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Deepa Govindarajan Driver (DGD): I'd next like to invite to the stage someone who's taken a particularly heroic stance in defending us against torture. He is serving as the United Nations Special Rapporteur on Torture. He is also a fellow academic and a professor at the University of Glasgow, and holds the Human Rights Chair at the Geneva Academy of International Humanitarian Law and Human Rights in Switzerland: Professor Nils Melzer.

Nils Melzer (NM): Thank you. Thank you for organizing this event. It's good to see fewer and fewer empty seats. And it's good to see more and more representatives of the press being interested. I have said many things about this case. I have come a long way myself in this case and I've written many things about this case.

I'd like to start with a metaphor that I have used yesterday and at other events, and that describe to me and help us understand what's really going on here. This room is big enough to house a couple of elephants. But let's just say we have one elephant in the room. Switch off the lights. It's pitch dark. The elephant is over there in the corner, and now I take a flashlight and I point over in that dark room. I take a flashlight and I point in the other corner. Where will all of you be looking? The other corner, right? Now, Julian Assange has taken the flashlight in that dark room and he pointed at the elephant. The elephant of war crimes. The elephant of misconduct under the color of law. The elephant of serious violations of human rights and impunity. He's pointed his spotlight at this elephant and the elephant, as a deer in the headlights, was frozen for a couple of moments, a couple of weeks. Everybody was discussing these revelations, but then the elephant snatched the spotlight and turned it over and pointed it at Julian Assange. The room became dark and the only thing we could see in the room was Julian Assange in the corner and the spotlight pointing at him. And now everybody was discussing Julian Assange's character, Julian Assange's private habits. Was he wearing shorts or long pants during his video conferences? Was he skateboarding in the embassy? Did he feed his cat? Did he smear things on the walls of the embassy? I mean, absolutely trivial things compared to the revelations that he made.

Who is the one that has the spotlight? It's certainly the governments and the media. The media are the link. The media are the ones that observe the governments for us and then are supposed to inform us, to empower us, not just to entertain us. But if the media wants to talk about skateboards, we just want to read about skateboards. We're not looking at the elephant in the dark. And I think this is what this is about. This is why everybody's discussing, is Julian Assange a good man or a bad man, or what has he done, is that a good thing or a bad thing? Or could someone have been endangered potentially? No one has ever heard of anyone being harmed by the revelations, but you know, theoretically, it could be harmful so we have to extradite him to face justice. But no one discusses the people that were murdered on film. They were not endangered, they were murdered. And you can hear the soldiers commenting.

Now I have been a legal adviser for the International Committee of the Red Cross, I have worked in war areas, and I know that civilians can arm themselves, can become dangerous, and become legitimate targets. Even if some of these people were carrying weapons, once they are wounded they are protected. Wounded combatants cannot be targeted. Targeting wounded combatants, even if they are combatants, regardless whether they are civilians or not. Once they are wounded, targeting them becomes a war crime. We can hear the soundtrack on that video. Oh, he is wounded. Fire. Yes? And then, oh, here comes the minibus. The driver wants to rescue these people, and then they're asking for permission to engage, knowing very well that they are shooting at rescuers. It's a war crime. It's not a potential war crime. It is a war crime. And who has ever asked for the prosecution of that war crime? We have the Senate Committee report, 7000 pages of evidence of systematic torture in the name of the US government.

It's not true that no one has been prosecuted. There is one CIA agent that has been prosecuted for it. His name is John Kiriakou. He is the whistleblower who actually disclosed it.

No one else has been prosecuted for the most serious crime of torture. So then we have, and there's evidence, I mean the report by the Senate. It's not an NGO report, and I'm not belittling NGOs, but I'm saying: this is the branch of the government recognizing that the government had a systematic policy of torture, and there is an absolute unconditional legal obligation in the Convention Against Torture that was ratified by the US, to prosecute every act of torture. It has not been done. But we're prosecuting the person that has leaked the information, Chelsea Manning, and we're prosecuting the journalist who has published information.

And then, the UK is doing the same. The UK was an ally, obviously, of the US in this, and the UK parliament investigated and made a report last year, confirming that the UK involvement in the CIA torture program was much more substantial than we suspected, and asked for a judicial inquiry. Now, taking a good example from the American government, the UK government this summer canceled this inquiry. We're not going to prosecute. But then in correspondence with me, the UK government claims that it doesn't condone torture. It is proud to cooperate with the UN Special Rapporteur. But when I make a report to the UK about its involvement in torture and I ask them to investigate their own involvement, I do not receive a response. For five months. And then I receive a one pager saying we reject any allegations of torture and Julian Assange has been treated in accordance with English law. When precisely the opposite was the result of my investigation.

So, by putting the spotlight on Julian Assange, these states have deliberately created a monster. A purported rapist, narcissist, hacker and spy. And this poisoned narrative has really intoxicated the whole public. I was intoxicated by it. I didn't even know about it. I didn't know Julian Assange. I didn't know about his case, but when his legal team approached me a bit more than a year ago, in December 2018, I declined to get involved because I had this visceral reaction of, I'm not going to defend this rapist and narcissist. And I'm the Special Rapporteur on Torture, I mean, would you think I'd be a bit more discerning?! But I had this visceral reaction myself so I'm not blaming anyone for having this initial reaction. It's natural because we absorb, through the media, these types of attitudes. But then when, luckily and thankfully, his legal team approached me again and sent me a couple of pieces of evidence, I started to get intrigued because I realized immediately, when you scratch the surface, things don't add up. This whole narrative is not supported. It collapses. And the more you start to

dig, the more dirt comes to the surface.

And so I was intrigued and I went to visit him with two medical doctors to have an objective basis. A psychiatrist, a forensic expert, visited him for four hours. We had separate medical examinations and bilateral discussions with me. And all three of us came to the conclusion that he showed clear patterns of psychological torture. I reported to the UK government thinking, well, this is the UK now, I mean, that's rule of law. They're going to investigate and we're going to sort this out and I can go home. Well, home I went, but I waited for five months to get this response that I told you about. And that response was just, we reject any allegations of torture. And then obviously Julian Assange's state of health deteriorated to the point where I was genuinely afraid he might die in prison. And let me put it very straight, psychological torture is not "torture lite". Yes? Psychological torture aims directly at destroying the personality of an individual by isolating them from all positive influences, by manipulating their feelings, exposing them to constant anxiety and stress, overstimulating their nervous system, to a point where – the forensic expert explained to me – the nervous system simply collapses at some point, and takes on permanent damage, some traces of which we could already confirm in those physical examinations.

I was just profoundly shocked. I could not imagine a year ago that I would ever get into a situation where a state like Sweden or a state like the UK would refuse to engage with me as the United Nations Special Rapporteur; that's mandated by states to investigate cases, and to ask questions to them. That they would refuse to engage with me, and then they accused me of having lost my impartiality because I speak at events like this. Well, they're not inviting me to their offices and I'd like to inform the public about what the government is doing. And I take pride in the objectivity of my investigation. I was reluctant to visit Julian Assange. If I was partial, I was partial against him.

I didn't expect to find anything, but I wanted two medical experts to confirm it to me. Well, they confirmed something else, and I immediately recognized the patterns myself because I've been visiting prisons for many years. I visited some political prisoners in the Middle East, in the Balkans, and they all showed this type of pattern after a couple of months. So I was objective, I was neutral, I was impartial. But once I have investigated and I have identified someone as having been a torture victim, I'm not neutral between the torture victim and the torturer.

The other aspects that governments criticize me are to say, well, you know, Mr Meltzer, this is not really in your core mandate. This is not real torture. You know, this has nothing to do with your mandate. Well, let me just tell you, there are three aspects that are absolutely at the core of my mandate. This man has exposed torture, and this torture has not been prosecuted. That's a violation of the Convention Against Torture, and that's in my mandate. Secondly, this man has been tortured and continues to be tortured. Psychological torture. If anyone wants to know exactly what I mean by this, read my upcoming report – in two weeks it will be published to the Human Rights Council – on Psychological Torture. Thirdly, if this man gets extradited to the United States, he will be tortured until the day he dies, because the prison conditions in the supermax institutions amount to torture and other cruel, inhuman or degrading treatment – not just by my standards, but all my predecessors' (standards), and even Amnesty International – which otherwise is not very supportive in this case – it recognizes that those conditions of detention amount to torture and other cruel, inhuman or degrading treatment. There is no way he can be lawfully extradited to the United States – not

because what he has done, because of what he will be facing there.

So I think it is absolutely time for all of us to switch on our own spotlights and point it at the elephant in the room, to refuse to discuss the personality of a man who has done more than his share in serving our society.

And identify what really is the issue here, we cannot have states that allow unchecked power. Human beings cannot manage unchecked power. That's why we created the separation of power, that's why we created the checks and balances. Now, these checks and balances, these branches of government, tend to collude with each other if we don't supervise them, and that's why we have the free press that's tasked to do that. But the press that doesn't do that isn't free. It's not the press at all. It is just a public relations department of those governments.

That's why the emergence of WikiLeaks is just a natural consequence of the media failing to do their job, because someone needs to inform and empower the public. And now it is up to us because, yes, it is about Julian Assange, but it is much more also about all of you and your children and your families. And 20 years from now, will you still be able to know the truth about what your government is doing? Or when it has become a crime to inform you about what your government is doing with your tax money to other people that have not done anything wrong in their lives? So it is up to us. We have to take our spotlights in our hands and point them at the elephant.

Thank you very much.

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