

Mehedeby June 1, 2020

Ann Linde
Minister of Foreign Affairs
Swedish Ministry of Foreign Affairs
Stockholm

Your Excellency,

I am now addressing you in my capacity as speaker for the more than 3000 international signatories of the appeal "Set Julian Free". The appeal, which asks for clarification on questions relating to Swedish responsibility in the case of Julian Assange, was sent to ambassador Elinor Hammarskjöld at the Foreign Ministry on May 17 2020. Up until now there has been no response.

According to the United Nations Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment, Nils Melzer, Sweden is co-responsible with Britain, the United States as well as Ecuador for the conditions affecting Mr. Assange since 2012. The Swedish Foreign Office has refused to respond to this and other claims presented by Mr. Melzer in his letter of 12 September 2019. Sweden also shares responsibility for the pain currently inflicted upon Assange in the Belmarsh prison even though it is caused by actions taken outside Swedish territory.

In your capacity as Foreign Minister you are in charge of Sweden's relationship with other countries in general and the upholding of international law in particular. In the appeal "Set Julian Free," the signatories demand that Sweden respect the authority of the United Nations by fulfilling its obligations to inter alia the following international treaties, of which it is a signatory state:

The convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAST, ratified 1986).

The International Covenant on Civil and Political Rights (CCPR, ratified 1971).

Responsibility of States for Internationally Wrongful Acts. (The International Law Commission, ratified 2001).

A crucial aspect of these treaties is freedom of speech - the right of any individual to raise objections whenever she or he discovers violations of such rules.

In your letter to Mr. Melzer of 12 July 2019 your office claims that "according to the Swedish Instrument of Government (1974:152) the Swedish Government may not interfere in an ongoing case handled by a Swedish authority. The Government is constitutionally prevented from commenting on or influencing the independent decisions of the Swedish Prosecution Authority." It is worth noting that the word "ongoing" in the Assange case refers to a judicial process which has lasted for almost ten years.

The UN Rapporteur reminded your office of the fact that his office is mandated to let all communication with countries go through the signatory states' governments (section 2, 12 Sept. 2019 letter):

“The fact that, as a matter of diplomatic protocol, my communications are to be addressed to the minister of foreign affairs, does not prevent the government from transmitting my observations, queries and recommendations to other relevant branches of government, including the judiciary and prosecution, and from seeking their responses and from transmitting them back to my office”.

Hence it is the role of the government to bring the Rapporteur's queries to the particular bodies, including the Ministry of Justice. In the Assange case the charges made are directed to the handling of Assange by the police and courts. It follows from this that it is the obligation of the Swedish government to ask for reactions from such entities to the charges made against them and then, without changes, forward the result to the Rapporteur. This does in no way threaten the independence of the judicial system in Sweden. The role of the government in transmitting the queries to relevant bodies is an intrinsic consequence of the logic of international treaties and conventions.

It fact, the logic of your office's response would render all international cooperation impotent and irrelevant, in particular issues relating to the United Nations and its bodies. This would result in an undermining of the great legacy of former UN Secretary General Dag Hammarskjöld: a commonality of nations upholding a shared definition of legal rights.

The abstention by Sweden, a member state of the ultimate regulator of international affairs, namely the United Nations, from responding to grave allegations presented by this body, has in several European countries been interpreted as an arrogant behaviour. If upheld, this would undoubtedly have an effect on Sweden's stature in the World Organisation.

It is worth noting that the renowned Swiss newspaper “Neue Zürcher Zeitung” on 4 February 2020 stated that “Sweden's investigation into the case of Assange gives no reason for pride for this Nordic country”.

The former head of the Swedish Lawyer's Association, Anne Ramberg, has reminded us of the fact that the Swedish constitution and the European Convention do secure everyone a “fair judicial process within reasonable time.” Ramberg has stated that “the way Assange has been treated has affected the credibility of the Swedish judicial system.” In her view the Assange case “is all about freedom of speech and the rule of law. It is essentially about the right and moral obligation to disclose crimes of war. This is what Assange and WikiLeaks did.”

Let me reiterate the concluding appeal from the UN Rapporteur in his letter of 12 September 2019:

“I therefore respectfully request your Excellency's government to render its good services with a view to ensuring that my queries are received and responded to by the appropriate authorities”.

Let me, Arne Ruth, finally remind the Minister of the fact that the principal message of the attached Appeal is the threatened health and life of a human being, Julian Assange, whom the UN Rapporteur strongly alleges has been done harm to by Swedish authorities. The matter is increasingly one of life and death.

Madam Minister. You are in a position to make a difference to the fate of Julian Assange.

Respectfully yours,

Arne Ruth

Co-author and initiator of Set Julian Free-appeal

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Attachments:

- Appeal "Set Julian Assange Free"
- List of initial supporters
- Portraits of a number of initial supporters