

27 March 2023

Ambassador Caroline Kennedy
Embassy of the United States of America
Moonah Place
Yarralumla ACT 2600

Re: Detention of Julian Assange

Your Excellency

The International Commission of Jurists (Australian Section) makes this plea on behalf of Julian Assange, an Australian citizen, who is presently being held in a high security prison in the UK, pending the outcome of extradition proceedings brought against him by the United States government.

As is widely known, the United States government has asked the UK to extradite Julian Assange to face 17 counts of unauthorised obtaining and disclosure of military and diplomatic information and of information on detainees at Guantanamo Bay, 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 ask the United States government to take urgent action to bring to an end its extradition proceedings against Julian Assange.

The International Commission of Jurists, to which the Australian Section is affiliated, is a non-governmental organization (NGO) founded in 1952 and committed to the defence of the rule of law, justice and human rights throughout the world. It is comprised of eminent judges and lawyers from all parts of the world and all legal systems. The Australian Section of the ICJ is similarly comprised of Australian lawyers and judges.

We believe that the proceedings against Julian Assange and the circumstances of his detention fall short of the standards of human rights and justice under law which should be expected from the United States and the United Kingdom.

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The Prime Minister of Australia, the Honourable Anthony Albanese, stated in Parliament on 30 November 2022 that he had raised the issue of the continued detention of Julian Assange personally with representatives of the United States government and that he made clear to the U.S. administration that it is time that this matter be brought to a close. We fully support him in taking this stand, and wish to emphasise that the issues need 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 reported in December 2022 that Assange had 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 United States, to the conclusion of any appeals, could extend these processes by many more years.

The time is well overdue for a reconsideration of these proceedings. 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.

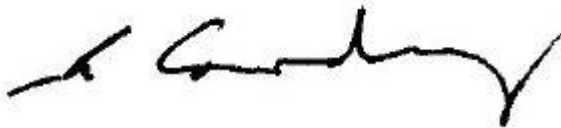
The lengthy detention now being endured by Assange is exacerbated by the extremely harsh conditions in which he is held in the maximum security Belmarsh prison. The UN Special Rapporteur on Torture has described these “oppressive conditions of isolation involving at least 22 hours per day in a single 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 to his case.

These harsh conditions of detention have also undermined Julian Assange’s 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 United States 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) asks that the United States government give urgent consideration to the steps it needs to take to bring these proceedings against Julian Assange to an end, and thereby uphold its commitment to the highest standards of human rights and justice under law.

Yours faithfully,



Nicholas Cowdery AO KC
President

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