



THE PERMANENT MISSION
OF THE
UNITED STATES OF AMERICA
TO THE
UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

July 16, 2019

Nils Melzer

Special Rapporteur on torture

And other cruel, inhuman or degrading treatment or punishment

Human Rights Council

Geneva, Switzerland

Dear Mr. Melzer:

Thank you for your letter dated May 28, 2019, in which you express concerns regarding the treatment of Julian Assange. While your letter contains numerous assertions relating to alleged conduct by the United States, the United Kingdom, Sweden, and Ecuador with respect to Mr. Assange, this communication addresses only those assertions concerning the United States.

Please find enclosed a U.S. response to your letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean M. Garcia". The signature is stylized with a large initial "S" and a long horizontal stroke.

Sean M. Garcia

Acting Human Rights Counselor

SUBJECT: U.S. Response Regarding Possible Extradition of Julian Assange

As a preliminary matter, the United States notes that your characterization of Mr. Assange's self-imposed time in the Ecuadorian Embassy in London as "prolonged arbitrary confinement" is fundamentally wrong. Mr. Assange voluntarily stayed in the Embassy to avoid facing lawful criminal charges pending against him. As such, his time in the Embassy did not constitute confinement and was in no way arbitrary.

Further, the United States does not accept the assertion on page eight of your letter that the United States bears international responsibility for "patterns of cruel, inhuman or degrading treatment or punishment" and "psychological torture" of Mr. Assange. Mr. Assange is not, and never has been, in the custody of the United States, nor has the United States instigated, consented to, or acquiesced in the alleged torture or cruel, inhuman or degrading treatment or punishment of Mr. Assange. The assertion to the contrary in your letter appears to rest on the allegation that there has been "sustained and unrestrained public mobbing, intimidation and defamation" of Mr. Assange in the United States. The letter refers to alleged public statements by, among others, the mass media, influential private individuals, current and former political figures, and senior government officials, and suggests that the United States was obligated to publicly disapprove or prevent such statements. The United States rejects the proposition that the types of public statements listed in your letter constitute cruel, inhuman or degrading treatment or punishment, much less torture, as defined by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Further, the United States is deeply concerned by the suggestion that independent reporting or other commentary and discourse on public figures could amount to torture or cruel, inhuman or degrading treatment or punishment. Such a position by the Special Rapporteur has dangerous implications for freedom of expression, democracy, and the rule of law. The United States also rejects the suggestion that it has an obligation to suppress protected speech in order to uphold its obligations under the CAT and notes in this regard its firm commitment to freedom of expression, including for members of the media, consistent with the U.S. Constitution and the United States' obligations under international human rights law. Finally, and contrary to the allegations in your letter, the U.S. legal system provides redress for individuals who wish to assert claims of defamation.

In addition, the United States categorically rejects the claims in your letter that the United States will torture or otherwise mistreat Mr. Assange if he is extradited to the United States to face criminal prosecution. The United States takes its obligations under international human rights law very seriously. Individuals extradited to the United States are afforded due process under U.S. law and fair trial guarantees; U.S. law protects individuals in the U.S. justice system from torture and cruel, inhuman or degrading treatment or punishment, including through protections under the Fifth, Eighth, and Fourteenth Amendments to the U.S. Constitution. It is inarguable that our system of law is consistent with our obligations under international human rights law.