

The Working Group on Arbitrary Detention Deems the deprivation of liberty of Mr. Julian Assange as arbitrary

On 4 December 2015, the Working Group on Arbitrary Detention (WGAD) adopted Opinion No. 54/2015, in which it considered that Mr. Julian Assange was arbitrarily detained by the Governments of Sweden and the United Kingdom of Great Britain and Northern Ireland. In that opinion, the Working Group recognized that Mr. Assange is entitled to his freedom of movement and to compensation. The application was filed with the Working Group in September 2014. The Opinion 54/2015 was sent to the Governments of Sweden and the United Kingdom of Great Britain and Northern Ireland on 22 January 2016 in accordance with the Working Group's Methods of Work.

Given that Mr. Assange is an Australian citizen, one of the members of the Working Group who shares his nationality recused herself from participating in the deliberations. Another member of the Working Group disagreed with the position of the majority and considered that the situation of Mr. Assange is not one of detention and therefore falls outside the mandate of the Working Group.

In mid-2010, a Swedish Prosecutor commenced an investigation against Mr. Assange based on allegations of sexual misconduct. On 7 December 2010, pursuant to an international arrest warrant issued at the request of the Swedish Prosecutor, Mr. Assange was detained in Wandsworth Prison for 10 days in isolation. Thereafter, he was subjected to house arrest for 550 days. While under house arrest in the United Kingdom, Mr. Assange requested the Republic of Ecuador to grant him refugee status at its Embassy in London. The Republic of Ecuador granted asylum because of Mr. Assange's fear that if he was extradited to Sweden, he would be further extradited to the United States where he would face serious criminal charges for the peaceful exercise of his freedoms. Since August 2012, Mr. Assange has not been able to leave the Ecuadorian Embassy and is subject to extensive surveillance by the British police.

The Working Group considered that Mr. Assange has been subjected to different forms of deprivation of liberty: initial detention in Wandsworth prison which was followed by house arrest and his confinement at the Ecuadorian Embassy. Having concluded that there was a continuous deprivation of liberty, the Working Group also found that the detention was arbitrary because he was held in isolation during the first stage of detention and because of the lack of diligence by the Swedish Prosecutor in its investigations, which resulted in the lengthy detention of Mr. Assange. The Working Group found that this detention is in violation of Articles 9 and 10 of the UDHR and Articles 7, 9(1), 9(3), 9(4), 10 and 14 of the ICCPR, and falls within category III as defined in its Methods of Work.

The Working Group therefore requested Sweden and the United Kingdom to assess the situation of Mr. Assange to ensure his safety and physical integrity, to facilitate the exercise of his right to freedom of movement in an expedient manner, and to ensure the full enjoyment of his rights guaranteed by the international norms on detention. The Working Group also considered that the detention should be brought to an end and that Mr. Assange should be afforded the right to compensation.

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