meet their obligations to human rights and the consequent decline of the international system, a change in how the public perceives and discusses the Assange case is of paramount importance. Aside from the legal human rights perspectives presented in this thesis, the Assange case is almost entirely absent from public discourse relative to its greater importance to society. Meanwhile, four governments are allowed to persecute an individual citizen for the act of publishing truthful information in the public interest without any significant backlash by the populations of those states, or indeed elsewhere. Recent years have shown the international community’s reluctance to censure governments who murder or torture high-profile journalists, whistle-blowers or leakers, and cannot therefore be relied upon to address the dangers posed to democratic freedoms by Assange’s extradition. To that end, the mobilisation of public opposition becomes the only feasible solution in shining a light on ‘the elephant in the room’.

According to Sellers, ‘public discourse defines and limits the powers of the government and ideally helps to protect the common interests of a population.’⁴¹⁸ The emergence of WikiLeaks is testament to this ideal having exposed to the world the transgressions of the

⁴¹⁸ M. Sellers, ‘Ideals of Public Discourse’, in *Republican Legal Theory*, London, Palgrave Macmillan, 2003, p. 62.

United States and its coalition states during the ‘war on terror’. However, the power of the ‘fourth estate’ and the ability of citizens to voice their opposition is now under threat. The analysis of the Assange case presented in this thesis is the perspective of a minority, in conflict with a negative misrepresentation of the case by mainstream media and a general lack of awareness among the public. An opinion piece in *The Guardian* in 2012 described those who defend Assange as ‘paranoid’ and ‘embarrassing’ for believing he was an extradition target of the Obama administration. The same piece argued with confidence that even if he were to be extradited, Assange would be protected by the UK-US Extradition Treaty and the ‘finest defence of freedom of speech yet written’, the US First Amendment.⁴¹⁹ In 2020, it is now clear that neither the UK-US Extradition Treaty nor the US First Amendment will prevent the present course of events. Still, however, those indignant journalists who on one hand denounce Assange’s actions, and on the other insist that those actions are protected by consecrated legal documents, have failed to publicise the threatening precedent now being set to their very own profession. The failure of the media to portray these dangers contributes to the debilitation of public discourse and the protection of the common good of society. Whether by design or by accident, the absence of the human rights perspective in public discourse is facilitating the actions of the US, UK, Sweden and Ecuador.

The reluctance of states to take a stand against fellow members of the international community when they commit human rights violations has entered a phase of normalisation in our collective consciousness. The majority of news and media outlets cannot be said to have communicated this message to the public, choosing to denigrate rather than champion those who subvert power in the spirit of investigative journalism. Any hope that remains of preventing Assange’s extradition will require public engagement with the human rights issues involved. In 2012, then UK Home Secretary Theresa May announced the government’s decision not to extradite Gary McKinnon to the United States for hacking charges, citing concerns for human rights. The announcement came after a successful campaign by McKinnon’s family and human rights campaigners, who brought the case to mass attention. Behind May’s pretences that McKinnon’s health and well-being was part of the government’s considerations of the case, it was in fact the overwhelming public opposition that ultimately

⁴¹⁹ N. Cohen, ‘Definition of paranoia: supporters of Julian Assange’, *The Guardian*, 24 June 2012, <https://www.theguardian.com/commentisfree/2012/jun/24/nick-cohen-julian-assange-paranoia#comment-16791263>, (accessed 11 August 2020).

prevented his extradition.⁴²⁰ In a similar fashion, the portrayal of the Assange case presented in this thesis must take its deserved prominence in public discourse in order to redress the notion of the WikiLeaks founder as a sexually deviant criminal. A failure to do so will be a major victory for authoritarian governments and a significant backward step for the future of the human rights system.

⁴²⁰ A. Cowell, J.F. Burns, Britain Refuses to Extradite Computer Hacker Sought in U.S., The New York Times, 16 October 2012, <https://www.nytimes.com/2012/10/17/world/europe/britain-refuses-to-extradite-computer-hacker-sought-in-us.html>, (accessed 11 August 2020).

Conclusion

The extradition of Julian Assange to the United States is a worrying sign for the international system of human rights. With deliberation over Assange's fate due to resume in September 2020, the freedom of journalists and publishers worldwide to speak truth to power is at stake. This research began from an observation that the perspectives of the Assange case from human rights experts did not match the depiction of the case in the media. Assange's arrest in April 2019 was widely reported, but discussions of a human rights nature were distinctly absent. Comparing the media reaction with the conclusions of the UN Special Rapporteur on Torture is akin to two entirely different narratives; one side which presents Assange as a criminal, the other which claims he has been collectively persecuted and tortured by four different states. Given the polarisation of opinion, the use of a human-rights based approach presented a means of evaluating and describing the extradition case.

The first objective of the research was to eliminate misconceptions about the Assange case and to present a coherent narrative of what has happened during the last decade. The chapter delineated how events unfolded following the series of WikiLeaks releases in 2010; how Assange became entangled in a dubiously handled investigation into sexual offences in Sweden; how that investigation resulted in a two-year extradition battle in the UK that went to the Supreme Court, where the attempt by Sweden to extradite Assange for questioning was deemed legitimate; how Assange was given asylum protection by Ecuador in the London embassy where he would remain for seven years to avoid extradition to the United States; and most importantly, how United States authorities persisted throughout this time in pursuing Assange's extradition, which now appears increasingly likely since his arrest by British police in April 2019.

A crucial aspect in evaluating the extradition case is the identification of human rights violations. Analysing the actions of the US, UK, Sweden, and Ecuador reveals violations of the right to a fair trial; the right to liberty and security; the prohibition of torture, cruel, inhuman and degrading treatment and punishment; and the right to freedom of expression. At every juncture, Assange has been denied all semblance of due process in Sweden, where prosecutors allowed a preliminary investigation to last nine years without a single charge being pressed, and in the UK, where the treatment of Assange by judicial authorities makes a mockery of their proud legal tradition. Ecuador then became culpable by revoking Assange's asylum and citizenship and by forcing him out of the embassy without any legal proceedings. The US

meanwhile has been building a case to be held in what will effectively be a show trial in the Eastern District of Virginia, using evidence gleaned from illegal surveillance of the Ecuadorian embassy. Concluding that he has been denied the right to a fair trial, Assange's imprisonment or confinement since 2010 is automatically put into perspective. Denied all means of clearing his name without exposing himself to the threat of extradition to the US, Assange's continuing deprivation of liberty was declared by the UNWGAD as arbitrary. Confined to the cramped quarters of the Ecuadorian embassy, where his hosts became increasingly hostile, and while threatening and defamatory statements continued to be made by public officials on the outside, Assange's physical and psychological health deteriorated drastically, resulting in severe symptoms described by the Special Rapporteur as psychological torture. The violations of the right to a fair trial, the right to liberty and security, and the prohibition of torture at the hands of four different states coalesces to a persecution of Assange for publishing information which the public has a right to know; adding a violation of the freedom of expression to the list. With the Swedish investigation shown to be a farce, the only 'crime' associated with Assange is a questionable accusation of trying and failing to help a source cover their tracks. Having already suffered a decade-long ordeal for doing something many publishers and investigative journalists do on a regular basis, Assange faces a 175-year sentence in a US maximum security prison.

After establishing the human rights violations in the Assange case, the final question sought to find out why the US, UK, Sweden and Ecuador would be willing to disregard their obligations to human rights law. The letters sent by the UN Special Rapporteur to all four governments unequivocally state that Assange is suffering from severe symptoms of torture as a result of the collective persecution of the four states. Moreover, Melzer clearly warns about the completely one-sided judicial proceedings of the infamous 'Espionage Court' Assange will face if extradited to the US, which will be followed by incarceration in a maximum security prison. Above all, Melzer reminds each government about its commitments on the absolute prohibition of torture, which by continuing with the process of Assange's extradition, each state flagrantly violates. The answers to this inquiry finds the United States in its hegemonic domination of the international realm and the power and control it possesses over other states. The 'war on terror' began a terminal decline of respect for international human rights law and international humanitarian law through a global campaign against terrorism, under the guise of spreading freedom and democracy. In this pursuit, the Bush administration warned the nations of the world that they are 'either with us or against us' in the war on terror. States such as

Sweden and the United Kingdom have been eager and willing collaborators, making sure to demonstrate where their allegiances lie, thus protecting their political and economic positions in a world order led by the United States. Ecuador eventually joined the ranks having done its utmost to eliminate the invisible American hand from decision-making in Ecuadorian government. The process of de-Americanisation was abruptly halted with the election of a new president in 2017, who looked to Washington for financial and institutional support, leading to a reversal in perspective towards Assange's human rights protection and his ejection from the embassy in London.

The emergent hypothesis from the research is one where states choose to accede to the demands of power politics as opposed to their obligations to human rights. The Assange case thus presents an opportunity to observe what many scholars perceive to be a decline of the international system of human rights. A process which began following the horrors of World War II, evolving over the decades into a system which, although imperfect, tied the members of the UN to commit to the universal protection of all human rights and to working on the improvement of that pursuit for future generations. The Assange case shows that, at least in this current moment of its evolution, the international system of human rights is in decline. The 'war on terror' has set in motion a process where the nominal leader of the human rights movement, the United States, has systematically eroded its commitment to that movement, and through its immense power over the international realm, draws its client states into the same downward spiral. With Julian Assange on the brink of extradition, a failure to engage public discourse on the consequences thereof may sound the death knell of the democratic freedoms our societies have taken for granted for too long.

Bibliography

‘Nils Melzer about Julian Assange: The Elephant in the Room Speech’, [online video], 2020, <https://www.youtube.com/watch?v=ubFpOKYxgdo&t=153s>, (accessed 18 July 2020).

Abad Linan, J.M., ‘WikiLeaks reports spying operation against Julian Assange at Ecuador embassy in London’, *El Pais*, 10 April 2019, https://english.elpais.com/elpais/2019/04/10/inenglish/1554906053_635126.html, (accessed 15 July 2020).

ABC News, ‘Julian Assange's extradition case delayed until September, WikiLeaks founder's hearing moved to another court’, 4 May 2020, <https://www.abc.net.au/news/2020-05-04/julian-assange-postponed-extradition-hearing/12213674>, (accessed 6 July 2020).

ABC News, ‘WikiLeaks founder Julian Assange denied delay to extradition hearing by London judge’, 21 October 2019, <https://www.abc.net.au/news/2019-10-22/wikileaks-founder-assange-in-court-to-fight-extradition/11625042>, (accessed 6 July 2020).

ACLU, ‘ACLU Comment on Julian Assange Indictment’, 23 May 2019, <https://www.aclu.org/press-releases/aclu-comment-julian-assange-indictment>, (accessed 5 August 2020).

Adler, J., ‘Prosecuting Assange under Espionage Act would set dangerous precedent’, *The Washington Post*, 24 April 2017, <https://link-gale-com.uaccess.univie.ac.at/apps/doc/A490533045/ITOF?u=43wien&sid=ITOF&xid=cd0e2729>, (accessed 28 July 2020).

Alston, P., Morgan-Foster, J., and Abresch, W., ‘The Competence of the UN Human Rights Council and its Special Procedures in relation to Armed Conflicts: Extrajudicial Executions in the ‘ War on Terror’, *The European Journal of International Law*, vol. 19, no. 1, 2008.

Amnesty International, ‘Iraq: Beyond Abu Ghraib: Detention and torture in Iraq’, March 2006, <https://www.amnesty.org/download/Documents/76000/mde140012006en.pdf>, (accessed 20 July 2020).

Amnesty International, ‘Press Release: Iraq: Human rights must be foundation for rebuilding’, 20 June 2003, <https://www.amnesty.org/download/Documents/108000/mde141362003en.pdf>, (accessed 20 July 2020).

Amnesty International, ‘Speech by Irene Khan at Foreign Press Association’, 25 May 2005, <https://www.amnesty.org/download/Documents/88000/pol100142005en.pdf>, (accessed 20 July 2020).

Amnesty International, *Amnesty International Report 2017/18: The State of the World's Human Rights*, London, Amnesty International, 2018.

Assange, J., ‘Statement by Julian Assange after Six Months in the Ecuadorian Embassy’, WikiLeaks.org, 20 December 2012, <https://wikileaks.org/Statement-by-Julian-Assange-after.html>, (accessed 6 July 2020).

Assange, J., *Julian Assange: The Unauthorised Autobiography*, Edinburgh, Canongate, 2011.

Azubuike, S., 'The Poodle Theory and the Anglo-American "Special Relationship"', *International studies*, vol. 42, no. 2, 2005, pp.123-139.

Bachega, H., 'Julian Assange: Why Ecuador ended his stay in London embassy', BBC News, 12 April 2019, <https://www.bbc.com/news/world-latin-america-47907600>, (accessed 9 July 2020).

Barnes, J.E., Goldman, A., Savage, C., 'How the Trump Administration Stepped Up Pursuit of WikiLeaks's Assange', *The New York Times*, 16 November 2018, <https://www.nytimes.com/2018/11/16/us/politics/trump-administration-assange-wikileaks.html>, (accessed 6 July 2020).

Barns, G., 'The right to know trumped by the need to conceal', *The Sydney Morning Herald*, 26 October 2019, <https://link-gale-com.uaccess.univie.ac.at/apps/doc/A603756131/AONE?u=43wien&sid=AONE&xid=d22f11e6>, (accessed 28 July 2020).

Bassiouni, C., *International Extradition: United States Law and Practice*, New York, Oxford University Press, 2014.

Baz, P., 'WikiLeaks to release another bombshell on war in Afghanistan', *The Globe and Mail*, 23 October 2010, <https://www.theglobeandmail.com/news/world/wikileaks-to-release-another-bombshell-on-war-in-afghanistan/article1215419/>, (accessed 20 July 2020).

BBC News (a), 'Julian Assange: WikiLeaks co-founder jailed over bail breach', 1 May 2019, <https://www.bbc.com/news/uk-48118908>, (accessed 6 July 2020).

BBC News (b), 'Julian Assange doesn't consent to US extradition, court hears', 2 May 2019, <https://www.bbc.com/news/uk-48134901>, (accessed 6 July 2020).

BBC News (c), 'Julian Assange extradition case 'outrageous assault on journalism'', 14 June 2019, <https://www.bbc.com/news/uk-48633682>, (accessed 6 July 2020).

BBC News (d), 'Julian Assange: Sweden drops rape investigation', 19 November 2019, <https://www.bbc.com/news/world-europe-50473792>, 9 July 2020.

BBC News, 'Bush speech: Full Text', 2 May 2003, <http://news.bbc.co.uk/2/hi/americas/2994345.stm>, (accessed 20 July 2020).

BBC News, 'Ecuador 'rejects unlimited election terms', blocking Correa return', 5 February 2018, <https://www.bbc.com/news/world-latin-america-42937819>, (accessed 5 August 2020).

BBC News, 'Ecuador's new president will tackle economy... and Julian Assange', 2 April 2017, <https://www.bbc.com/news/world-latin-america-39457814>, (accessed 6 July 2020).

BBC News, 'Julian Assange wins right to pursue extradition fight', 5 December 2011, <https://www.bbc.com/news/uk-16027942>, (accessed 6 July 2020).

BBC News, 'Julian Assange: Ecuador court rejects lawsuit over embassy rules', 30 October 2018, <https://www.bbc.com/news/world-latin-america-46027963>, (accessed 6 July 2020).

BBC News, 'Julian Assange: Ecuador grants WikiLeaks founder asylum', 16 August 2012, <https://www.bbc.com/news/uk-19281492>, (accessed 6 July 2020).

BBC News, 'Media seen as enemy of people - Donald Trump', 1 November 2018, <https://www.bbc.com/news/av/world-us-canada-46057126/media-seen-as-enemy-of-people-donald-trump>, (accessed 6 June 2019).

BBC News, 'NSA 'developing code-cracking quantum computer'', 3 January 2014, <https://www.bbc.com/news/technology-25588605#:~:text=The%20US%20National%20Security%20Agency,by%20whistle%2Dblo wer%20Edward%20Snowden.>, (accessed 5 August 2020).

BBC News, 'WikiLeaks founder Julian Assange accused of rape', 21 August 2010, <https://www.bbc.com/news/world-11047025>, (accessed 1 July 2020).

BBC News, 'Wikileaks: Iraq war logs 'reveal truth about conflict'', 23 October 2010, <https://www.bbc.com/news/world-middle-east-11612731>, (accessed 20 July 2020).

BBC News, 'Julian Assange: Sweden drops rape investigation', 19 May 2017, <https://www.bbc.com/news/world-europe-39973864>, (accessed 6 July 2020).

BBC News, 'Swedish rape warrant for Wikileaks' Assange cancelled', 21 August 2010, <https://www.bbc.com/news/world-europe-11049316>, (accessed 13 July 2020).

Beckett C., *WikiLeaks: News in the networked era*, Polity Press, Cambridge, 2012.

Beckford, M., 'Sarah Palin: hunt WikiLeaks founder like al-Qaeda and Taliban leaders', *The Telegraph*, 30 November 2010, <https://www.telegraph.co.uk/news/worldnews/wikileaks/8171269/Sarah-Palin-hunt-WikiLeaks-founder-like-al-Qaeda-and-Taliban-leaders.html>, (accessed 18 July 2020).

Beeton, D., 'Ecuador Ruins U.S. Policymakers Fun', Center for Economic Policy and Research (CEPR), 27 June 2013, <https://cepr.net/ecuador-ruins-us-policymakers-fun/>, (accessed 5 August 2020).

Bellia, P.L., 'WikiLeaks and the institutional framework for national security disclosures', *Yale Law Journal*, vol. 121, no. 6, 2012, pp. 1448-1526.

Blake, A., 'Mike Pence raises Julian Assange case with Ecuadorean president, White House confirms', *The Washington Times*, 29 June 2018, <https://www.washingtontimes.com/news/2018/jun/29/mike-pence-raises-julian-assange-case-with-ecuador/>, (accessed 5 August 2020).

Blakely, R., Raphael, S., 'British torture in the 'war on terror'', *European Journal of International Relations*, vol. 23, no. 2, 2017, pp. 243-266.

Blanks Hindman, E., 'When old and new media collide: The case of WikiLeaks', *New Media & Society*, vol. 16, no. 4, 2014.

Booth, R., 'Julian Assange ruling is latest act in long-running legal drama', *The Guardian*, 16 July 2014, <https://www.theguardian.com/media/2014/jul/16/julian-assange-long-legal-drama>, (accessed 6 July 2020).

Booth, R., 'WikiLeaks cable reveals secret pledge to protect US at Iraq inquiry', *The Guardian*, 30 November 2010, <https://www.theguardian.com/world/2010/nov/30/wikileaks-chilcot-iraq-war-inquiry>, (accessed 20 July 2020).

Booth, R., 'With you, whatever': Tony Blair's letters to George W Bush', *The Guardian*, 6 July 2016, <https://www.theguardian.com/uk-news/2016/jul/06/with-you-whatever-tony-blair-letters-george-w-bush-chilcot>, (accessed 20 July 2020).

Booth, W., Adam, K., 'Julian Assange to face a full extradition hearing in 2020', *The Washington Post*, 14 June 2019, https://www.washingtonpost.com/world/europe/julian-assange-to-face-a-full-extradition-hearing-in-2020/2019/06/14/a91e7ed0-8e97-11e9-adf3-f70f78c156e8_story.html, (accessed 6 July 2020).

Borchert, T., 'Schwedens Justiz im Dienst der CIA?', *Frankfurter Rundschau*, 6 February 2020, <https://www.fr.de/politik/schwedens-justiz-dienst-cia-13526440.html>, (accessed 5 August 2020).

Bowcott, O., 'Julian Assange to be questioned by British police', *The Guardian*, 7 December 2010, <https://www.theguardian.com/media/2010/dec/06/wikileaks-julian-assange-police>, (accessed 1 July 2020).

Boyle, C., 'Assange denied request to sit next to his lawyers as first phase of extradition hearing ends', *Los Angeles Times*, 27 February 2020, <https://www.latimes.com/world-nation/story/2020-02-27/assange-denied-request-to-sit-next-to-his-lawyers-as-first-phase-of-extradition-hearing-ends>, (accessed 9 July 2020).

Brandom, R., 'Julian Assange at SXSW: 'national security reporters are a new kind of refugee'', *The Verge*, 8 March 2014, <https://www.theverge.com/2014/3/8/5484784/julian-assange-at-sxsw-wikileaks>, (accessed 6 July 2020).

Brechenmacher, S., Feldstein, S., 'Trump's war on terror', *The National Interest*, vol. 152, 2017, pp. 58-68.

Brevini, B., 'WikiLeaks: Between disclosure and whistle-blowing in digital times', *Sociology Compass*, vol. 11, no. 3, 2017, pp. 1-11.

Bryman, A., *Social Research Methods*, Oxford, Oxford University Press, 2012.

Bumiller, E., 'Video Shows U.S. Killing of Reuters Employee', *The New York Times*, 5 April 2010, <https://www.nytimes.com/2010/04/06/world/middleeast/06baghdad.html>, (accessed 15 July 2020).

CBC News, 'Ecuador's new leader has no kind words for U.S.', 15 January 2007, <https://www.cbc.ca/news/world/ecuador-s-new-leader-has-no-kind-words-for-u-s-1.691509>, (accessed 5 August 2020).

Central Intelligence Agency, 'Director Pompeo Delivers Remarks at CSIS', 13 April 2017, <https://www.cia.gov/news-information/speeches-testimony/2017-speeches-testimony/pompeo-delivers-remarks-at-csis.html>, (accessed 15 July 2020).

Chesterman, S., Johnstone, I., Malone, D.M., *The UN Charter, Law and Practice of the United Nations*, Oxford University Press, 2016, chapter 1.

Chesterman, S., Malone, D.M., Villalpando, S., *The Oxford Handbook of United Nations Treaties*, Oxford, Oxford University Press, 2019.

Christensen, C., 'The links that bind: WikiLeaks, Twitter, and the Julian Assange case', *Popular Communication: The International Journal of Media and Culture*, vol. 14, no. 4, 2016, pp. 224-237.

Cohen, N., 'Definition of paranoia: supporters of Julian Assange', *The Guardian*, 24 June 2012, <https://www.theguardian.com/commentisfree/2012/jun/24/nick-cohen-julian-assange-paranoia#comment-16791263>, (accessed 11 August 2020).

Collateral Murder - WikiLeaks - Iraq, [online video], 2010, https://www.youtube.com/watch?v=5rXPrfnU3G0&feature=emb_title, (accessed 20 July 2020).

Committee to Protect Journalists, 'Assange indictment marks alarming new stage in US war on leaks', 24 May 2019, <https://cpj.org/2019/05/assange-indictment-marks-alarming-new-stage-in-us-.php>, (accessed 6 June 2020).

Council of Europe, 'Julian Assange should not be extradited due to potential impact on press freedom and concerns about ill-treatment', Strasbourg, 20 February 2020, <https://www.coe.int/en/web/commissioner/-/julian-assange-should-not-be-extradited-due-to-potential-impact-on-press-freedom-and-concerns-about-ill-treatment>, (accessed 28 July 2020).

Courts and Tribunals Judiciary, Chief Magistrate Senior District Judge Emma Arbuthnot, <https://www.judiciary.uk/about-the-judiciary/who-are-the-judiciary/judicial-roles/judges/chief-magistrate/>, (accessed 9 July 2020).

Crown Prosecution Service, 'Correspondence between the Crown Prosecution Service and the Swedish Prosecution Authority about the case of Mr Julian Assange', 3 August 2017, https://www.cps.gov.uk/sites/default/files/documents/publications/disclosure_15_annex_0.pdf, (accessed 9 July 2020).

Curtis, M., Kennard, M., 'Julian Assange's judge and her husband's links to the British military establishment exposed by WikiLeaks', *Declassified UK*, 14 November 2019, <https://www.dailymaverick.co.za/article/2019-11-14-julian-assanges-judge-and-her-husbands-links-to-the-british-military-establishment-exposed-by-wikileaks/>, (accessed 9 July 2020).

Curtis, M., Kennard, M., 'REVEALED: Chief magistrate in Assange case received financial benefits from secretive partner organisations of UK Foreign Office', *Daily Maverick*, 21 February 2020, <https://www.dailymaverick.co.za/article/2020-02-21-revealed-chief-magistrate-in-assange-case-received-financial-benefits-from-secretive-partner-organisations-of-uk-foreign-office/>, (accessed 9 July 2020).

Davies, N., Steele, J., Leigh, D., 'Iraq war logs: secret files show how US ignored torture', *The Guardian*, 22 October 2010, <https://www.theguardian.com/world/2010/oct/22/iraq-war-logs-military-leaks>, (accessed 20 July 2020).

De La Torre, C., 'For Ecuador's Lenín Moreno, Evicting Julian Assange Is Only the Beginning', *Foreign Policy*, 22 April 2019, <https://foreignpolicy.com/2019/04/22/for-ecuadors-lenin-moreno-evicting-julian-assange-is-only-the-beginning/>, (accessed 6 July 2020).

De Lagasnerie, G., *The Art of Revolt: Snowden, Assange, Manning*, California, Stanford University Press, 2017.

Dearden, L., 'Julian Assange branded 'narcissist' by judge as Wikileaks founder faces US extradition', *Independent*, 11 April 2019, <https://www.independent.co.uk/news/uk/crime/julian-assange-arrest-us-extradition-ecuador-embassy-uk-police-met-wikileaks-a8865021.html>, (accessed 9 July 2020).

Dearden, L., 'Julian Assange: Leaked documents reveal Ecuadorian Embassy's 'disguise' escape plan', *Independent*, 1 September 2015, <https://www.independent.co.uk/news/people/julian-assange-leaked-documents-reveal-ecuadorian-embassys-disguise-escape-plan-10481420.html>, (accessed 6 July 2020).

DemocracyNow!, 'U.N. Rapporteur: Julian Assange Has Faced Psychological Torture; He Should Not Be Extradited to U.S.', 22 November 2019, https://www.democracynow.org/2019/11/22/nils_melzer_julian_assange, (accessed 7 August 2020).

DemocracyNow!, Julian Assange Appears Frail and Confused in London Court Hearing, 24 October 2019, https://www.democracynow.org/2019/10/24/headlines/julian_assange_appears_frail_and_confused_in_london_court_hearing, (accessed 5 August 2020).

Den Heijer, M., Diplomatic Asylum and the Assange Case, *Leiden Journal of International Law*, vol. 26, no. 2, 2013, pp. 339-425.

Deutsche Welle, 'Britain faces its own Abu Ghraib as torture allegations surface', 14 November 2009, <https://p.dw.com/p/KX6L>, (accessed 20 July 2020).

Deutsche Welle, 'Legacy of UK-US special relationship contributed to British decision to invade Iraq', 28 January 2010, <https://p.dw.com/p/LdAi>, (accessed 20 July 2020).

Deutsche Welle, Julian Assange's extradition hearing begins in London, 24 February 2020, <https://p.dw.com/p/3YGkh>, (accessed 6 July 2020).

DeWitt, P., 'The Legacy of the 1917 Espionage Act in the United States', *Historical Reflections*, vol. 42, no. 2, 2016, pp. 115–133.

Edwards Ainsley, J., 'Trump administration goes on attack against leakers, journalists', *Reuters*, 4 August 2017, <https://www.reuters.com/article/us-usa-trump-sessions-leaks/trump-administration-goes-on-attack-against-leakers-journalists-idUSKBN1AK1UR>, (accessed 6 June 2019).

Edwards, A., Ferstman, C., *Human Security and Non-Citizens: Law, Policy and International Affairs*, Cambridge University Press, New York, 2010.

EdwardSnowden.com, 'Manhunting Timeline 2010', 19 February 2014, <https://edwardsnowden.com/2014/02/18/manhunting-timeline-2010/>, (accessed 6 August 2020).

Egan, S., 'The Optional Protocol to the Convention Against Torture: Paying the Price for Prevention', *Irish Jurist*, vol. 44, 2009, pp. 182-202.

Egleko, B., 'WikiLeaks cables recount how U.S. pressured allies', SFGATE, 6 March 2011, <https://www.sfgate.com/opinion/article/WikiLeaks-cables-recount-how-U-S-pressured-allies-2456987.php>, (accessed 20 July 2020).

Ellerbeck, A., Asher Schapiro, A., 'Why the prosecution of Julian Assange is troubling for press freedom', Committee to Protect Journalists, 12 April 2019, <https://cpj.org/2019/04/why-prosecution-julian-assange-press-freedom/>, (accessed 5 August 2020).

Elliott, M., Thomson, J., 'The Pentagon Papers, RAND in Southeast Asia: A History of the Vietnam War Era', *RAND Corporation*, 2010, pp. 415-498, www.jstor.org/stable/10.7249/cp564rc.18, (accessed 14 July 2020).

Ellner, S., Avilés, W., 'The Distinguishing Features of Latin America's New Left in Power: The Chávez, Morales, and Correa Governments', *Latin American Perspectives*, vol.39, no. 1, 2012, pp. 96-114.

Emersberger, J., 'Moreno's Neoliberal Restoration Proceeds in Ecuador', Counterpunch, 13 November 2018, <https://www.counterpunch.org/2018/11/13/morenos-neoliberal-restoration-proceeds-in-ecuador/>, (accessed 5 August 2020).

Englehart, N., 'State Capacity, State Failure, and Human Rights', *Journal of Peace Research*, vol. 46, no. 2, 2009, pp. 163-180.

Engström, C., 'FRA-lagen var ett rakt beställningsjobb åt USA', *Nyheter 24*, 29 March 2012, <https://nyheter24.se/nyheter/inrikes/526557-fra-bestallningsjobb-at-usa>, (accessed 5 August 2020).

Evans, M., 'The UN Special Rapporteur on Torture in the developing architecture of UN torture protection', *Nottingham Studies on Human Rights*, vol. 6, pp. 351-384.

Falk, R., *Human Rights: A Descending Spiral*, in R. Wilson, *Human Rights in the 'War on Terror'*, New York, Cambridge University Press, 2005, pp. 226-239.

Fenster, M., 'Disclosure's effects: WikiLeaks and transparency', *Iowa Law Review*, vol. 97, no. 3, 2012, pp. 753-802.

Ferrada de Noli, M., *Sweden vs. Assange: Human Rights Issues*, Sweden, Libertarian Books, 2014.

Ferrada de Noli, M., *Sweden's Geopolitical Case Against Assange: 2010-2019*, Sweden, Libertarian Books, 2019.

Feuer, K., 'Protecting Government Secrets: A Comparison of the Espionage Act and the Official Secrets Act', *Boston College International and Comparative Law Review*, vol. 38, no. 1, 2015, pp. 91-127.

Fisher, M., 'Julian Assange Rape Charges: Serious Crime or Anti-WikiLeaks Conspiracy?', *The Atlantic*, 7 December 2010, <https://www.theatlantic.com/politics/archive/2010/12/julian-assange-rape-charges-serious-crime-or-anti-wikileaks-conspiracy/343133/>, (accessed 6 August 2020).

Flinterman, C., 'Vienna Declaration and Programme of Action: 20 Years Later', *Netherlands Quarterly of Human Rights*, vol. 31, no. 2, 2013, pp. 129-131.

Flynn, M., 'Trump inciting 'violence': More than 200 retired journalists condemn president's 'un-American' attacks on press', *Washington Post*, 25 October 2019, https://www.washingtonpost.com/nation/2018/10/25/trump-inciting-violence-nearly-retired-journalists-condemn-presidents-un-american-attacks-press/?utm_term=.254bb5a7d374, (accessed 6 June 2019).

Foerster, S., Raymond, R., 'The US-UK "Special Relationship" at a Critical Crossroads', *Atlantic Council*, 2017, <https://www.jstor.org/stable/resrep03496>, pp. 5-9, (accessed 20 July 2020).

Fortin, J., 'Chelsea Manning Ordered Back to Jail for Refusal to Testify in WikiLeaks Inquiry', *The New York Times*, 16 May 2019, <https://www.nytimes.com/2019/05/16/us/chelsea-manning-jail.html>, (accessed 2 August 2020).

Freedom of the Press Foundation, 'The Trump admin's new charges against Julian Assange are a fundamental threat to press freedom in the 21st century', 23 May 2019, <https://freedom.press/news/trump-administrations-new-charges-against-wikileaks-and-julian-assange-are-most-fundamental-threat-press-freedom-21st-century/>, (accessed 6 June 2020).

Gabbard, T., 'Rep. Tulsi Gabbard: Assange Arrest Sets Dangerous Precedent, Threatens Freedom of the Press', *Congressional Documents and Publications*, 11 April 2019, <https://gabbard.house.gov/news/press-releases/rep-tulsi-gabbard-assange-arrest-sets-dangerous-precedent-threatens-freedom>, (accessed 28 July 2020).

Gardner, L.C., *The War on Leakers: National Security and American Democracy from Eugene V. Debs to Edward Snowden*, The New Press, New York, 2016.

Garnett, P., Hughes, S.M., 'Obfuscated democracy? Chelsea Manning and the politics of knowledge curation', *Political Geography*, vol. 68, no. 1, 2019, pp. 23-33.

Gearon, L., *Freedom of Expression and Human Rights*, Brighton, Sussex Academic Press, 2006.

Gohdes, A.R., Carey, S.C., 'Canaries in a coal-mine? What the killings of journalists tell us about future repression', *Journal of Peace Research*, vol. 54, no. 2, 2017, pp. 157-174.

Goodman, A., 'Exclusive: DN! Goes Inside Assange's Embassy Refuge to Talk WikiLeaks, Snowden and Winning Freedom', 7 July 2014, DemocracyNow.org,

https://www.democracynow.org/2014/7/7/exclusive_inside_embassy_refuge_julian_assange, (accessed 6 July 2020).

Goodman, A., Goodman, D., Moynihan, D., *Democracy Now!: Twenty Years Covering the Movements Changing America*, New York, Simon & Schuster Paperbacks.

Goodwin, B., 'Judge refuses to delay Assange's extradition hearing over coronavirus pandemic', *Computer Weekly*, 7 April 2020, <https://www.computerweekly.com/news/252481299/Judge-refuses-to-delay-Assanges-extradition-hearing-over-coronavirus-pandemic>, (accessed 6 July 2020).

Greenfield, P., 'Julian Assange to regain internet access at embassy – reports', *The Guardian*, 14 October 2018, <https://www.theguardian.com/media/2018/oct/14/julian-assange-to-regain-internet-access-in-embassy-base>, (accessed 6 July 2020).

Greenwald, G., 'As the Obama DOJ Concluded, Prosecution of Julian Assange for Publishing Documents Poses Grave Threats to Press Freedom', *The Intercept*, 16 November 2018, <https://theintercept.com/2018/11/16/as-the-obama-doj-concluded-prosecution-of-julian-assange-for-publishing-documents-poses-grave-threats-to-press-freedom/>, (accessed 6 July 2020).

Greenwald, G., 'Ecuador Will Imminently Withdraw Asylum for Julian Assange and Hand Him Over to the U.K. What Comes Next?', *The Intercept*, 21 July 2018, <https://theintercept.com/2018/07/21/ecuador-will-imminently-withdraw-asylum-for-julian-assange-and-hand-him-over-to-the-uk-what-comes-next/>, (accessed 6 July 2020).

Greenwald, 'Explosive' NSA Spying Reports Are Imminent', *Spiegel International*, 19 July 2013, <https://www.spiegel.de/international/world/journalist-says-explosive-reports-coming-from-snowden-data-a-912034.html>, (accessed 2 August 2020).

Greenwald, G., 'The indictment of Assange is a blueprint for making journalists into felons', *Washington Post*, 28 May 2019, <https://www.washingtonpost.com/outlook/2019/05/28/indictment-assange-is-blueprint-making-journalists-into-felons/>, (accessed 6 August 2020).

Greenwald, G., Gallagher, R., 'Snowden Documents Reveal Covert Surveillance and Pressure Tactics Aimed at WikiLeaks and its Supporters', *The Intercept*, 18 February 2014, <https://theintercept.com/2014/02/18/snowden-docs-reveal-covert-surveillance-and-pressure-tactics-aimed-at-wikileaks-and-its-supporters/>, (accessed 1 July 2020).

Harding, L., 'Tony Blair unrepentant as Chilcot gives crushing Iraq war verdict', *The Guardian*, 6 July 2016, <https://web.archive.org/web/20160707153638/https://www.theguardian.com/uk-news/2016/jul/06/chilcot-report-crushing-verdict-tony-blair-iraq-war>, (accessed 20 July 2020).

Hawke, J., 'Julian Assange cannot stay in embassy forever, Ecuador's President says', *ABC News*, 28 July 2018, <https://www.abc.net.au/news/2018-07-28/julian-assange-cannot-stay-in-embassy-forever-says-ecuador/10046616>, (accessed 6 July 2020).

Henley, J., 'Ecuador cuts off Julian Assange's internet access at London embassy', *The Guardian*, 28 March 2018, <https://www.theguardian.com/media/2018/mar/28/julian-assange-internet-connection-ecuador-embassy-cut-off-wikileaks>, (accessed 6 July 2020).

Hiscock, J., 'Julian Assange: my life in the embassy', *The Telegraph*, 14 October 2013, <https://www.telegraph.co.uk/news/worldnews/wikileaks/10376799/Julian-Assange-my-life-in-the-embassy.html>, (accessed 6 July 2020).

Hogan, W., Frost, S., Johnson L., et al., 'The ongoing torture and medical neglect of Julian Assange', *The Lancet*, vol. 396, no. 10243, 2020, pp. 22-23.

Holden, M., 'UK court agrees Assange extradition to Sweden', *Reuters*, 24 February 2011, <https://ca.reuters.com/article/idCATRE71M7PH20110224>, (accessed 1 July 2020).

Holden, M., 'Wikileaks founder Julian Assange denied bail by London court', *Reuters*, 25 March 2020, <https://www.reuters.com/article/us-health-coronavirus-britain-assange/wikileaks-founder-julian-assange-denied-bail-by-london-court-idUSKBN21C266>, (accessed 5 August 2020).

Hooghe, M., Dassonneville, R., 'Explaining the Trump Vote: The Effect of Racist Resentment and Anti-Immigrant Sentiments', *PS: Political Science & Politics*, vol. 51, no. 3, 2018, pp. 528-534.

Hopgood, S., *The Endtimes of Human Rights*, Ithaca, Cornell University Press, 2013.

Horwitz, S., 'Julian Assange unlikely to face U.S. charges over publishing classified documents', *Washington Post*, 25 November 2013, https://www.washingtonpost.com/world/national-security/julian-assange-unlikely-to-face-us-charges-over-publishing-classified-documents/2013/11/25/dd27decc-55f1-11e3-8304-caf30787c0a9_story.html, (accessed 1 July 2020).

Hosenball, M., 'Tony Blair had qualms on Iraq war, but promised Bush support "whatever"', *Reuters*, 6 July 2016, <https://www.reuters.com/article/britain-iraq-inquiry-note/tony-blair-had-qualms-on-iraq-war-but-promised-bush-support-whatever-idINKCN0ZM1CR>, (accessed 20 July 2020).

Hudson, J., 'Julian Assange's Legal Battle is Back to Square One', *The Atlantic*, 27 August 2012, <https://www.theatlantic.com/international/archive/2012/08/julian-assanges-legal-battle-back-square-one/324269/>, (accessed 6 July 2020).

Human Rights Watch, 'Sweden Violated Torture Ban in CIA Rendition', 9 November 2006, <https://www.hrw.org/news/2006/11/09/sweden-violated-torture-ban-cia-rendition>, (accessed 5 August 2020).

Human Rights Watch, 'The Road to Abu Ghraib', June 2004, <https://www.hrw.org/reports/2004/usa0604/1.htm>, (accessed 20 July 2020).

Human Rights Watch, 'U.S. Responsibility for Enforced Disappearances in the "War on Terror"', 7 June 2007, <https://www.hrw.org/legacy/backgrounder/usa/ct0607/3.htm>, (accessed 5 August 2020).

International Churchill Society, 'Two words: Special. Relationship.', 5 March 2019, <https://winstonchurchill.org/news-and-events/past-events/two-words-special-relationship/#:~:text=When%20Sir%20Winston%20Churchill%20delivered,Churchill%2C%20alliances%20were%20critically%20important.>, (accessed 20 July 2020).

International Monetary Fund, 'Ecuador: Second and Third Reviews Under The Extended Fund Facility Arrangement and Request for a Waiver of Nonobservance and Modifications of Performance Criteria-Press Release and Staff Report', 20 December 2019, <https://www.imf.org/en/Publications/CR/Issues/2019/12/20/Ecuador-Second-and-Third-Reviews-Under-The-Extended-Fund-Facility-Arrangement-and-Request-48898>, (accessed 5 August 2020).

International Monetary Fund, 'IMF Executive Board Approves US\$4.2 Billion Extended Fund Facility for Ecuador', 11 March 2019, <https://www.imf.org/en/News/Articles/2019/03/11/ecuador-pr1972-imf-executive-board-approves-eff-for-ecuador>, (accessed 5 August 2020).

Irujo, J.M., 'Three protected witnesses accuse Spanish ex-marine of spying on Julian Assange', El Pais, 21 January 2020, https://english.elpais.com/elpais/2020/01/21/inenglish/1579611351_198492.html, (accessed 13 July 2020).

Isaacs, A., 'It's Not About Assange', The New York Times, 19 August 2012, <https://www.nytimes.com/2012/08/20/opinion/why-correa-lets-assange-stay-in-ecuador-embassy.html>, (accessed 5 August 2020).

Johnstone, C., 'How you can be certain that the US charge against Assange is fraudulent', CE Think Tank Newswire, 15 April 2019, <https://uaccess.univie.ac.at/login?url=https://search-proquest-com.uaccess.univie.ac.at/docview/2400938963?accountid=14682>, (accessed 7 August 2020).

Jolly, D., 'Sweden Reopens Rape Investigation of WikiLeaks Founder', The New York Times, 2 September 2010, <https://link-gale-com.uaccess.univie.ac.at/apps/doc/A236222738/AONE?u=43wien&sid=AONE&xid=798a9e15>, (accessed 1 July 2020).

Julander, O., 'Wikileaks avslöjar: Så ville Ahlin sälja in kriget till svenskarna', Expressen, 1 December 2010, <https://www.expressen.se/nyheter/wikileaks-avslojar-sa-ville-ahlin-salja-in-kriget-till-svenskarna/>, (accessed 5 August 2020).

Kampmark, B., 'Julian Assange, the UN and the limits of Detention', *Theory in Action*, vol. 11, no. 1, 2018, pp. 57-58.

Karp, D.J., 'What is the responsibility to respect human rights?: Reconsidering the 'respect, protect, and fulfill' framework', *International Theory*, vol. 12, no. 1, 2020, pp. 83-108.

Khashoggi: UN head demands 'truth', [online video] 2018, https://www.bbc.com/news/video_and_audio/features/world-45849645/45849645, (accessed 5 August 2020).

Khatchadourian, R., 'Julian Assange, 'A Man without a Country'', The New Yorker, 14 August 2017, <https://www.newyorker.com/magazine/2017/08/21/julian-assange-a-man-without-a-country>, (accessed 6 July 2020).

Kingsley, P., 'Julian Assange's room at the Ecuadorian embassy: a glimpse inside', The Guardian, 1 October 2012, <https://www.theguardian.com/media/shortcuts/2012/oct/01/julian-assanges-room-ecuadorean-embassy>, (6 July 2020).

Lazarus, L., 'Is the United Nations Working Group on Arbitrary Detention Decision on Assange 'So Wrong'?', Constitutional Law Group, 9 February 2016, <https://ukconstitutionallaw.org/2016/02/09/liora-lazarus-is-the-united-nations-working-group-on-arbitrary-detention-decision-on-assange-so-wrong/>, (accessed 6 July 2020).

MacAskill, A., 'Assange complains he cannot follow U.S. extradition hearing', Reuters, 26 February 2020, <https://www.reuters.com/article/us-britain-assange/assange-complains-he-cannot-follow-u-s-extradition-hearing-idUSKCN20K24S>, (accessed 9 July 2020).

MacAskill, A., 'WikiLeaks founder Assange appears confused at extradition hearing', Reuters, 21 October 2019, <https://www.reuters.com/article/us-britain-assange/wikileaks-founder-assange-appears-confused-at-extradition-hearing-idUSKBN1X00Y1>, (accessed 6 July 2020).

MacAskill, E., 'Julian Assange like a hi-tech terrorist, says Joe Biden', The Guardian, <https://www.theguardian.com/media/2010/dec/19/assange-high-tech-terrorist-biden>, (accessed 18 July 2020).

Marmura, S.E., *The WikiLeaks Paradigm: Paradoxes and Revelations*, Switzerland, Palgrave Macmillan, 2018, p. 39.

Marty, D., 'Alleged secret detentions and unlawful inter-state transfers involving Council of Europe member states', Council of Europe Committee on Legal Affairs and Human Rights, 7 June 2006, https://assembly.coe.int/CommitteeDocs/2006/20060606_Ejdoc162006PartII-FINAL.pdf, (accessed 20 July 2020).

Maurizi, S., 'Few documents, many mysteries. How our FOIA case is unveiling the questionable handling of the Julian Assange case', La Repubblica, 13 February 2018, https://www.repubblica.it/esteri/2018/02/13/news/few_documents_many_mysteries_how_our_foia_case_is_unveiling_the_questionable_handling_of_the_julian_assange_case-188758273/, (accessed 9 July 2020).

Maurizi, S., 'I Was Fired for Helping Julian Assange, and I Have No Regrets', Jacobin, 25 October 2019, <https://jacobinmag.com/2019/10/julian-assange-fidel-narvaez-ecuador-moreno>, (accessed 6 July 2020).

McNair, B., 'WikiLeaks, journalism and the consequences of chaos', *Media International Australia*, vol. 144, no. 1, 2012, pp. 77-86.

Media Lens, 'Burned At The Stake' – The UN Special Rapporteur on Torture Demolishes The Fake Claims Targeting Julian Assange, 16 April 2019, <https://www.medialens.org/2020/burned-at-the-stake-the-un-special-rapporteur-on-torture-demolishes-the-fake-claims-targeting-julian-assange/>, (accessed 7 August 2020).
Media Lens, Assange Arrest - Part 1: 'So Now He's Our Property', 16 April 2019, <https://www.medialens.org/2019/assange-arrest-part-1-so-now-hes-our-property/>, (accessed 7 August 2020).

Melzer, N., (a), (AL ECU 15/2019) Mandate of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Geneva, 2 October 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24861>.

Melzer, N., (b), (AL SWE4/2019) Mandate of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Geneva, 12 September 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24838>.

Melzer, N., (c), (AL USA 17/2019) Mandate of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Geneva, 12 September 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24839>.

Melzer, N., (d), (AL USA 22/2019) Mandate of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Geneva, 1 November 2019.

Melzer, N., (e), (UA GBR 6/2019) Mandate of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Geneva, 29 October 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24926>.

Melzer, N., (f), (UA SWE 2/2019) Mandate of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Geneva, 28 May 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24641>.

Melzer, N., '#Assange: My follow-up letter of 12 Sept asking #Sweden to explain, point by point, the #HumanRights compliance of 50 perceived due process violations, to conduct a prompt & impartial investigation and reiterating my unanswered queries of 28 May.(@NilsMelzer)', 11 November 2019, <https://twitter.com/nilsmelzer/status/1196797810114351104?lang=en>, (accessed 9 July 2020).

Melzer, N., 'Demasking the Torture of Julian Assange', Medium, 26 June 2019, <https://medium.com/@njmelzer/demasking-the-torture-of-julian-assange-b252ffdc768>, (accessed 28 July 2020).

Metropolitan Police, 'Cost to guard Julian Assange at the Ecuadorian Embassy in London', May 2018, https://www.met.police.uk/SysSiteAssets/foi-media/metropolitan-police/disclosure_2018/may_2018/counter-terrorism-command---cost-to-guard-julian-assange-at-the-ecuadorian-embassy-in-london, (accessed 6 July 2020).

Miller, N., 'You don't stand a chance': how the press freedom argument will go for Assange', The Sydney Morning Herald, 9 June 2019, <https://www.smh.com.au/world/north-america/you-don-t-stand-a-chance-how-the-press-freedom-argument-will-go-for-assange-20190607-p51vfi.html>, (accessed 15 July 2020).

Ministry for Foreign Affairs, Response to letter from UN Special Rapporteur on Torture (AL SWE 4/2019), 11 November 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34953>, (accessed 6 August 2020).

Ministry for Foreign Affairs, Response to letter from UN Special Rapporteur on Torture (UA SWE 2/2019), 12 July 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34778>, (accessed 6 August 2020).

Ministry of Foreign Affairs Ecuador, 'Canciller Ricardo Patiño visita a Julian Assange en la embajada ecuatoriana en Londres al cumplirse los dos años de la concesión del asilo político', Cancilleria.gob.ec, 17 August 2014, <https://www.cancilleria.gob.ec/en/foreign-minister-ricardo-patino-visits-julian-assange-at-the-ecuadorian-embassy-in-london-due-to-the-two-years-of-granting-political-asylum/>, (accessed 6 July 2020).

Mision Permanente del Ecuador ante la ONU, Response to letter from UN Special Rapporteur on Torture (AL ECU 15/2019), 2 December 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35027>, (accessed 6 August 2020).

Mision Permanente del Ecuador ante la ONU, Response to letter from UN Special Rapporteur on Torture (UA ECU 10/2019), 4 July 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34799>, (accessed 5 August 2020).

Murphy, S., 'Assange branded a 'narcissist' by judge who found him guilty', The Guardian, 11 April 2019, <https://www.theguardian.com/media/2019/apr/11/assange-branded-a-narcissist-by-judge-who-found-him-guilty>, (accessed 9 July 2020).

Nordic News Network, 'Assange & Sweden: Police Interview Protocols', 2012, <http://www.nnn.se/nordic/assange/docs/protocol.pdf>, (accessed 7 August 2020).

Nowak, Birk, M., Crittin, T., 'The Obama administration and obligations under the Convention Against Torture', *Law & Contemporary Problems*, vol. 20, no. 1, 2011, pp. 33(34).

Nowak, M., 'Introduction to Human Rights Theory', in M. Nowak, K.M. Januszewski, T. Hofstätter, *All Human Rights for All: Vienna Manual on Human Rights*, NWV Verlag, Vienna: Graz, 2012.

Nowak, M., 'Preface: by Manfred Nowak, United Nations Special Rapporteur on Torture', in *European Center for Constitutional and Human Rights E.V. (ECCHR)*, Berlin, ECCHR, 2008.

Nowak, M., Birk, M., G. Monina, *The United Nations Convention Against Torture and its Optional Protocol (2nd Edition): A Commentary*, Oxford, Oxford University Press, 2008.

Nowak, M., *Extraordinary Renditions and the Protection of Human Rights*, NWV, Vienna, 2010.

Ölander, M., 'CIA krävde att Sverige skulle utöka samarbetet', *Expressen*, 6 December 2010, <https://www.expressen.se/nyheter/cia-kravde-att-sverige-skulle-utoka-samarbetet/>, (accessed 5 August 2020).

Oliver, S., 'It's like living in a space station': Julian Assange speaks out about living in a one-room embassy refuge with a mattress on the floor and a blue lamp to mimic daylight', *MailOnline*, 29 September 2012, <https://www.dailymail.co.uk/news/article-2210522/Its-like-living-space-station-Julian-Assange-speaks-living-room-embassy-refuge-mattress-floor-blue-lamp-mimic-daylight.html>, (accessed 6 July 2020).

Osborne, S., 'Julian Assange smeared faeces on walls of Ecuadorian embassy, interior minister claims', *Independent*, 12 April 2019, <https://www.independent.co.uk/news/uk/crime/julian-assange-ecuador-embassy-faeces-london-wikileaks-arrest-a8866751.html>, (accessed 6 July 2020).

Pearse, D., 'UK threatened to arrest Assange inside embassy, says Ecuadorian minister', *The Guardian*, 15 August 2012, <https://www.theguardian.com/media/2012/aug/15/uk-arrest-julian-assange-wikileaks-ecuador>, (accessed 6 July 2020).

Perraudin, F., 'Julian Assange's lawyers: US files were leaked for political ends', *The Guardian*, 27 February 2020, <https://www.theguardian.com/media/2020/feb/27/julian-assanges-lawyers-us-files-were-leaked-for-political-ends>, (accessed 6 July 2020).

Pilger, J., 'If I can be indicted, other journalists can too', *New Statesman*, vol. 140, no. 5036, 2011, pp. 23-25, (accessed 1 July 2020).

Pilger, J., 'JOHN PILGER: Assange Arrest a Warning from History', *Consortium News*, 12 April 2019, <https://consortiumnews.com/2019/04/12/assange-arrest-a-warning-from-history/>, (accessed 7 August 2020).

Pilger, J., 'The Lies About Assange Must Stop Now', *JohnPilger.com*, 24 November 2019, <http://johnpilger.com/articles/the-lies-about-assange-must-stop-now>, (accessed 20 July 2020).

Pilger, J., 'The pursuit of Julian Assange is an assault on freedom and a mockery of journalism', *New Statesman*, vol. 141, no. 5120, p. 35.

Pilkington, E., 'WikiLeaks: US opens grand jury hearing', *The Guardian*, 11 May 2011, <https://www.theguardian.com/media/2011/may/11/us-opens-wikileaks-grand-jury-hearing>, (accessed 1 July 2020).

Price, S., 'WikiLeaks: Assange indictments 'the gravest attack on press freedom'', *Green Left Weekly*, no. 1223, 2019, p. 16.

Purkiss, J., Serle, J., 'Obama's Covert Drone War in Numbers: Ten Times More Strikes than Bush', *The Bureau of Investigative Journalism*, 17 January 2017, <https://www.thebureauinvestigates.com/stories/2017-01-17/obamas-covert-drone-war-in-numbers-ten-times-more-strikes-than-bush>, (accessed 5 August 2020).

Quinn, B., 'Julian Assange too ill to appear in court via video link, lawyers say', The Guardian, 30 May 2019, <https://www.theguardian.com/media/2019/may/30/julian-assange-too-ill-appear-court-via-video-link-lawyers-say>, (accessed 6 July 2020).

Quinn, B., 'Julian Assange was 'handcuffed 11 times and stripped naked'', The Guardian, 25 February 2020, <https://www.theguardian.com/media/2020/feb/25/julian-assange-handcuffed-stripped-naked-claim-lawyers>, (accessed 9 July 2020).

Quinn, B., 'Trump administration targeting 'enemy of America' Julian Assange, court told', The Guardian, <https://www.theguardian.com/uk-news/2020/feb/24/julian-assange-hearing-journalism-is-no-excuse-for-breaking-law>, (accessed 18 July 2020).

Radio Sweden, 'Lawyer for "Al Shabaab Swedes" will ask for Swedish intelligence', 10 January 2013, <https://sverigesradio.se/sida/artikel.aspx?programid=2054&artikel=5405190>, (accessed 5 August 2020).

Radio Sweden, 'Swedes get 11 years in prison for fighting alongside al-Shabaab', 16 January 2016, <https://sverigesradio.se/sida/artikel.aspx?programid=2054&artikel=6346723>, (accessed 5 August 2020).

Reporters Committee for Freedom of the Press, 'Reporters Committee statement on latest Assange indictment', 23 May 2019, <https://www.rcfp.org/may-2019-rcfp-assange-statement/>, (accessed 6 June 2020).

Reppy, J., 'WikiLeaks and State Control of Information in the Cyber Age', in G. Giacomello (ed.), *Security in Cyberspace: Targeting Nations, Infrastructures, Individuals*, New York, Bloomsbury, 2014, pp. 59-82.

Reuters, 'Active US criminal probe into WikiLeaks release', 29 November 2010, <https://www.reuters.com/article/wikileaks-usa-probe/update-1-active-us-criminal-probe-into-wikileaks-release-idUSN2921203820101129>, (accessed 1 July 2020).

Reuters, 'Timeline: Invasion, surge, withdrawal; U.S. forces in Iraq', 18 December 2011, <https://www.reuters.com/article/us-iraq-usa-pullout-idUSTRE7BH08E20111218>, (accessed 20 July 2020).

Reuters, Extradition hearing for WikiLeaks' Assange to be split in two parts, 23 January 2020, <https://www.reuters.com/article/us-britain-assange/extradition-hearing-for-wikileaks-assange-to-be-split-in-two-parts-idUSKBN1ZM1LN>, (accessed 6 July 2020).

Richardson, D., 'Glenn Greenwald on Sucker Journalists—and Why There's No Silver Bullet Coming for Trump', The Observer, 20 December 2018, <https://observer.com/2018/12/glenn-greenwald-on-sucker-journalists-and-why-theres-no-silver-bullet-coming-for-trump/>, (accessed 7 August 2020).

Richelson, J.T., *The US Intelligence Community*, New York, Routledge, 2016.

Rohatyuk, D., 'Ecuador's Government Is Persecuting the Man Who Doubled Health Care Spending', Jacobin, 19 April 2020, <https://jacobinmag.com/2020/04/ecuador-lenin-moreno-coronavirus-rafael-correa-health-care>, (accessed 5 August 2020).

Rohde, D., 'The Obama Doctrine', *Foreign Policy*, vol. 192, 2012, pp. 64-69.

Romero, S., 'Ecuador's Leader Purges Military and Moves to Expel American Base', The New York Times, 21 April 2008, <https://www.nytimes.com/2008/04/21/world/americas/21ecuador.html>, (accessed 5 August 2020).

Roper, L., 'US government behind Pirate Bay raid', The Local, 2 June 2006, <https://www.thelocal.se/20060602/3969>, (accessed 5 August 2020). J. Wu, 'Former Swedish Justice Minister offers a view of the Assange case and the relevant laws', Harvard Law Today, 25 April 2011, <https://today.law.harvard.edu/former-swedish-justice-minister-offers-a-view-of-the-assange-case-and-the-relevant-laws/>, (accessed 5 August 2020).

Rosenberg, C., 'Inside the Most Secret Place at Guantánamo Bay', The New York Times, 14 March 2020, <https://www.nytimes.com/2020/03/14/us/politics/guantanamo-bay-camp-7-911.html>, (accessed 21 July 2020).

Rozental, A., 'Why is Ecuador Protecting WikiLeaks' Julian Assange?', Brookings, 28 August 2012, <https://www.brookings.edu/opinions/why-is-ecuador-protecting-wikileaks-julian-assange/>, (accessed 6 July 2020).

Ryser, D., 'A murderous system is being created before our very eyes', Republik, 31 January 2020, <https://www.republik.ch/2020/01/31/nils-melzer-about-wikileaks-founder-julian-assange>, (accessed 1 July 2020).

Salihu, D., Svensson, N., 'Wikileaks grundare anhalten för våldtäkt', Expressen, 20 August 2010, <https://www.expressen.se/nyheter/wikileaks-grundare-anhalten-for-valdtakt/>, (accessed 1 July 2020).

Sandstrom, G., 'Sweden to probe WikiLeaks charges', Wall Street Journal, 23 August 2010, <https://uaccess.univie.ac.at/login?url=https://search-proquest-com.uaccess.univie.ac.at/docview/746584104?accountid=14682>; (accessed 1 July 2020).

Satterthwaite, M., 'The U.S. Program of Extraordinary Rendition and Secret Detention: Past and Future', in European Center for Constitutional and Human Rights E.V. (ECCHR), Berlin, ECCHR, 2008, p. 42.

Savage, C., 'Assange Indicted Under Espionage Act, Raising First Amendment Issues', The New York Times, 23 May 2019, <https://www.nytimes.com/2019/05/23/us/politics/assange-indictment.html>, (accessed 5 August 2020).

Savage, C., 'N.S.A. Gets More Latitude to Share Intercepted Communications', The New York Times, 12 January 2017, https://www.nytimes.com/2017/01/12/us/politics/nsa-gets-more-latitude-to-share-intercepted-communications.html?_r=0, (accessed 22 July 2020).

SBS News, 'Despite prisoner coronavirus fears, UK government won't release Julian Assange', 5 April 2020, <https://www.sbs.com.au/news/despite-prisoner-coronavirus-fears-uk-government-won-t-release-julian-assange>, (accessed 5 August 2020).

Scheuerman, W.E., 'Whistleblowing as civil disobedience: The case of Edward Snowden', *Philosophy & Social Criticism*, vol. 40, no. 7, 2014, pp. 609-628.

Schicho, W., 'Human Rights and Development: A Rights-Based Approach', in M. Nowak, K.M. Januszewski, T. Hofstätter, *All Human Rights for All: Vienna Manual on Human Rights*, NWV Verlag, Vienna: Graz, 2012, p. 558.

Sellers, M., 'Ideals of Public Discourse', in *Republican Legal Theory*, London, Palgrave Macmillan, 2003.

Seybolt, T.B., Aronson, J.D., Fischhoff, B., *Counting Civilian Casualties*, Oxford University Press, p. 37.

Shah, S.A., 'War on Terrorism: Self Defense, Operation Enduring Freedom, and the Legality of U.S. Drone Attacks in Pakistan', *Washington University Global Studies Law Review*, vol. 9, no. 1, 2010, pp. 77-129.

Shane, S., 'Senate Report Explores 2001 Escape by bin Laden From Afghan Mountains', 28 November 2009, https://www.nytimes.com/2009/11/29/world/asia/29torabora.html?_r=1, (accessed 20 July 2020).

Siddique, H., Weaver, M., 'US embassy cables culprit should be executed, says Mike Huckabee', *The Guardian*, 1 December 2010, <https://www.theguardian.com/world/2010/dec/01/us-embassy-cables-executed-mike-huckabee>, (accessed 18 July 2020).

Star, A., *Open Secrets: WikiLeaks, War and American Diplomacy*, New York, The New York Times, 2011.

Stewart, P., 'WikiLeaks guilty, at least morally: Robert Gates', *Reuters*, 1 August 2010, <https://www.reuters.com/article/us-usa-afghanistan-wikileaks/wikileaks-guilty-at-least-morally-robert-gates-idUSTRE6700W420100801>, (accessed 20 July 2020).

Strabala, W., *WMD, Nukes and Nuns*, New York, Algora Publishing, 2006, p. 38.

Strom, S., 'Pentagon Sees a Threat from Online Muckrakers', *The New York Times*, 17 March 2010, https://www.nytimes.com/2010/03/18/us/18wiki.html?_r=0, (accessed 1 July 2020).

SVT Nyheter, Svenska åklagarna: FN-gruppens rapport betydelserlös, 5 February 2016, <https://www.svt.se/nyheter/utrikes/svenska-aklagarna-fn-gruppens-rapport-betydelselos> (accessed 5 August 2020).

Swaine, J., 'New US charges against Julian Assange could spell decades behind bars', *The Guardian*, 2 May 2019, <https://www.theguardian.com/media/2019/may/23/wikileaks-founder-julian-assange-with-violating-the-espionage-act-in-18-count-indictment>, (accessed 6 July 2020).

Swedish Prosecution Authority (a), 'Förundersökningen i Assangeärendet återupptas', 13 May 2019, <https://www.aklagare.se/nyheter-press/pressmeddelanden/2019/maj/forundersokningen-i-assangearendet-aterupptas/>, (accessed 6 July 2020).

Swedish Prosecution Authority (b), 'Förundersökningen mot Assange läggs ned', 19 November 2019, <https://www.aklagare.se/nyheter-press/pressmeddelanden/2019/november/forundersokningen-mot-assange-laggs-ned/>, (accessed 6 July 2020).

Swedish Prosecution Authority (c), 'Kronologi i Assangeärendet', 19 November 2019, <https://www.aklagare.se/nyheter-press/for-media/assangearendet/kronologi/>, (accessed 6 July 2020).

Swedish Prosecution Authority, 'Assange & Sweden: European Arrest Warrant', Nordic News Network, 6 December 2010, <http://www.nnn.se/nordic/assange/docs/eaw.pdf>, (accessed 1 July 2020).

Swedish Prosecution Authority, 'Förhör med Assange avslutat', 15 November 2016, <https://www.aklagare.se/nyheter-press/pressmeddelanden/2016/november/forhor-med-assange-avslutat/>, (accessed 6 July 2020).

Swedish Prosecution Authority, 'Förundersökningen mot Julian Assange läggs ned i vissa delar', 13 August 2015, <https://www.aklagare.se/nyheter-press/pressmeddelanden/2015/augusti/forundersokningen-mot-julian-assange-laggs-ned-i-vissa-delar/>, (accessed 6 July 2020).

Swedish Prosecution Authority, 'Julian Assange fortsatt häktad', 20 November 2014, <https://www.aklagare.se/nyheter-press/pressmeddelanden/2014/november/hovratten-julian-assange-fortsatt-haktad/>, (accessed 6 July 2020).

Swedish Prosecution Authority, 'Utredningen mot Assange läggs ned', 19 May 2017, <https://www.aklagare.se/nyheter-press/pressmeddelanden/2017/maj/utredningen-mot-assange-laggs-ned2/>, (accessed 6 July 2020).

Tankel, S., *With Us and Against US: How America's Partners Help and Hinder the War on Terror*, New York, Columbia University Press, 2018.

Taras, R., *Fear and the Making of Foreign Policy: Europe and Beyond*, Edinburgh, Edinburgh University press, 2015.

Taylor, A., 'Saudi crown prince is center stage at G-20, only nine months after Khashoggi killing', 28 June 2019, <https://www.washingtonpost.com/world/2019/06/28/saudi-arabias-mbs-is-center-stage-g-only-nine-months-after-khashoggi-killing/>, (accessed 21 July 2020).

TeleSUR, 'Post-IMF Deal, Ecuador Fires 10,000 Public Officials in 3 Days', 4 March 2019, <https://www.telesurenglish.net/news/Post-IMF-Deal-Ecuador-Fires-10000-Public-Officials-in-3-Days-20190304-0013.html>, (accessed 5 August 2020).

The American Journal of International Law, 'U.S. Abuse of Iraqi Detainees at Abu Ghraib Prison', *The American Journal of International Law*, vol. 98, no. 3, 2004, pp. 591-596.

The Center for Constitutional Rights, 'The Darkest Corner: Special Administrative Measures and Extreme Isolation in the Federal Bureau of Prisons', Allard K. Lowenstein International Human Rights Clinic, September 2017, https://ccrjustice.org/sites/default/files/attach/2017/09/SAMs%20Report.Final_.pdf, (accessed 14 July 2020).

The Economist, 'Democracy Index 2019', 2020, <https://www.eiu.com/topic/democracy-index>, (accessed 20 July 2020).

The Globe Post, 'Ecuador Declares Emergency Amid Major Protests Over IMF Sponsored Cuts', 4 October 2019, <https://theglobepost.com/2019/10/04/ecuador-austerity-protests-imf/>, (accessed 5 August 2020).

The Guardian, 'Afghanistan war logs: British Marines patrol kills two, wounds two in Toyota with "warning shots"', 25 July 2010, <https://www.theguardian.com/world/afghanistan/warlogs/4F4AE864-F26D-4AAF-9F40-C9A30F25C104>, (accessed 20 July 2020).

The Guardian, 'Afghanistan war logs: List of civilian shootings by British troops', 25 July 2010, <https://www.theguardian.com/world/2010/jul/25/british-shootings-afghan-civilians-list>, (accessed 20 July 2020).

The Guardian, 'Ecuador expels US military staff', 25 April 2014, <https://www.theguardian.com/world/2014/apr/25/ecuador-expels-us-military-attaches>, (accessed 5 August 2020).

The Guardian, 'Iraq war logs: Video shows detainee executed by Iraqi soldiers', The Guardian, 22 October 2010, <https://www.theguardian.com/world/iraq/warlogs/BCD499A0-F0A3-2B1D-B27A2F1D750FE720>, (accessed 20 July 2020).

The Guardian, 'Julian Assange to remain in jail pending extradition to US', 14 September 2019, <https://www.theguardian.com/media/2019/sep/14/julian-assange-to-remain-in-jail-pending-extradition-to-us>, (accessed 5 August 2020).

The Guardian, 'Lawyers complain about lack of access to Julian Assange in jail', The Guardian, 13 December 2019, <https://www.theguardian.com/media/2019/dec/13/lawyers-complain-about-lack-of-access-to-julian-assange-in-jail>, (accessed 6 July 2020).

The Local, 'Bildt: Sweden in dark over US terror extradition', 20 January 2013, <https://www.thelocal.se/20130120/45710>, (accessed 5 August 2020).

The Local, 'Sweden 'helped US bomb Iraq in 2003': report', 3 September 2012, <https://www.thelocal.se/20120903/42972>, (accessed 5 August 2020).

The Local, 'Sweden 'helped US bomb Iraq in 2003': report', 3 September 2012, <https://www.thelocal.se/20120903/42972>, (accessed 5 August 2020).

The Local, 'Terror-accused Swedes' US extradition 'a failure', 8 January 2013, <https://www.thelocal.se/20130108/45480>, (accessed 5 August 2020).

The Permanent Mission of the United States of America to the United Nations and Other International Organisations in Geneva, Response to letter from UN Special Rapporteur on Torture (USA 14/2019), 16 July 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34784>, (accessed 6 August 2020).

The Rendition Project.org.uk, 'A review of the enforcement by the Security Police of a Government decision to expel two Egyptian citizens', 22 March 2005, [https://www.therenditionproject.org.uk/pdf/PDF%20314%20\[Mohamed%20et%20al%20v.%20Jeppesen%20Dataplan,%20Inc.%20-%20Wigenmark%20Decl.,%20Ex.%20F%20\(Dec%202007\)\].pdf](https://www.therenditionproject.org.uk/pdf/PDF%20314%20[Mohamed%20et%20al%20v.%20Jeppesen%20Dataplan,%20Inc.%20-%20Wigenmark%20Decl.,%20Ex.%20F%20(Dec%202007)].pdf), (accessed 5 August 2020).

Thimm, J., *From Exception to Normalcy: The United States and the War on Terrorism*, Berlin, Stiftung Wissenschaft und Politik, 2018.

Thomas, D.R., 'A General Inductive Approach for Analyzing Qualitative Evaluation Data', *American Journal of Evaluation*, vol. 27, no. 2, 2006, pp. 237-246.

Tony Blair Institute for Global Change, 'Transcript: Press Conference on the Iraq Inquiry', 6 July 2016, <https://institute.global/tony-blair/transcript-press-conference-report-iraq-inquiry>, (accessed 5 August 2020).

Touhpton, M.R., Klostad, C.A., West, J.P., Uscinski, J.E., 'Whistleblowing or leaking? Public opinion toward Assange, Manning, and Snowden', *Research and Politics*, vol. 7, no. 1, 2020, pp. 1-9.

Trump, D., 'The Lamestream Media is doing everything within their power to foment hatred and anarchy. As long as everybody understands what they are doing, that they are FAKE NEWS and truly bad people with a sick agenda, we can easily work through them to GREATNESS!', (@realDonaldTrump), 31 May 2020, <https://twitter.com/realdonaldtrump/status/1267132763116838913?s=11>, (accessed 15 July 2020).

UK Mission Geneva, Response to letter from UN Special Rapporteur on Torture (GBR 3/2019), 7 October 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34906>, (accessed 6 August 2020).

UK Mission Geneva, Response to letter from UN Special Rapporteur on Torture (GBR 3/2019), 7 October 2019, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34906>, (accessed 6 August 2020).

UK Parliament, 'MPs and Lords: Lord Arbuthnot of Edrom, Register of Interests', <https://members.parliament.uk/member/56/registeredinterests>, (accessed 9 July 2020).

UNESCO, *Intensified attacks, new defences: developments in the fight to protect journalists and end impunity*, Paris, UNESCO Publishing, 2019.

United Nations Development Programme, 'Human Development Reports', 2020, <http://hdr.undp.org/en/indicators/137906>, (accessed 20 July 2020).

United Nations Human Rights Committee, General Comment No. 34, Article 19: Freedoms of Opinion and Expression, 12 September 2011, CCPR/C/GC/34.

United Nations Human Rights Council, (A/HRC/19/61/Add.4) Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, Geneva, 29 February 2012.

United Nations Human Rights Office of the High Commissioner (a), ‘Khashoggi killing: UN human rights expert says Saudi Arabia is responsible for “premeditated execution”’, Geneva, 19 June 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24713>, (accessed 5 August 2020).

United Nations Human Rights Office of the High Commissioner (b), ‘UN expert on torture sounds alarm again that Julian Assange’s life may be at risk’, Geneva, 1 November 2019, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25249>, (accessed 28 July 2020).

United Nations Human Rights Office of the High Commissioner (c), ‘UN expert says “collective persecution” of Julian Assange must end now’, Geneva, 31 May 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24665>, (accessed 2 August 2020).

United Nations Human Rights Office of the High Commissioner (d), ‘United Kingdom: Working Group on Arbitrary Detention expresses concern about Assange proceedings’, 3 May 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24552&LangID=E>, (accessed 5 August 2020).

United Nations Human Rights Office of the High Commissioner, “Human rights no longer treated as a priority, but as a pariah,” Zeid tells 25th anniversary gathering in Vienna’, Vienna, 22 May 2018, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23117&LangID=E>, (accessed 5 August 2020).

United Nations Human Rights Office of the High Commissioner, ‘The Working Group on Arbitrary Detention Deems the deprivation of liberty of Mr. Julian Assange as arbitrary’, Geneva, 5 February 2016, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17012>, (accessed 5 August 2020).

United Nations Human Rights Office of the High Commissioner, Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, <https://www.ohchr.org/en/issues/torture/srtorture/pages/srtortureindex.aspx>, (accessed 5 August 2020).

United Nations News, ‘UN experts warn Assange arrest exposes him to risk of serious human rights violations’, Geneva, 11 April 2019, <https://news.un.org/en/story/2019/04/1036491>, (accessed 28 July 2020).

United Nations News, ‘With human rights under attack, UN chief unveils blueprint for positive change’, United Nations, 24 February 2020, <https://news.un.org/en/story/2020/02/1057961>, (accessed 27 July 2020).

United Nations, ‘Treaty Collection: Status of Treaties’, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=_en, (accessed 28 July 2020).

US Department of Defense, Investigation into Civilian Casualties Resulting From An Engagement on 12 July 2007 in the New Baghdad District of Baghdad, Iraq, 12 July 2007, https://web.archive.org/web/20121105051046/http://www.wired.com/images_blogs/dangerroom/2010/04/6-2nd-brigade-combat-team-15-6-investigation.pdf, p. 13, (accessed 6 August 2020).

US Department of Justice, 'WikiLeaks Founder Julian Assange Charged in 18-Count Superseding Indictment', 23 May 2019, <https://www.justice.gov/opa/pr/wikileaks-founder-julian-assange-charged-18-count-superseding-indictment>, (accessed 5 August 2020).

US Department of Justice, Remarks from the Briefing Announcing the Superseding Indictment of Julian Assange, Eastern District of Virginia, 23 May 2019, <https://www.justice.gov/opa/press-release/file/1165636/download>, (accessed 6 August 2020).

US Department of State, 'U.S. Relations with Ecuador: Bilateral Relations Fact Sheet', 12 August 2019, <https://www.state.gov/u-s-relations-with-ecuador/>, (accessed 5 August 2020).

US Embassy & Consulate in Ecuador, 'New Cooperation Agreements between the United States and Ecuador', 22 May 2019, <https://ec.usembassy.gov/fact-sheet-on-new-cooperation-agreements-between-the-united-states-and-ecuador/>, (accessed 6 July 2020).

US House of Representatives, 'Committee on Foreign Affairs, Letter to President of Ecuador Lenin Moreno', 16 October 2018, https://foreignaffairs.house.gov/_cache/files/a/8/a8a63343-fba7-4ea6-8090-5fb3d9f5d3de/7B8CEDB7545C8C99DEDB0AC0931C9873.10-16-2018-letter-from-engel-ros-lehtinen-to-president-of-ecuador.pdf, (accessed 6 July 2020).

Valencia, A., Ellsworth, B., 'Ecuador offers U.S. rights aid, waives trade benefits', Reuters, 27 June 2013, <https://www.reuters.com/article/us-usa-security-ecuador-idUSBRE95Q0L820130627>, (accessed 5 August 2020).

Verkaik, R., 'Britain's Abu Ghraib: Did Britain collude with US in abuse of Iraqis?', Independent, 14 November 2009, <https://www.independent.co.uk/news/uk/home-news/britains-abu-ghraib-did-britain-collude-with-us-in-abuse-of-iraqis-1820545.html>, (accessed 20 July 2020).

Vinthagen Simpson, P., 'Bodström reported over CIA terror deportations', 19 January 2009, The Local, <https://www.thelocal.se/20090119/17020>, (accessed 5 August 2020).

Vogel, K.P., Casey, N., 'Trump's ex-campaign chief Paul Manafort 'tried to strike deal with Ecuador to hand Julian Assange over to US'', Independent, 4 December 2018, <https://www.independent.co.uk/news/world/americas/paul-manafort-ecuador-julian-assange-deal-trump-wikileaks-embassy-robert-mueller-a8666956.html>, (accessed 6 July 2020).

Vogel, K.P., Casey, N., 'Manafort Discussed Deal With Ecuador to Hand Assange Over to U.S.', The New York Times, 3 December 2018, <https://www.nytimes.com/2018/12/03/us/politics/manafort-assange-wikileaks-ecuador.html>, (accessed 5 August 2020).

Walters, S., 'Assange inside his fetid lair: Revealed, the full squalid horror that drove embassy staff to finally kick him out', Daily Mail, 13 April 2019, <https://www.dailymail.co.uk/news/article-6917341/Assange-inside-fetid-lair-squalid-horror-drove-embassy-staff-finally-kick-out.html>, (accessed 9 July 2020).

Ward, A., 'Swedish prosecutor drops WikiLeaks rape charge', *Financial Times*, 21 August 2010, <https://www.ft.com/content/5bee5d7a-ad40-11df-a85a-00144feabdc0>, (accessed 1 July 2020).

Washington Post, President Bush 2002 State of the Union Address, 29 January 2002, <https://www.washingtonpost.com/wp-srv/onpolitics/transcripts/sou012902.htm>, (accessed 20 July 2020).

Watt, H., 'MPs' expenses: Senior Tory James Arbuthnot charged taxpayer for pool cleaning', *The Telegraph*, 11 May 2009, <https://www.telegraph.co.uk/news/newstoppers/mps-expenses/5309732/MPs-expenses-I-made-an-error-and-will-repay-pool-money-says-James-Arbuthnot.html>, (accessed 13 July 2020).

Watt, N., Mason, R., 'Julian Assange should submit to Swedish warrant, says David Cameron', *The Guardian*, 10 February 2016, <https://www.theguardian.com/media/2016/feb/10/julian-assange-submit-swedish-arrest-warrant-david-cameron>, (accessed 5 August 2020).

Weaver, M., Bowcott, O., 'Julian Assange to appear in court after Javid signs US extradition request', *The Guardian*, 13 June 2019, <https://www.theguardian.com/media/2019/jun/13/julian-assange-sajid-javid-signs-us-extradition-order>, (accessed 6 July 2020).

Welch, M., 'Sovereign impunity in America's war on terror: examining reconfigured power and the absence of accountability', *Crime Law and Social Change*, vol. 47, no. 3, 2007, pp. 135-150.

Westminster Magistrates' Court, An Application by Julian Assange: Ruling of the Senior District Judge (The Chief Magistrate Emma Arbuthnot), Ruling No. 2, 13 February 2018, <https://www.judiciary.uk/wp-content/uploads/2018/02/assange-ruling-2-feb2018.pdf>, (accessed 9 July 2020).

Whalen, J., 'Assange Loses Extradition Appeal', *Wall Street Journal*, 2 November 2011, <https://search-proquest-com.uaccess.univie.ac.at/docview/902135661?accountid=14682>, (accessed 1 July 2020).

White, B., 'The President as a Character: A Narrative Analysis of USA TODAY and the New York Times Coverage of Drone Strikes during the Obama Presidency', *Global Media Journal*, vol. 1, no. 10, 2016, pp. 1-9.

WhiteHouse.gov, 'Remarks by Vice President Pence and President Lenin Moreno of the Republic Of Ecuador in Joint Press Statements', 28 June 2018, <https://www.whitehouse.gov/briefings-statements/remarks-vice-president-pence-president-lenin-moreno-republic-ecuador-joint-press-statements/>, (accessed 6 July 2020).

WikiLeaks (a), 'Afghan War Diary, 2004-2010', 25 July 2010, https://wikileaks.org/wiki/Afghan_War_Diary,_2004-2010, (accessed 1 July 2020).

WikiLeaks (b), 'Collateral Murder – Transcript', 5 April 2010, <https://collateralmurder.wikileaks.org/en/transcript.html>, (accessed 20 July 2020).

WikiLeaks (c), 'Collateral Murder', 5 April 2010, <https://collateralmurder.wikileaks.org/>, (accessed 20 July 2020).

WikiLeaks (d), 'The Iraq War Logs', 22 October 2010, <https://wikileaks.org/irq/>, (accessed 1 July 2020).

WikiLeaks, '(07BERLIN200_a) El Masri: Munich Prosecutor Announces Arrest Warrants', https://search.wikileaks.org/plusd/cables/07BERLIN200_a.html, (accessed 20 July 2020).

WikiLeaks, 'Camp Delta Standard Operating Procedure', 7 November 2007, https://wikileaks.org/wiki/Camp_Delta_Standard_Operating_Procedure, (accessed 20 July 2020).

WikiLeaks, 'Detainee Policies: Release 1', 24 October 2012, <https://wikileaks.org/detaineeolicies/>, (accessed 20 July 2020).

WikiLeaks, 'Gitmo Files: WikiLeaks Reveals Secret Files on All Guantánamo Prisoners', 24 April 2011, <https://wikileaks.org/detaineeolicies/>, (accessed 20 July 2020).

WikiLeaks, 'Julian Assange charged under Espionage Act in unprecedented attack on First Amendment', 23 May 2019, <https://defend.wikileaks.org/2019/05/23/julian-assange-charged-under-espionage-act-in-unprecedented-attack-on-first-amendment/>, (accessed 6 June 2020).

WikiLeaks, 'Leaked UK report damns Iraq war planning', 6 August 2008, https://wikileaks.org/wiki/Leaked_UK_report_damns_Iraq_war_planning, (accessed 20 July 2020).

WikiLeaks, 'UK Stability Operations in Iraq report 2006', 23 June 2008, https://wikileaks.org/wiki/UK_Stability_Operations_in_Iraq_report_2006, (accessed 20 July 2020).

WikiLeaks, 'War Diaries - Suspicious Incident 2007-06-16', 22 October 2010, <https://warlogs.wikileaks.org/id/50A2284C-BF55-E1FD-BEA7B6AED9A0AD20/>, (accessed 20 July 2020).

WikiLeaks, 'What is WikiLeaks', 3 November 2015, <https://wikileaks.org/What-is-WikiLeaks.html>, (accessed 24 July 2020).

WikiLeaks, 'WikiLeaks responds to espionage act indictment against Assange: Unprecedented attack on free press', 24 May 2019, <https://wikileaks.org/WikiLeaks-response-espionage-act.html>, (accessed 6 June 2020).

Wintour, P., 'Assange tried to use embassy as 'centre for spying', says Ecuador's Moreno', The Guardian, 14 April 2019, <https://www.theguardian.com/media/2019/apr/14/assange-tried-to-use-embassy-as-centre-for-spying-says-ecuadors-moreno>, (accessed 9 July 2020).

Woolf, N., 'Ecuador says it cut WikiLeaks founder's internet over interference in US election', The Guardian, 19 October 2016, <https://www.theguardian.com/media/2016/oct/19/wikileaks-ecuador-julian-assange-internet-access>, (accessed 6 July 2020).

World Justice Project, 'WJP Rule of Law Index', 2020, <https://worldjusticeproject.org/our-work/research-and-data/wjp-rule-law-index-2020#:~:text=Denmark%2C%20Norway%2C%20and%20Finland%20topped,our%20last%20report%20in%202019,> (accessed 20 July 2020).

Wuerth, I., 'International Law in the Post-Human Rights Era', *Texas Law Review*, vol. 96, no. 2, 2017, pp. 279-349.

Zapotosky, M., Helderman, R., Nakashima, E., et al., 'Free-Press Advocates Worry Assange Charges Could Set Dangerous Precedent: Though Details Remain Unclear', *The Washington Post*, 17 November 2018, <https://link-gale-com.uaccess.univie.ac.at/apps/doc/A562476697/ITOF?u=43wien&sid=ITOF&xid=7a675731>, (accessed 28 July 2020).

Zuiderveld, R., 'FRA:s USA-samarbete oroar konfliktforskaren Agrell, SVT Nyheter', 11 December 2013, <https://www.svt.se/nyheter/inrikes/agrell-kan-vara-liktydigt-med-vapnat-angrepp>, (accessed 5 August 2020).

Legal Sources

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, (adopted 10 December 1984, entered into force 26 June 1987) A/RES/44/144, Article 3.

European Court of Human Rights, *El-Masri v. The Former Yugoslav Republic of Macedonia*, no.39639/09, 13 December 2012.

Human Rights Council, (A/HRC/WGAD/2015) Opinions adopted by the Working Group on Arbitrary Detention at its seventy-fourth session, 30 November – 4 December 2015, Geneva, 22 January 2016, <http://www.ohchr.org/Documents/Issues/Detention/A.HRC.WGAD.2015.docx>, (accessed 5 August 2020).

International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171.

UK Supreme Court, (UKSC/22) *Julian Assange (Appellant) v Swedish Prosecution Authority (Respondent)*, 14 June 2012.

UN Committee against Torture, Decision: *Agiza v. Sweden*, CAT/C/34/D/233/2003, 20 May 2005.

UN Human Rights Committee, Decision: *Alzery v. Sweden*, CCPR/C/88/D/1416/2005, 10 November 2006.

United States District Court for the Eastern District of Virginia, (Criminal No. 1:18-cr-111) *United States of America v. Julian Paul Assange (Defendant)*, 23 May 2019, <https://www.justice.gov/opa/press-release/file/1165556/download>, (accessed 6 July 2020).

United States District Court for the Eastern District of Virginia, (Criminal No. 1:18cr) United States of America v. Julian Paul Assange (Defendant), 6 March 2018, <https://www.justice.gov/usao-edva/press-release/file/1153481/download>, (accessed 6 July 2020).

Universal Declaration of Human Rights, (adopted 10 December 1948) 217 A (III).

Abstract (Deutsch)

WikiLeaks Gründer Julian Assange steht kurz vor seiner Auslieferung an die USA. Assange wird für seine Beteiligung an der Veröffentlichung von über 750.000 Geheimdokumente den „Krieg gegen den Terror“ betreffend angeklagt. Die laufenden Auslieferungsanhörungen sind im Endstadium einer zehnjährigen Verfolgungsjagd auf Assange. Diese wurde lange Zeit durch eine separate Ermittlung in Schweden, die Vorwürfen bezüglich Vergewaltigung und sexueller Belästigung nachging, verkompliziert. Aus Angst, dass die schwedischen Behörden ihn an die USA ausliefern würden, suchte Assange um Asyl in der ecuadorianischen Botschaft in London an, in der er beinahe sieben Jahre festgehalten wurde. Seitdem haben die schwedischen Staatsanwälte die Ermittlungen eingestellt und Assange ist momentan im Vereinigten Königreich inhaftiert. Nun steht seiner Auslieferung aufgrund der Strafverfolgung des umstrittenen Espionage Act von 1917 nur noch das Urteil eines britischen Richters im Weg. Die vorliegende Analyse untersucht die Assange Auslieferung aus der Perspektive der Menschenrechte; ein Bestreben, das versucht, die polarisierenden Meinungen zu Assange zu überwinden und objektiv zu prüfen, ob es sich bei seiner Auslieferung um eine Verletzung der Menschenrechte handelt. Die Arbeit fasst zunächst zusammen, weshalb die USA, das Vereinigte Königreich, Schweden und Ecuador angeklagt wurden, Assanges Menschenrechte zu verletzen. Dadurch wird eine kohärente Version einer Geschichte bereitgestellt, die in den meisten Medien inkorrekt dargestellt wird. Eine nachfolgende Analyse der Menschenrechtsverletzungen präsentiert überzeugende Gründe, die gegen die Assanges Auslieferung sprechen. Darauf folgt eine Beurteilung, weshalb jeder Staat seine Verpflichtung den Menschenrechten gegenüber ignoriert, mit der Schlussfolgerung, dass Assanges Fall im Kontext eines Niedergangs des internationalen Systems der Menschenrechte gelesen werden kann.

Abstract: English

WikiLeaks founder Julian Assange is on the brink of extradition to the United States. Assange is indicted for his role in publishing over 750,000 classified documents pertaining to the 'war on terror'. The current extradition hearings are the final stage of a decade-long affair, complicated by a separate investigation in Sweden into allegations of rape and sexual assault. Fearing that Swedish authorities would extradite him to the United States, Assange sought refuge in the Ecuadorian embassy in London, where he spent almost seven years in confinement. Though Swedish prosecutors have since dropped their investigation, Assange is now imprisoned in the UK, with only a decision by a British judge standing in the way of his extradition for prosecution under the controversial Espionage Act of 1917. This research explores the extradition from a human rights perspective; an endeavour seeking to overcome the polarisation of opinion on Assange and impartially assess whether his extradition is a violation of human rights. The thesis first summarises why the United States, Sweden, the UK and Ecuador have been accused of violating Assange's human rights, providing a coherent version of a story that is widely misrepresented in the media. A subsequent assessment of human rights violations committed by each of the four states presents compelling grounds in opposition to Assange's extradition. The thesis then assesses why each state has ignored its obligations to human rights, concluding that Assange's case can be observed in the context of a decline in the international system of human rights.