

# Dishonouring the Legacy of Dag Hammarskjöld

*By collaborating in the torture of Julian Assange, Sweden has violated the Convention against Torture — and has attempted to justify doing so with spurious arguments devised by the great-niece of a martyred U.N. leader.*

*Al Burke  
12 August 2019*

From the very inception of the United Nations, Sweden has been one of its staunchest supporters. That support has included proportionately large financial contributions, the service of numerous functionaries and, until recently, generally faithful adherence to U.N. principles and ideals.

In 1948 Folke Bernadotte, a member of the Swedish royal family, became the U.N.'s first prominent martyr when he was murdered by Zionist terrorists while on a peace-making mission in Israel-Palestine. The "investigation" of the murder was a farce performed by Israel authorities that was clearly intended to prevent the truth from emerging. But it has been established that, among other things, one of those who planned the assassination was Yitzhak Shamir, who would later become prime minister of Israel.

Thirteen years later Dag Hammarskjöld suffered a similar fate when serving as the second secretary-general of the U.N. He died in a suspicious plane crash while on a peace-making visit to Katanga — to the great displeasure of the U.S., Belgian and U.K. governments — during the war of secession then raging in that Congolese province. As in the case of Folke Bernadotte, the investigation of the Swedish secretary-general's death was characterised by gross and apparently deliberate incompetence. There are plausible, uninvestigated reasons to doubt the official story that the plane crash was accidental. But there is no doubt that Dag Hammarskjöld was and remains widely respected for his efforts on behalf of human rights and world peace. Among his admirers was U.S. president John F. Kennedy who regarded Hammarskjöld as "the greatest statesman of our century".

## *Abandoned principles*

Sweden's commitment to the U.N. and its principles is proclaimed on the government's website: "Over the years, more than 70,000 Swedes have served in the U.N. and many Swedes have served as mediators. Sweden has worked in many areas of the U.N., and has also begun the work with many important issues, including abolition of the death penalty, children's rights, abolition of apartheid, **the Convention against Torture** *[emphasis added]*, disarmament, environmental protection and the prevention of narcotics use. Sweden is also one of the largest financial supporters of U.N. agencies working with development co-operation between various countries."

The Swedish government has kept the rhetoric, but in recent years has begun to abandon the principles. Nowhere is that more evident than in its collaboration in the persecution of Julian Assange, which recently became the subject of unusually sharp criticism by the U.N. Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, including:

For almost nine years, the Swedish authorities have consistently maintained, revived and fuelled the "rape"-suspect narrative against Mr. Assange, despite

the legal requirement of anonymity, despite the mandatory presumption of innocence, despite the objectively unrealistic prospect of a conviction, and despite contradicting evidence suggesting that, in reality, the complainants never intended to report a sexual offence against Mr. Assange, but that they had been pressured (“railroaded”) into doing so by the Swedish police and had subsequently decided to “sell” their story to the tabloid press.

The resulting reputational harm to Mr. Assange was perpetuated and exacerbated by the Swedish prosecutor’s persistent rejection, contrary to standard practice in many other cases, of all possibilities which would have enabled Mr. Assange to respond to questions of Swedish prosecution without simultaneously having to expose himself to the risk of refolement to the United States. At no point did the Swedish prosecuting authorities make any attempt to prevent, contain or redress reputational harm to Mr. Assange, or to protect his human dignity by publicly rejecting and rectifying obvious exaggerations and misrepresentations of the allegations made against him.

The announcement of 13 May 2019 that the Swedish prosecuting authorities had re-opened the preliminary investigation into the same allegations made already in 2010 against Mr. Assange compounds my serious concern that, in this case, the “rape” suspect narrative appears to be misused to deliberately undermine his reputation and credibility and, ultimately, to facilitate his indirect refolement from the United Kingdom to the United States....

There is abundant evidence that, since August 2010, the Governments of the United States, the United Kingdom, Sweden, and (since May 2017) Ecuador have progressively either acquiesced in, consented to, instigated, or even initiated or actively contributed to a sustained and unrestrained campaign of public mobbing, intimidation and defamation against Mr. Assange....

The evidence made available to me strongly suggests that the primary international responsibility for the described patterns of cruel, inhuman or degrading treatment or punishment, and the resulting exposure of Mr. Assange to psychological torture, rests with the Governments of the United Kingdom, Sweden, Ecuador, and the United States, both jointly for the foreseeable cumulative effect, and separately for their respective contributions through direct perpetration or, as the case may be, through instigation, consent, or acquiescence, as well as through failure to prevent such abuse being perpetrated against Mr. Assange by persons acting within their jurisdiction.

This and much more was contained in an 18-page letter that, with minor variations, was sent on 27 May by Special Rapporteur Nils Melzer to the four collaborating governments. The complete text of the letter to the Swedish government is available in English at: [www.julian-assange.se/torture/Meltzer-Sweden.pdf](http://www.julian-assange.se/torture/Meltzer-Sweden.pdf)

The letters to the four governments did not officially become public until 30 July, but most of the contents were divulged before then via interviews and articles in various media; see References.

### *Dishonouring great-uncle Dag’s legacy*

The Swedish government’s dismissive response was sent on 12 July, and it is a bitter irony that it was devised by a grandchild of a brother of Dag Hammarskjöld. It was Elinor Hammarskjöld who, in her role as the government’s Director-General for Legal Affairs, replied to Nils Melzer’s 18-page critique of 27 May with a 4-page letter consisting largely of untruths, evasions and glaring omissions — as noted in the following enquiry sent to her on 5 August:

Amb. Elinor Hammarskjöld  
Director-General for Legal Affairs  
Government of Sweden

### **Swedish government's response to criticism of U.N. Special Rapporteur**

I have with interest read your July 12th response to the letter dated 27 May 2019 from Nils Melzer, U.N. Special Rapporteur on Torture, etc., to the Swedish government. There are several points in your response that merit further discussion, including the following:

#### **1. The government's authority in judicial matters**

You state that, "... 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."

This does not appear to be true. According to the Swedish Constitution:  
"The government is empowered to annul or mitigate the penalty for a crime, or any other judicial consequence of a crime, and to annul or mitigate any similar encroachment on an individual's person or property which has been imposed by an administrative authority.

"If special circumstances exist, the government may decide that additional measures to investigate or prosecute a criminal act shall not be taken." \*

Thus it would appear that the government is *constitutionally empowered* to "interfere in an ongoing case handled by a Swedish authority". How is any other conclusion possible?

Also relevant in this context is the following section of the Constitution:  
"The head of the department in charge of foreign affairs shall be kept informed when an issue that has significance for relations with another state or with an international organization arises in a national government authority." \*

*\*Unofficial translations of Regeringsformen: Kap. 12, Stycke 9 and Kap. 10, Stycke 13*

Further, it is clear that the Swedish government has definitely not felt itself "constitutionally prevented from commenting on or influencing the independent decisions of the Swedish Prosecution Authority" in the Assange case. Minister of Justice Morgan Johansson has, for example, during prime time on national television stated *as fact* that Julian Assange's motive for exercising his legal right to asylum in Ecuador's London embassy was to avoid justice in Sweden. At best, that statement and others like it are the result of stupefying and, for a minister of justice, inexcusable ignorance. At worst, and in all likelihood, they are outright lies.

As Foreign Minister in a previous government, Carl Bildt lied outright when he asserted that Swedish prosecutors were prohibited by law from interrogating Assange in London.

Also, there is evidence that in July 2012 Carl Bildt's Foreign Ministry received a diplomatic note from the government of Ecuador, offering the use of its London embassy for the interrogation of Assange. The Foreign Ministry apparently rejected that offer, and did not even inform the acting prosecutor about it.

All this and much more provide ample grounds to believe that the Swedish government has interfered with the Assange case from the very beginning, and that it has co-ordinated its interference with the governments of the U.K. and, especially, the United States. To believe otherwise would require the suspension of all reason and the dismissal of much available evidence.

If the government disputes that conclusion, there is at least one way to resolve the issue — by establishing a highly qualified and, above all, independent commission of inquiry to review the conduct of the Swedish government and judiciary in the Assange case. Until that or something like it happens, there will be no reason to believe anything the government states in the matter.

## **2. "Free to leave at any time"**

You write: "Mr Assange chose, voluntarily, to remain at the Ecuadorian Embassy, and the Swedish authorities have had no control over his decision to do so. Mr Assange was free to leave the Embassy at any time."

That is a theme which has been frequently recited by various government officials. Such statements may be regarded as further examples of "interfering in an ongoing case".

As you are presumably aware, Nils Melzer has noted the absurdity of this argument, for example: "Mr Assange was about as 'free to leave' as a someone sitting on a rubber boat in a shark pool."

The basis for that analogy is clearly explained in his May 27th letter to the government. Why have you chosen to ignore it?

## **3. Where, then, does the responsibility lie?**

You do not appear to dispute the special rapporteur's conclusion that Assange has been subjected to "cruel, inhuman or degrading treatment or punishment, as well as psychological torture". But you reject the attribution of responsibility to the four governments involved, including Sweden's: "Such a statement lacks any support in international law, including human rights law." I presume that Mr. Melzer will at some future date further explain the legal basis for his conclusion.

But in any event, the question remains: Where does the responsibility lie? I can detect no answer to that question in your letter of 12 July.

You also write that the government "strongly refutes" his conclusion that "the Swedish public authorities had... other grounds for their actions than the investigation of the criminal offence". His letter explains the basis of that conclusion. What, exactly, is wrong with his explanation?

## **4. "Strictly hypothetical" extradition**

You write that "to date, no request for extradition regarding Mr Assange has been directed to Sweden. Any discussion about an extradition of Mr Assange to a third state is therefore strictly hypothetical."

Any such discussion would necessarily be hypothetical, but certainly not "strictly" so. An extradition hearing is scheduled to be held in London at the end of February 2020, and the current Swedish prosecutor has indicated her intention to seek the extradition of Julian Assange if and when it becomes feasible. In that case, there is virtually no doubt that the U.S. would seek his extradition from

Sweden and apply strong pressure on its government and judiciary to obtain it. There is nothing hypothetical about that.

The question thus becomes: Why raise this issue?

## 5. The Supreme Court's approval

You refer to the Swedish Supreme Court's ruling in May 2015 which chose not to revoke the detention of Assange *in absentia*, finding it "in accordance with the principle of proportionality and that there were no grounds for revoking the order".

In fact, however, the Court's ruling includes clear grounds for revoking the order, for example:

"The very long time that the detention has now continued must be included in the evaluation, and imposes increased demands on the prosecution to study which other alternatives for investigation are available in order to move the preliminary investigation forward. Otherwise, [continued] detention — even considering that the investigation has not been conducted — could be regarded as incompatible with the principle of proportionality." \*

In the end, the Court decided to keep the detention order in place because the prosecution "has taken measures to arrange an interrogation of JA in London". \*

In short, the Court was so critical of the prosecution's handling of the case — especially its violation of the proportionality principle — that it apparently intended to revoke the detention order unless a commitment were made to interrogate Assange in London. In the face of that threat, the commitment was made. But yet another year would pass before the interrogation was finally held in Ecuador's embassy, and then under conditions imposed by the prosecution that were highly prejudicial to Assange.

It is therefore grossly misleading to cite this Supreme Court ruling in order to refute the U.N. Special Rapporteur's critique. In fact, the ruling tends to strengthen his conclusions.

*\*Unofficial translations*

I am planning to publish one or more articles based in part on the foregoing analysis. You are very welcome to comment in advance, preferably no later than 12 August of this year.

Sincerely,

Al Burke

*The complete text of Elinor Hammar skjöld's reply to Nils Melzer is available in English at [www.julian-assange.se/torture/Govt-reply.pdf](http://www.julian-assange.se/torture/Govt-reply.pdf)*

The government's response was conveyed on 9 August by Maria Jonsson, a foreign ministry colleague of Elinor Hammar skjöld, who was reported to be on semester. It consisted of a single sentence: "We decline to make further comments, but refer to the attached statement to the special rapporteur that was submitted on 12 July 2019." In case there is any doubt: She really did "reply" to questions and comments about an official document, which obviously had been seen and read, by supplying a duplicate of the same document.

Asked if he cared to comment, Nils Melzer replied: "Their response speaks for itself, so there really is no comment to make." But he intends to continue reporting on these and related matters via his Twitter account at <https://twitter.com/NilsMelzer>

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## **Arbitrary Rejection of U.N. Ruling on Arbitrary Detention**

The Special Rapporteur on Torture, etc. is not the first U.N. official or agency to find serious fault with the government of Sweden and its collaborators for their persecution of Julian Assange. In 2015 the Working Group on Arbitrary Detention (WGAD) found that his detention by the British and Swedish governments was in violation of the International Covenant on Civil and Political Rights, and that he should be immediately released and receive appropriate compensation.

The two governments dismissed the WGAD finding in the same arbitrary and deceitful manner as they have reacted to Nils Melzer's criticism. Former chair of the WGAD, Norwegian law professor Mads Andenas stated his belief that, if its finding had concerned any other country, Sweden and the U.K. would have demanded compliance: "It's not a good thing for any country to get a ruling for arbitrary detention against it. For the international human rights system to function, states must abide by the rulings. There's no other way to deal with it."

But the two countries did not comply, and a propaganda campaign was launched against the WGAD.

Former British diplomat Craig Murray noted that Sweden and the U.K. "participated fully... in this U.N. process which is a mechanism that both recognise. States including Iran, Burma and Russia have released prisoners following determination by this U.N. panel, which consists not of politicians or diplomats but of some of the world's most respected lawyers.... Countries who have ignored rulings by this UN panel are rare. No democracy has ever done so. Recent examples are Egypt and Uzbekistan.

"It would be an act of extraordinary dereliction by the U.K. and Swedish governments to accept the authority of the tribunal, participate fully in the process, and then refuse to accept the outcome." But that is precisely what they have done.

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