

**Mandate of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE:  
OL SWE 3/2019

12 July 2019

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolution 34/19.

In this connection, I would like to bring to the attention of your Excellency's Government a follow up communication in light of additional evidence that has been made available to me (in the original Swedish language), which warrants a slight correction and extension of my observations as far as the rape-allegations raised by the Swedish prosecution are concerned, as contained in my communication sent on 27 May (GBR 3/2019) and 28 May respectively (SWE 2/2019, ECU 10/2019 and USA 14/2019) on the case of Mr. **Julian Assange**.

Firstly, due to an apparent translation and filing error in the materials at my disposal when describing the rape allegation made against Mr. Assange, my original communication erroneously refers to the facts described by complainant AA, which the prosecutor herself found not to amount to rape but to sexual molestation. Instead, my letter should have correctly referred to the case of complainant SW, which is the only case still pending against Mr. Assange in Sweden, and the only one in which the Swedish prosecution claimed probable cause to suspect rape.

Secondly, even as far as the alleged rape of complainant SW is concerned, new evidence made available to me, including police records in the original Swedish language, shows that SW herself never claimed to have been raped, and that there are no other indications of coercive or incapacitating circumstances suggesting her lack of consent at the relevant time.

Thirdly, the evidence submitted by complainant AA in support of the alleged incident of sexual assault other than rape consists of a condom, supposedly worn and torn during intercourse with Assange, which was found to carry no DNA of either Assange or complainant AA, and which therefore seriously undermines the credibility of these allegations against Mr. Assange.

In order to avoid any misunderstandings, I therefore wish to bring to your Excellency's attention a sentence on page 6 of my original communication that needs to be revised, namely "In reality, the most serious allegation made against Mr. Assange seems to involve the predictably unresolvable question of whether, during consensual intercourse with the complainant, and unbeknownst to her, Mr. Assange had ripped his condom intentionally, or merely accidentally."

The revised and correct text below replaces the above-referenced sentence and now reads as:

**“In reality, as far as the alleged incident of rape is concerned, there are no allegations by the concerned woman or other indications of coercive or incapacitating circumstances suggesting lack of consent, as would be required for a finding of rape. Moreover, the evidence submitted by the second woman in support of the alleged incident of sexual assault other than rape consists of a condom, supposedly worn and torn during intercourse with Assange, which was found to carry no DNA of either Assange or the concerned woman.”**

I would like to underline that these revisions have no consequences whatsoever for the validity or legal implications of my observations, but even strengthen and consolidate my conclusion as to the arbitrariness of the “rape-suspect” narrative imposed by the Swedish prosecution not only on Mr. Assange, but also on the two involved women and the general public.

This correction is specifically relevant to the Government of Sweden. Since my original communication was sent to the United Kingdom of Great Britain and Northern Ireland, Ecuador and the United States of America, a copy of this follow up communication will also be sent to these concerned States as it is important that this corrected text, based on additional information, is also brought to their attention.

This follow up communication and any response received from your Excellency’s Government will be made public via the communications reporting website within 60 days of the issuing of the original communication on this case. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of my highest consideration.

Nils Melzer  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment