

International Bar Association condemns British attacks on Assange's legal rights

By Oscar Grenfell
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The International Bar Association's Human Rights Institute (IBAHRI) released a statement on Tuesday condemning what it described as "the reported mistreatment of Julian Assange during his United States extradition trial in February 2020." The lawyers' organisation urged "the government of the United Kingdom to take action to protect" the WikiLeaks publisher.

The statement is the latest confirmation of the lawless character of the attempts by the British government and judiciary to extradite Assange to the US, where he faces Espionage Act charges and life imprisonment for exposing, as a journalist and publisher, American war crimes.

The IBAHRI report details the extraordinary abuses of Assange that took place during the first week of the extradition hearing, which began on February 25. It notes that according to his lawyers "Mr Assange was handcuffed 11 times; stripped naked twice and searched; his case files confiscated after the first day of the hearing; and had his request to sit with his lawyers during the trial, rather than in a dock surrounded by bulletproof glass, denied."

In accompanying comments, IBAHRI's co-chair Michael Kirby, a renowned Australian jurist, academic and former High Court Justice, stated that the organisation was "concerned that the mistreatment of Julian Assange constitutes breaches of his right to a fair trial and protections enshrined in the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which the UK is party."

Kirby said it was "deeply shocking" that the UK government had remained silent and "has taken no action to terminate such gross and disproportionate conduct by Crown officials. As well, we are surprised

that the presiding judge has reportedly said and done nothing to rebuke the officials and their superiors for such conduct in the case of an accused whose offence is not one of personal violence."

Kirby described the treatment of Assange as "shocking and excessive." He stated that it was reminiscent of the infamous "Abu Ghraib prison scandal," which was triggered by the release of photos showing US soldiers torturing and humiliating detainees at the facility in the wake of the illegal 2003 invasion of Iraq.

Anne Ramberg, co-chair of IBAHRI and general secretary of the Swedish Bar Association, added: "The IBAHRI concurs with the widespread concern over the ill-treatment of Mr Assange. He must be afforded equality in access to effective legal representation. With this extradition trial we are witnessing the serious undermining of due process and the rule of law."

The statement outlined the provisions of British domestic and international law mandating a fair trial and upholding the rights of the accused. It concluded by citing the finding of UN Special Rapporteur on Torture Nils Melzer, that Assange displays medically-verifiable symptoms of psychological torture as a result of his decade-long persecution. "If Mr Assange was viewed as a victim of psychological torture, his extradition would be illegal under international human rights law," IBAHRI declares.

The warnings of the International Bar Association carry the weight of an authoritative organisation composed of more than 80,000 lawyers around the world, 190 law societies and bar associations in some 170 countries and many major law firms. It was established in 1947, in response to the horrific violations of international law that occurred during the Second World War and the Holocaust.

IBAHRI's statement underscores the fact that the attempt to extradite Assange to the US is more akin to an extraordinary rendition operation than a legal process following the norms of international law.

The persecution of Assange has been condemned by hundreds of lawyers around the world. His treatment in the maximum-security Belmarsh Prison has been denounced by more than 180 eminent medical professionals organised in the Doctors4Assange group. An open letter demanding Assange's freedom and hailing his courageous publishing has been signed by over 1,400 journalists in 99 countries.

The IBAHRI statement is not only an indictment of the British government and judiciary, but also of all those political forces who have insisted that Assange will receive a fair hearing and that the court's decision must be respected.

This includes British Labour leader Jeremy Corbyn and Shadow Chancellor John McDonnell. After maintaining a criminal silence on Assange's plight for 10 months, including during the British general election, they issued statements warning against his extradition to the US in early February.

At the same time, however, Corbyn and McDonnell stressed that Assange's fate was in the hands of a court. Their promotion of court proceedings that amount to a lawless show-trial, demonstrates that their professed concern for Assange's plight is a sham aimed at diverting mounting anger behind the very institutions that are spearheading his persecution.

In Australia, the federal Coalition government and Labor Party opposition have sought to justify their refusal to defend Assange as a persecuted Australian citizen and journalist, by proclaiming their confidence in British due process and the rule of law.

In Senate hearings last week, Australian Foreign Minister Marise Payne and senior officials from the Department of Foreign Affairs and Trade (DFAT) falsely claimed that they were powerless to intervene in Assange's case. They declared that they had been told by their British counterparts that Assange's horrific treatment, including being repeatedly stripped-naked and handcuffed on the first day of the hearing was "standard." They also defended the isolation of Assange at the back of the courtroom in a bullet-proof glass box.

DFAT's chief legal officer James Larsson stated that

the Australian government's "longstanding position" was that it could only intervene in overseas legal processes involving an Australian citizen if there was a "gross violation of rights." He blandly declared that there was no evidence that this was the case in Assange's extradition hearing.

The IBAHRI statement exposes those assertions as a politically-motivated lie. They further demonstrate that the refusal of successive Australian governments to uphold their obligations to Assange is a political decision, stemming from support for the US-Australia alliance and for Washington's campaign to silence those who expose its illegal wars and global diplomatic intrigues.

The lawless character of the proceedings against Assange underscores the futility of any perspective based upon appealing to the courts and the political establishment. It underlines the fact that the fight for his freedom must be based on a mass political movement of the working class in Britain, the US, Australia and internationally in defence of democratic rights.

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