

Date: 21 April 2023

To: The Hon Anthony Albanese MP
Prime Minister
Parliament House
CANBERRA ACT 2600

Re: **Detention of Julian Assange**

ICJ GENEVA

President

Prof. Robert Goldman, USA

Secretary-General

Santiago Canton

Australian Commissioners

The Hon John O'Meally AM RFD

Dr. Elizabeth Biok

Dear Prime Minister

On 24 March 2023 I wrote to you about Julian Assange. I am writing again in similar terms in light of the approaching visit to Australia of the President of the United States of America and the opportunity that affords for representations to be made directly to him.

I am writing on behalf of the International Commission of Jurists (Australian Section) to ask that urgent action be taken by your government to seek an early end to the extradition proceedings taken by the USA against Julian Assange in the UK courts. As is widely known, the United States government has asked the UK to extradite Julian Assange to face 17 counts of espionage and 1 count of conspiracy to commit computer intrusions, arising from the release by Wikileaks of vast amounts of data comprising US military records and diplomatic cables.

We welcome your statement in Parliament on 30 November 2022 that you have raised the issue of the continued detention of Julian Assange personally with representatives of the United States government and that you have made clear to the U.S. administration that it is time that this matter be brought to a close. The issue must be pressed further with the US. The matter needs urgent attention because of the length and the circumstances of the detention of Assange, which continue to cause us deep concern.

By now, Julian Assange has spent nearly 4 years in detention by the UK authorities, since his arrest on 11 April 2019. He is held in a high security prison while awaiting the outcome of the extradition proceedings brought by the United States. He is likely to spend several more years in detention before the UK proceedings come to an end. His appeal to the UK High Court will be heard in 2023; the proceedings and ultimate decision are likely to extend well beyond 12 months. It was recently reported (2 December 2022) that Assange has submitted an appeal to the European Court of Human Rights (ECHR) in relation to the UK proceedings. This is likely to result in a further protraction of the process should extradition be granted. These legal processes could be extremely lengthy. If extradition is granted, the legal process in the US, to the conclusion of any appeals, could extend these processes by many more years.

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The Hon Justice Alan Blow AO

Supreme Court of Tasmania

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Supreme Court of VIC

Western Australia

Adjunct Professor Greg McIntyre SC

This situation cannot be allowed to continue. The period of detention already endured by Assange, and to be faced in future, exceeds any reasonable sentence likely to be imposed on him for the offences alleged. It can be recalled that Chelsea Manning, allegedly involved in conspiracy with Assange in relation to the charges, was released after serving 6 years and 4 months for the related offences.

The lengthy detention now being endured by Assange is exacerbated by the extremely harsh conditions in which he is held in the maximum security Belmarsh prison. The UN Special Rapporteur on Torture has described these “oppressive conditions of isolation involving at least 22 hours per day in a single occupancy cell” as constituting cruel, inhuman and degrading treatment amounting to psychological torture. It is evident that these conditions are not justifiable in relation to the charges alleged. Assange does not present any threat to others, and his poor physical and mental health resulting from the treatment he has received are clear indicators that a less harsh regime of detention should be applied in his case.

The harsh conditions of detention to which Assange has been subjected have undermined his right to a fair trial. He has faced continuing obstructions in regard to his access to the documents he needs to prepare his case and his ability to consult with his lawyers.

Other issues of concern to us relate to the scope of the extradition treaty between the USA and the UK and the extra-territorial claims on which the extradition proceedings are based. We are also concerned that counts 15 to 17 of the superseding indictments are based on mere publication or communication. As such, they appear to represent a direct threat to news reporting by journalists and other publishers everywhere.

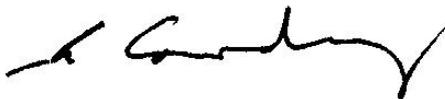
The International Commission of Jurists (Australian Section) stands for the rule of law with justice and respect for human rights. The proceedings against Julian Assange are in grave danger of falling short of these standards of human rights and justice under law. We ask that the Australian Government take positive action

to support Julian Assange,

to actively press the United States government to end these protracted proceedings, and

to seek more humane treatment of Assange by the UK authorities while in detention.

Yours faithfully



Nicholas Cowdery AO KC
President

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