

# Cold Case? Unpunished Human Rights Abuses?

## *Enforcement of Julian Assange’s Human Rights on International Level*

MELINDA SZAPPANYOS<sup>1</sup> – ABIGAIL QUEVEDO<sup>2</sup>

*So far, no in-depth analysis has been made on the international enforcement of Julian Assange’s human rights. This paper intends to provide a practical guide for Julian Assange to enforce his human rights presumably violated. It seems timely to remind him of the opportunity, since the final deadline for launching domestic procedures is surely approaching rapidly, if not over already...*

**Keywords:** human rights enforcement, Julian Assange, universal protection of human rights, Inter-American system for the protection of human rights, European Court of Human Rights

### Introduction

He is free. Julian Assange returned to Australia in June 2024. While this did not gather much international attention, his stay in the Ecuadorian Embassy dominated the news periodically over its almost eight years. It is not even necessary to explain that he is the co-founder of Wikileaks granted diplomatic asylum in the middle of London by the diplomatic mission of Ecuador. Since April 2019, he was in jail in the UK.<sup>3</sup> Last time Assange was the centre of attention was in 2023, when he got very close to being extradited to the USA.<sup>4</sup>

Not only the news, but science found some points to analyse in his case. Naturally, one approach focuses on diplomatic asylum and its regulation under international law,<sup>5</sup> but there are also numerous analyses on issues related to

- 1 Assistant Professor, University of Pécs, Faculty of Humanities and Social Sciences, Department of Political Science and International Studies, Pécs, Hungary; Ludovika University of Public Service, Faculty of Public Governance and International Studies, Department of International Law.
- 2 Attorney, graduate student, Ludovika University of Public Service, Faculty of Public Governance and International Studies, International Public Service Relations major, Budapest, Hungary.
- 3 BBC News 2024.
- 4 DOHERTY 2023.
- 5 See for example: VÄRK 2012; DEN HEIJER 2013.

specific human rights.<sup>6</sup> However, so far, no in-depth analysis has been made on the international enforcement of Julian Assange's human rights. This paper intends to provide a practical guide for Julian Assange to enforce his human rights presumably violated. Until the closure of this manuscript, we have no knowledge on Mr Assange starting a procedure in front of international bodies designed to protect human rights. It seems timely to remind him of the opportunity, since the final deadline for launching domestic procedures is surely approaching rapidly, if not over already...

This article introduces a list of human rights which may have been violated by either Ecuador or the UK since the beginning of 2012. The list is non-exhaustive and is admittedly based only partly on scientific documents (for example, reports of the bodies responsible for the monitoring of human rights within the system of the UN), but also considers world press reports. It seems necessary to list these rights, because human rights fora are authorised to adjudicate the rights listed in their basic documents. It is important to emphasise, that we do not claim that these listed human rights were in fact violated. We only *presume* that there may have been a violation – the final decision is obviously up to a court (or monitoring body) on either national or international level.

After listing the possible breaches of human rights norms, we turn our attention to the fora available on international level for the victims of such violations. Three systems will be analysed: a) the American regional protection system (because Ecuador granted the diplomatic asylum), b) the European regional system (because the Embassy is in the territory of the UK and Assange was in detention in the UK), and finally c) the global level under the aegis of the UN. The analysis of these opportunities for enforcement will follow the same structure and focus on jurisdiction and enforceable rights. A short examination of the advantages and drawbacks of the procedures for individual complaints is to follow. As a conclusion we intend to give practical advice not only for Julian Assange; recently, in diplomatic practice we can find other cases when a person protected by diplomatic asylum suffers human rights violations.<sup>7</sup>

### List of human rights presumably violated

To find out all the human rights of Julian Assange, which were presumably violated, we should first rely on the bodies designed to monitor the protection of human rights, either be it a body under the UN or other international organisations. We shall also take reports from NGOs and world press into consideration. Our goal is to find the biggest possible number of human rights potentially violated to make sure that we also discover the biggest possible extent of enforcement options. After summarising

6 See for example: JANIG 2016.

7 HAYDEN 2024.

the legal background of each right, we will apply the norms to the known facts of Assange's case.

### ***Prohibition of torture, cruel, inhuman or degrading treatment or punishment***

Torture, cruel, inhuman or degrading treatment or punishment are prohibited by a significant number of international human rights treaties,<sup>8</sup> and documents without binding force. Under the aegis of the UN, a treaty solely dedicated to enhancing the fight against torture was adopted: the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter: CAT), which defines torture as

*“any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity”<sup>9</sup>*

General Comment No. 2 of the Committee Against Torture (hereinafter: CaT)<sup>10</sup> explained the obligations of the state parties deriving from the recognition of this prohibition. The jus cogens nature of this prohibition has also been confirmed.<sup>11</sup>

Even though the American Convention on Human Rights (hereinafter: ACHR)<sup>12</sup> does not define what type of conduct consists in torture, inhuman treatment or degrading treatment, there are several definitions found in the jurisprudence of the Inter-American Court of Human Rights (hereinafter: IACtHR) and there is also a definition by the Inter-American Convention to Prevent and Punish Torture (hereinafter: IACPPT), which describes it as “any act intentionally performed whereby physical or mental pain or suffering is inflicted on a person for purposes of criminal investigation, as a means of intimidation, as personal punishment, as a preventive measure, as a penalty, or for any other purpose”.<sup>13</sup> The IACtHR has pronounced that even when there is only a threat to suffer torture, it might reach the required level of severity to be considered as torture: “the threat or real danger of subjecting a person

---

8 See the full list of relevant sources below at the Summary of legal sources and potential fora section.

9 CAT Article 1 (emphasis added).

10 CaT 2008.

11 CaT 2008, para. 1.

12 ACHR 1969.

13 IACPPT Article 2. The IACHR does not act as an organ with power to oversee the application of the IACPPT, but rather provides for a state reporting system to the Inter-American Commission on Human Rights.

to physical harm produces, under determined circumstances, such a degree of moral anguish that it may be considered ‘psychological torture’<sup>14</sup>

As for the violation of this prohibition by the UK: According to reports, a “bedraggled and shackled Mr. Assange, 47, was dragged out of the embassy”<sup>15</sup> by policemen. Also, videos of the action were published on mass media platforms on his treatment.<sup>16</sup>

Without going into the actual analysis of the police action, we focus on mentioning some relevant factors from General Comment No. 2 of CaT, which may ground the responsibility of the UK. The CaT explained that “States bear international responsibility for the *acts and omissions of their officials*”.<sup>17</sup> Obviously, those who arrested Assange at the premises of the mission of Ecuador were *officials* of the UK. Based on what we know about the facts, if we compare them to the interpretation of the CaT, it is reasonable to say that there *may have been* a violation of the prohibition of torture, cruel, inhuman or degrading treatment or punishment by the agents during Assange’s arrest when he was “bedraggled”, “shackled” and “dragged”.

As for the omissions, we know for a fact that Mr Assange has been subject of harassment from mass media and other non-State actors. “[W]here State authorities or others acting in official capacity or under colour of law, know or have reasonable grounds to believe that acts of torture or ill-treatment are being committed by non-State officials or private actors and they *fail to exercise due diligence to prevent, investigate, prosecute and punish such non-State officials* or private actors consistently with the Convention, the State bears responsibility [...]”<sup>18</sup>

As for the prohibition of torture, cruel, inhuman or degrading treatment or punishment, we could also consider the responsibility of Ecuador. According to Mr Nils Melzer, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment: “Mr. Assange has been deliberately exposed, for a period of several years, to progressively severe forms of cruel, inhuman or degrading treatment or punishment, the cumulative effects of which can only be described as psychological torture.”<sup>19</sup> The report does not explain what form of ill-treatment occurred.

### *Principle of non-refoulement*

As mentioned, one of the reasons why Assange’s situation draws the attention of international lawyers is the diplomatic asylum and the applicability of the principle of non-refoulement. In words of the UN High Commissioner for Refugees (hereinafter: UNHCR), the protection of territorial and diplomatic asylum has found expression in

14 IACtHR 2003: para. 92; IACtHR 2004: para. 149.

15 SAVAGE et al. 2019.

16 BBC News 2019.

17 CaT 2008: para. 15.

18 CaT 2008: para. 18 (emphasis added).

19 Office of the UN High Commissioner for Human Rights 2019.

the principle of non-refoulement.<sup>20</sup> It is important to point out how the principle of non-refoulement is inherently linked to other human rights such as the right to life, to freedom from torture or other cruel, inhuman or degrading treatment or punishment. The CAT establishes that:

“1. No State Party shall expel, return (‘refouler’) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture. 2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.”<sup>21</sup>

According to the guidelines developed by the CaT, States shall refrain from returning or deporting the individual where there is a judicial system which does not guarantee the right to a fair trial, were there are conditions amounting to torture or cruel, inhuman or degrading treatment or punishment, including the death penalty.<sup>22</sup>

The prohibition of refoulement to a danger of persecution under international refugee law is applicable to any form of forcible removal, including deportation, expulsion, extradition, informal transfer or “renditions”, and non-admission at the border.<sup>23</sup> As with non-refoulement obligations under international human rights law, the decisive criterion is not whether such persons are on the State’s territory, but rather, whether they come within the effective control and authority of that State.<sup>24</sup> According to the UNHCR and the IACtHR, the non-refoulement principle also applies to the modality of diplomatic asylum.

Additionally, the principle of non-refoulement represents a positive obligation of the granting State, it is a cardinal protection principle, most prominently expressed in the 1951 Convention related to the status of refugees which states that: “[N]o Contracting State shall expel or return (‘refouler’) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”<sup>25</sup>

In 2016, the government of Ecuador submitted a request for an advisory opinion to the IACtHR asking eight specific questions in order to understand the true scope of the institution of diplomatic asylum as a mechanism for the international protection of human rights and fundamental freedoms, as well as the obligations that arise from

---

20 UNHCR 1997.

21 CAT Article 3.

22 CaT 2018: para. 9.

23 OHCHR 2007: para. 7.

24 OHCHR 2007: para. 43.

25 Convention relating to the Status of Refugees, Article 33.

the obligation to respect and ensure respect for human rights in every circumstance and without any adverse distinctions.<sup>26</sup>

The IACtHR responded by referring to its earlier decision in Advisory Opinion 21/14, and also reaffirmed what the CaT and the UNHCR have already determined about the principle of non-refoulement, that it constitutes the cornerstone of the international protection of refugees and asylum-seekers.<sup>27</sup> And as a norm of customary international law with a *jus cogens* character, it is binding for all States, whether or not they are parties to the 1951 Convention or its 1967 Protocol. In this regard, the Court expressed already in 2014 that

“states are bound not to return (‘refouler’) or expel a person to a State where her or his life or liberty may be threatened as a result of persecution for specific reasons or due to generalised violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order, nor to a third State *from which she or he may later be returned to the State where she or he suffered this risk – a situation that has been called ‘indirect refoulement’*.”<sup>28</sup>

In Advisory Opinion 25/18 several relevant points were brought up, but for the purpose of this paper, only two are mentioned: firstly, the principle of non-refoulement is enforceable for any foreign person that is under the effective authority of the granting State, the obligation to grant this principle includes embassies; second, States have positive obligations to ensure the human rights of individuals that have been granted with diplomatic asylum.<sup>29</sup> In addition, the Court emphasised on how the European Commission on Human Rights along with the HRC have recognised that this principle also applies (and has been applied before) in diplomatic premises.<sup>30</sup>

Likewise, the Court considered that the legal situation of the person cannot remain in limbo or be prolonged indefinitely. In this sense, the State not only has to respect the principle of non-refoulement, but also has to ensure it as a positive obligation. This could be understood as a diplomatic request to the territorial State to provide a safe conduct for the asylum seeker, or any other type of State action that aims to protect the conventional rights of the asylee, such as life, humane treatment, integrity and security,<sup>31</sup> rights protected as well in Articles 4, 5 and 7 of the ACHR.

As the IACtHR pointed out as well, the principle of non-refoulement is not only protected in the Inter-American system because even though this principle is not

26 IACtHR 2016.

27 UNHCR 1997; UNHCR 2001: 20.

28 IACtHR 2014: para. 212 (emphasis added).

29 IACtHR 2018: Opinion paras. 4–5.

30 IACtHR 2018: Opinion paras. 4–5. The Court referred to these cases in footnote 222: *W.M. v. Denmark* No 17392/90, Commission Decision, 14 October 1992 at para. 1; *Mohammad Munaf v. Romania* (1539/2006), Views, CCPR/C/96/D/1539/2006 at paras. 14.2–14.5.

31 IACtHR 2018: para. 198.

included in the European Convention on Human Rights (hereinafter: ECHR), the practice of the European Court of Human Rights (ECtHR) clearly developed the level of protection by including the principle into its Article 3.<sup>32</sup>

According to Julian Assange's legal defence, the persecution started on 20 November 2010 when an international detention order coming from Sweden was issued against him for the accusations of rape, sexual abuse and illegal coercion. After two years of legal battle, in 2012 the Supreme Court of the United Kingdom determined that the extradition order was lawfully made.<sup>33</sup> During a press conference held on 16 August 2012, the Foreign Minister of Ecuador, Ricardo Patiño explained to the world that Mr. Assange was being persecuted and that there was the possibility of him being handed over to the US, by British, Swedish or Australian authorities because of the charges of espionage and treason. Moreover, he stated that if this were to happen, it would be *unlikely* for him to receive a fair trial, and that he would be judged by special military courts where the probabilities of suffering cruel and degrading treatment are high, as well as for receiving a life imprisonment sentence or capital punishment.<sup>34</sup> This statement was not only based on international human rights documents, but also in the Constitution of the Republic of Ecuador, which recognises the right of asylum along with the principle of non-refoulement in its Article 41.

### *Right to privacy*

According to the Universal Declaration on Human Rights (hereinafter: UDHR), “[n]o one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, *nor to attacks upon his honour and reputation*.”<sup>35</sup> According to General Comment No. 16 of the HRC: “this right is required to be guaranteed against all such interferences and attacks whether they emanate from State authorities or from natural or legal persons.”<sup>36</sup>

The UN Special Rapporteur on torture considered several atrocities against Assange as ill-treatment, but if we look at the described activities closely, they would also constitute the breach of the right to privacy: “there has been a relentless and unrestrained campaign of public mobbing, intimidation and defamation against Mr. Assange.”<sup>37</sup> The report also provided examples: “endless stream of humiliating, debasing and threatening statements in the press and on social media, but also by

---

32 RISTIK 2017.

33 BBC News 2012.

34 Ministerio de Relaciones Exteriores, Comercio e Integración 2012.

35 UDHR Article 12 (emphasis added). See the full list of relevant sources below at the Summary of legal sources and potential fora section.

36 HRC 1988: para. 1.

37 OHCHR 2019.

senior political figures, and even by judicial magistrates involved in proceedings against Assange.”<sup>38</sup>

During the trial on his extradition, further incidents of the possible violation of the right to privacy were revealed:

“especially shocking was the statement of an anonymous witness and ex-employee of the Spanish company, UC Global. During Julian Assange’s asylum at the Ecuadorian embassy, UC Global systematically spied on him, as the newspaper El País revealed a year ago. In his written statement for the record, the ex-UC Global employee provided detailed testimony about bugging fire extinguishers, conducting real-time video surveillance and targeted surveillance of Assange’s lawyers, spying on all visitors (including copying data from tablet computers and cell phones which were handed in when entering the embassy), and even collecting baby diapers to gather DNA traces of his children who were born during asylum.”<sup>39</sup>

### *Right to fair trial*

Some reports claimed that not all elements of the right to fair trial were respected during the procedure when the UK first considered the extradition of Assange. Some NGOs reported that they had very limited access to information related to the trial, though “the publicity of hearings ensures the transparency of proceedings and thus provides an important safeguard for the interest of the individual and of society at large. Courts must make information regarding the time and venue of the oral hearings available to the public and provide for adequate facilities for the attendance of interested members of the public, within reasonable limits, taking into account, inter alia, the potential interest in the case and the duration of the oral hearing.”<sup>40</sup> Even at final stage of the procedures: “hearing was a violation of the principle of open justice.”<sup>41</sup>

### *Right to freedom of expression*

Freedom of expression indicates that freedom of thought and expression includes freedom to seek, receive and impart information and ideas of all kinds. In general, this right to freedom of expression has a special scope and character, which is evidenced by its dual aspect. It requires, on the one hand, that no one be arbitrarily limited or impeded in expressing his own thoughts. In that sense, it is a right that belongs to

38 OHCHR 2019.

39 MIHR 2020. The Spanish company UC Global was responsible for the security of the Ecuadorian embassy in 2015–2018.

40 HRC 2007: para. 28.

41 Amnesty International 2024.



each individual. The second aspect, on the other hand, implies a collective right to receive any information whatsoever and to have access to the thoughts expressed by others.<sup>42</sup> The IACtHR has stated that the expression and dissemination of thought and information are indivisible and that freedom of expression is the cornerstone of a democratic society, is an essential condition for this latter to be sufficiently informed.<sup>43</sup> Regarding this right, after it was confirmed that Wikileaks was sharing classified information about the elections in the US in 2018, the Ecuadorian embassy blocked Assange's access to internet and the use of his mobile phone so he could not interfere in the internal affairs of the US. Consequently, the former Spanish judge and Wikileaks attorney, Baltasar Garzón filed a lawsuit against the Ecuadorian government for affecting the fundamental rights of Julian Assange through the measures imposed by the so called "Special Protocol", (a legal document that governed the conduct of Assange in the Ecuadorian embassy and his internet access) which, according to the legal defence, censored his freedom of opinion, speech and association.<sup>44</sup>

## **Jurisdiction of potential perpetrators**

The first goal of this unit is to find out which protection system(s) may have the jurisdiction over the assumed violations. When deciding on jurisdiction of an international court or monitoring body, at least two aspects shall be analysed: the jurisdiction of a State as potential perpetrator, and the subject of a potential complaint, namely the human right violated. In the words of the ECHR: "The Court may receive applications from any person, nongovernmental organisation or group of individuals claiming to be the victim of a *violation by one of the High Contracting Parties of the rights set forth in the Convention or the Protocols thereto.*"<sup>45</sup>

The analysis of the jurisdiction (especially of the ECtHR) is examined in three different time frames: first, the period after the international arrest warrant was issued; second, the time spent in the Ecuadorian embassy; finally, the period after leaving the embassy.

### ***European Court of Human Rights***

#### ***(i) "Violation by one of the High Contracting Parties"***

According to Article 1 of the ECHR, "High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of

---

42 IACtHR 1985: para. 30.

43 IACtHR 2001: para. 68.

44 France24 2018.

45 ECHR Article 34 (emphasis added).

this Convention”. The ECtHR worked out a guide, using its landmark cases, to enable practitioners to understand such a laconic sentence better. In the guide the ECtHR explained that “jurisdiction” was selected as an expression for this Article to make the protection as less restrictive as possible.<sup>46</sup> From the sources used above it seems that one of the potential perpetrators of Julian Assange’s human rights violation(s) is the UK, member of the Council of Europe and signatory to the ECHR since 1950.<sup>47</sup> The other state, of which jurisdiction can base the procedure of the ECtHR on, is Sweden, as it is also a Contracting Party to the ECHR and the whole debacle of Julian Assange was started with an international arrest warrant issued by the Swedish authorities.

*From the issuance of the international arrest warrant by Sweden until entering to the Ecuadorian embassy and from leaving the embassy*

The guide published by the ECtHR states that “State’s jurisdiction within the meaning of Article 1 is *primarily territorial*”.<sup>48</sup> The jurisdiction of the UK is surely enough for the ECtHR to act, if asked. But again, for the sake of a full analysis, we should mention that the jurisdiction of Sweden may also be established for the time period in question. So far, the ECtHR established the jurisdiction of Contracting Parties, when its authorities started criminal investigation or other proceedings related to death outside of the territory of the Contracting Party, thus the violation of Article 2 of the ECHR.<sup>49</sup> Would it be possible to establish that “jurisdictional link” when the violation does not constitute the violation of Article 2, but another article of the ECHR? To understand it better: is there a jurisdictional link between Sweden and Assange, while the latter is not in Sweden, but suffers a human rights violation by Sweden? So far there is no answer in the case law of the ECtHR and practically, we need no further analysis, since the UK’s jurisdiction is enough to base the procedure of the ECtHR.<sup>50</sup>

*Time spent in the Ecuadorian Embassy*

Similarly to the general rules of state responsibility, the guide of the ECtHR states that any national authority’s action is imputable to the State. It goes further, when it claims that: “[E]ven though it is not inconceivable that States will encounter difficulties in

46 ECtHR 2023a paras. 2–4.

47 Council of Europe [s. a.].

48 ECHR 2023 para. 19.

49 ECHR 2023 para 21.

50 Of course, this question seems irrelevant only for the establishment of the jurisdiction of the ECtHR, while the responsibility of either the UK or Sweden has a relevance for the states respectively, since the consequences of the decision made by the ECtHR may result in the obligation of paying compensation.

securing compliance with the rights guaranteed by the Convention in all parts of their territory, each State Party to the Convention nonetheless remains responsible for events occurring anywhere within its national territory.”<sup>51</sup> Though this sentence establishes the responsibility of the State quite widely, from the rest of the paragraph it follows, that it refers to the responsibility for actions of subordinate organs making sure that all branches and all levels of power are included.<sup>52</sup> The ECtHR established the principle that a State’s jurisdiction is deemed “to be exercised normally throughout its territory.”<sup>53</sup> However, the diplomatic mission of Ecuador is not a British authority, but the authority of Ecuador. The question is: are the premises of the mission are the territory of the UK or not?

When The International Law Commission (hereinafter: ILC) was working on Article 22 of the Vienna Convention on Diplomatic Relations (hereinafter: VCDR), it did in fact consider “extraterritoriality” as a relevant theory,<sup>54</sup> “according to which the premises of the mission represent a sort of extension of the territory of the sending State.”<sup>55</sup> Despite being relevant, the ILC explicitly stated that it is not taken into consideration in determining the content on inviolability of the mission premises.<sup>56</sup> In a nutshell, therefore, we can say that the premises of the mission are not the territory of the sending state. Logically then, it is presumably the territory of the receiving state (surely not *res communis omnium usus* and not *terra nullius*).

The ECtHR also supports this idea, when it says that “the administrative control exercised by the State over the premises of its embassies is not sufficient to bring every person who enters those premises within its jurisdiction.”<sup>57</sup> Consequently, the conclusion is the same: if the premises of the mission are not under the jurisdiction of Ecuador, it may be under the jurisdiction of the UK. Even if we leave the question of the jurisdiction over the premises open, we can still claim that the UK has jurisdiction over Julian Assange, because “even if the events at the origin of a court case occurred outside the territory of the respondent State, where a person brings a civil action concerning those events before the courts of that State there is an undeniable ‘jurisdictional link’ for the purposes of Article 1 of the Convention.”<sup>58</sup>

But this latter is a limited jurisdiction in a sense that the ECtHR would be able to judge on the violation of specific rights, namely the ones listed in Article 6, which is in fact listed in this paper as a right potentially violated.

---

51 ECtHR 2023a para. 17.

52 ECtHR 2023a paras. 17–18.

53 ECtHR 2023a para. 22.

54 ILC 1958: paras. 1–3.

55 ILC 1958: para. 1.

56 VCDR Article 22.

57 ECtHR 2023a para. 28. Though here the ECtHR speaks about the jurisdiction of a signatory over its diplomatic mission in another State, which is not a signatory, but we have no reason to believe that this principle would not be applied in the opposite direction.

58 ECtHR 2023a para. 37.

Based on this analysis we can confidently say that the ECtHR has a jurisdiction to examine whether particular human rights of Julian Assange were violated or not.

*(ii) “Rights set forth in the Convention or the Protocols thereto”*

From the list in Section II it is clear that there are four potentially violated human rights included in the ECHR: prohibition of torture (Article 3), right to a fair trial (Article 6), right to respect for private and family life (Article 8) and freedom of expression (Article 10). From the above list, only one principle is missing: non-refoulement. But is it indeed missing? Based on the case law we can surely say that the ECtHR ensures that the principle of non-refoulement is respected by the Contracting Parties of the ECHR: “Article 3 [...] encompasses an absolute guarantee against refoulement.”<sup>59</sup> even it is not explicitly written in the text of the Convention.

***Inter-American Commission and Court of Human Rights – “Violation of this Convention by a State Party”***

The ACHR protects twenty-four human rights, four of them specifically concern this paper in the sense that these were presumably violated by Ecuador. Ecuador ratified the ACHR in 1977. Since 1984, the Government of Ecuador has recognised the competence of the Inter-American Commission on Human Rights (Commission) to receive and examine communications in which there are alleged violations of human rights set forth in the ACHR. In the same manner, it has ratified the jurisdiction of the IACtHR on all matters relating to the interpretation or application of the ACHR.<sup>60</sup>

Compared to the ECtHR, it seems easier to establish the jurisdiction of Ecuador for one period of time: for the seven years Assange has spent in the Embassy in London. Considering the points of the General comment No. 2 of CaT mentioned above, during those years Ecuador’s officials had de facto control over the premises of the mission.<sup>61</sup>

Since it is suspected that Assange’s human rights were violated a) by the agents of Ecuador; b) Ecuador is a Contracting Party to the ACHR; c) while recognising the competence of the Inter-American system; and d) the rights presumably violated are protected by the ACHR, the jurisdiction of the Inter-American system seems to be sufficiently grounded.

<sup>59</sup> BLÖNDA–ARNARDÓTTIR 2019: 147.

<sup>60</sup> Inter-American Commission on Human Rights [s. a.].

<sup>61</sup> CaT 2008: para. 16. General Comment No. 2. explicitly mentions embassies.

### *UN human rights bodies*

Monitoring bodies in the UN system represent the universal level of the international protection of human rights. The Human Rights Council and UN High Commissioner for Human Rights can observe the protection of human rights worldwide. This includes the majority of their procedures (complaint procedure, mandates and the Universal Periodic Review Mechanism). However, individual human rights violations are not subjects of these procedures, since they are designed to identify “consistent patterns of gross and reliably attested violations”<sup>62</sup> with no access for individuals to enforce their own, individually violated human rights.

Treaty-based bodies may serve individuals better, especially those ones which established individual complaint mechanisms, where individuals can claim that a Contracting Party violated their human rights protected by the treaty in question. Based on the potentially violated human rights above, we should mention two treaty-based monitoring bodies, the CaT and the HRC.

Article 22 of the CAT states that individual communications may be considered against any Contracting Party, which made a declaration accepting this competence of the CaT. According to the CaT, the decisions have quasi-judicial character. While Ecuador accepted the individual complaint procedure, the UK did not.<sup>63</sup>

Individual complaints may be submitted to the HRC from individuals, who claim that one of the Contracting Parties to the ICCPR violated their human rights. To enable individuals to submit a communication, States are supposed to ratify both the ICCPR and its Optional Protocol.<sup>64</sup> The ratification status is similar, Ecuador is party to both, the UK did not join the latter.

Consequently, Assange can submit an individual complaint claiming that Ecuador violated the CAT by ill-treatment of him and can submit an individual complaint for the violation of other rights listed to the HRC.

### *Summary of legal sources and potential fora*

To enable us to provide Assange practical guidance, using the first chapter of the paper we summarise the potential fora for the violation of each human right.

---

62 Human Rights Council 2007: para. 85.

63 Office of the High Commissioner of Human Rights [s. a. b].

64 Communications from a State Party claiming that another State Party violated human rights is built into the ICCPR. Since Assange as an individual has no *locus standi* under this procedure, the present paper does not analyse it.

Table 1: Legal sources and potential fora

Human Right	Legal source(s)	Potential perpetrator	Time of the violation*	Forum/fora for potential enforcement
Prohibition of torture, cruel, inhuman or degrading treatment or punishment	UDHR, Article 5 ECHR, Article 3 ACHR, Article 5 CAT, Article 1 ICCPR, Article 7 Jus cogens	UK	b) & c)	ECtHR
		Ecuador	b)	IACtHR CaT HRC
Principle of non-refoulement	ECHR, Article 3 – implicit (See ECtHR case law) ACHR, Art. 22.8 – implicit (See IACtHR case law) CAT, Article 3 ICCPR, Article 1 Customary law Jus cogens	Ecuador	b)	Commission & IACtHR CaT HRC
Right to privacy	UDHR, Article 12 ECHR, Article 8 ACHR, Article 11 ICCPR, Article 17	United States	a) & b) & c)	IACHR
		United Kingdom	a) & b) & c)	ECtHR
		Ecuador	a) & b) & c)	Commission & IACtHR HRC
		Sweden	a) & b) & c)	ECtHR HRC
Right to fair trial	UDHR, Article 10 ECHR, Article 6 ACHR, Article 8 ICCPR, Article 14	United Kingdom	c)	ECtHR
Right to freedom of expression	UDHR, Article 19 ECHR Article 10 ACHR Article 13 ICCPR Article 1	Ecuador	b)	Commission & IACtHR HRC

\*a) From the issuance of the international arrest warrant until the entry to the Embassy; b) Time spent at the Ecuadorian Embassy; c) After leaving the Embassy

Source: compiled by the authors

## **Must Assange choose or is he allowed to forum-shop?**

The main question this unit intends to answer: should Assange choose one forum or is he allowed to start more than one procedure for the enforcement of his human rights. Both regional human rights treaties analysed aim to avoid the duplication of human rights enforcement procedures by declaring applications inadmissible if the case in question is already the subject of another international procedure. The ACHR renders application inadmissible to the Commission if “the petition or communication is substantially the same as one previously studied [...] by another international organization”.<sup>65</sup> The ECHR claims that: “[T]he Court shall not deal with any application submitted under Article 34 that [...] (b) is substantially the same as a matter that has already been examined by the Court or has already been submitted to another procedure of international investigation or settlement and contains no relevant new information.”<sup>66</sup>

The CAT also excludes communications from examination if the “same matter has [...] been, and is [...] being, examined under another procedure of international investigation or settlement”.<sup>67</sup> The ICCPR does not contain such provision, but its Optional Protocol does, using *almost* the exact same expression as the CAT.<sup>68</sup> However, there is a great difference: the HRC may examine petitions on matters which have already been discussed and closed by another procedure. Many parties to the Optional Protocol made reservations extending this provision to make it exactly the same as of the CAT,<sup>69</sup> but not Ecuador.

All four treaties name two assessment criteria: first, the similarity of the matter; and the examination of that matter by another international procedure. Because in the Assange case we identified four potential fora, as a first step, we are verifying if all of those four fit potentially into the second assessment criteria or not, without trying to define any of the expressions used. Then, we try to identify the factors, which are taken into consideration when the similarity of matters is evaluated by the fora in question.

### ***“Another procedure of international investigation or settlement” – “another international organization”***

The wording of the ACHR seems very wide in terms of international procedures adopted as equivalent with the procedure of the Commission. Without in-depth

---

65 ACHR Article 47 para. d. There is no such provision for the IACtHR, since individuals have no direct access to it and the Commission (and states) are able to filter the cases out, where other international procedures are ongoing.

66 ECHR Article 35 para. 2.

67 CAT Article 22 para. 4 point a.

68 Optional Protocol to the ICCPR Article 5 para. 2, point a (emphasis added).

69 HELPER 1999: 286.

analysis, it seems safe to state that the procedures of the ECtHR (and its umbrella organisation, the Council of Europe), the CaT and the HRC (and their umbrella organisation, the UN) fit under the category. The acceptance of the former as “another international organization” can also be supported by the fact that both the Commission and the IACtHR refer to the judgements of the ECtHR (and vice versa).<sup>70</sup>

As for the ECtHR we can count on the guide explaining its practice, according to which there are four criteria for an international body to consider its procedure satisfying Article 35, paragraph 2, point (b): the investigation shall be limited to certain rights included in an instrument, the body shall be able to determine the responsibility of a state for the violation of these rights, the body shall be authorised to “afford legal redress capable of putting an end to the alleged violation”, and finally, offer procedural safeguards.<sup>71</sup> Doubtlessly, these conditions are fulfilled by the complaint procedures of both the CaT and the HRC.<sup>72</sup> As for the CAT, and the Optional Protocol of the ICCPR, the wording is exactly the same as of the ECHR, thus we have no reason to assume that the conditions would be different. This is also supported by the case-law of the HRC.<sup>73</sup>

### *“(Substantially) same matter”*

Obviously, a decision whether a matter is a subject of another international procedure already or not is made by the international forum in question; also this decision can only be made in an actual case, not as a general principle. The guide about admissibility of the ECtHR can provide some information: “The assessment of similarity of the cases would usually involve the comparison of the parties in the respective proceedings, the relevant legal provisions relied on by them, the scope of their claims and the types of the redress sought.”<sup>74</sup>

The ECtHR takes this admissibility criterion seriously and interprets it strictly in its case law. The HRC “applies a restrictive (narrow) interpretation to the expression of the ‘same matter’. In order for a procedure to constitute ‘the same matter’, the claim must be based on ‘the same party’, ‘the same object’, and ‘similar grounds’.”<sup>75</sup> Meanwhile

70 SANDHOLTZ 2021: 1. However, we cannot provide direct evidence that the Inter-American system would consider the decisions of the CaT and the HRC “international res judicata”. Though there is indirect evidence: besides the ECtHR, the other functioning regional human rights court categorically refused to examine a matter, which was already under scrutiny by the HRC: in *Dexter Eddie Johnson v. Republic of Ghana* the African Court on Human and Peoples’ Rights deemed an application inadmissible because a complaint was launched beforehand in the HRC. NKHATA 2020.

71 ECtHR 2023b para. 244.

72 However, there is general doubt about the ability of the treaty-based bodies to provide legal remedy effectively, since their decisions are not legally binding. According to Helfer they still fulfil the third requirement. HELFER 1999: 300.

73 NOWAK 2005: 876–877.

74 ECtHR 2023b para. 239.

75 SPECKER 2005: 16.



“the Inter-American Commission’s case law indicates that the Commission will entertain simultaneous and successive forum shopping petition unless the factual allegations and legal claims raised therein are identical”.<sup>76</sup>

## **Procedure and compensation**

It is a well known fact that the international enforcement of human rights is a complicated, costly and long process. Also well known that enforcement is not only a morally fuelled action, but may be motivated by the chance of (financial) compensation. Naturally, full analysis of either of the fora would surpass the scope of this paper, thus, in this unit we attempt to decide for Assange which fora may provide easier procedural access and more compensation by comparing the advantages and drawbacks of the procedures and rules of compensation.

### *European Court of Human Rights*

Though Assange could submit an application to the ECtHR as a victim of a potential violation by a Contracting Party to the ECHR, the admissibility check of this forum is a meticulous and long process and more often than not results in rejection. Despite several changes throughout the existence of the ECtHR, the process from the application until the delivery of the judgement is still very long. On the bright side however, the ECtHR’s judgement is legally binding on the Contracting Parties and generally is executed.<sup>77</sup> According to Article 41 of the ECHR, to reach fair satisfaction, the ECtHR may adjudicate fair compensation to the victim of a violation. The amount of compensation cannot be predicted,<sup>78</sup> and there is no general statistics provided on the website of the ECtHR.<sup>79</sup> To sum up, we can predict a painfully long process for Assange in the ECtHR, but if the violation is established, he may get (financial) compensation.

---

76 HELFER 1999: 322.

77 Though the execution is often not prompt and carried out without fault. See: STIANSEN-VOETEN 2020; FLEIG-GOLDSTEIN 2017.

78 Though there are attempts to do so. See: ALETRAS et al. 2016.

79 But for the sake of an example, we can easily check how much money the UK had to pay as a compensation for violation of Article 3 of the ECHR. HUDOC database. (Filters: Violation of Article 3, individual complaint, UK as respondent) According to the database, 18 judgements found violation of Article 3. In all of these cases, looking at the pecuniary and non-pecuniary damage, the UK paid EUR 485,707 in total. As for the costs and expenses, the total amount was EUR 424,805. (The current exchange rate was used from GBP to EUR, thus the sum is appropriate only to show the extent of the amount of money paid, not the exact sum.)

*Inter-American Commission and Court of Human Rights*

The Inter-American system's procedure does not start at an institution able to make legally binding decisions, but at the Commission, which, after the decision on admissibility, may decide to bring the case to the IACtHR. The individual petitioner is excluded from this decision, though their opinion is to be considered by the Commission.<sup>80</sup> After a 2009 reform, the victims do have more substantial role in the proceedings before the IACtHR than the Commission, but the way to the Court may not be smooth.<sup>81</sup> Just as of the ECtHR, the procedure is long, it takes usually about two years for a judgement to be delivered, three and half together with the reparations phase.<sup>82</sup> As for execution: despite the improvement over the years, full compliance with the IACtHR's decisions is still not general.<sup>83</sup> Therefore, while the Inter-American system has sophisticated process for deciding on reparations,<sup>84</sup> the non-compliance of states makes getting compensation very difficult.<sup>85</sup>

*Committee against Torture and Human Rights Committee*

Though there are similar sets of admissibility criteria for the access to the committees as to the courts, the process of getting to a decision seems easier (but not necessarily quicker).<sup>86</sup> The main relevant feature of the two treaty-based bodies has already been mentioned: their decision has no binding force. Thus, any kind of compensation depends on the states, the international community can only provide peer-pressure.

**Conclusion – practical guide***Prohibition of torture, cruel, inhuman or degrading treatment or punishment and the right to freedom of movement*

As shown in the second chapter, we assumed, based on the circumstances, that both the UK and Ecuador violated the prohibition of torture, cruel, inhuman or degrading treatment of punishment in different times of the course of events.

Presumably, the responsibility of the UK may cover two phases. When Assange was held in the Embassy, the UK had not exercised its due diligence to prevent

---

80 SHAVER 2010: 639.

81 SHAVER 2010: 639.

82 SHAVER 2010: 656.

83 GOLDMAN 2009: 856.

84 CASSEL 2006: 93–95.

85 DONOSO 2009: 29.

86 NOWAK 2005: 92.

ill-treatment of Assange and when agents of the receiving state were allowed to enter the premises of the Ecuadorian mission, they actively ill-treated Assange.

During the time Assange was held in the Embassy, we assume the responsibility of Ecuador. The IACtHR has pronounced in previous cases that the violation can be established even if the identity of the individual perpetrator is unknown. “What is decisive is whether a violation of the rights recognised by the IACtHR has occurred with the support or the acquiescence of the government, or whether the State has allowed the act to take place without taking measures to prevent it or to punish those responsible.”<sup>87</sup> And in certain circumstances, the element of suffering caused by the State might not be necessary to be proven; “subjecting a person to official, repressive bodies that practice torture and assassination with impunity is itself a breach of the duty to prevent violations of the rights to life and physical integrity of the person, even if that particular person is not tortured or assassinated, or if those facts cannot be proven in a concrete case.”<sup>88</sup>

*Suggestion:* we would recommend the launch of three procedures (2 + 1). First, an application to the ECtHR against the UK for the violations committed during periods b) and c). The second could be launched against Ecuador before the Commission for the violation committed during period b). With these two procedures one party may be the same (Assange as the applicant), but the other party would be different, the factual background would be different (or at least not identical, considering the different time frames and the change in jurisdiction). The legal ground would be very similar though, thus there is still a chance that either of the fora would reject the application. When the two procedures end, either with adjudication or with rejection, the third procedure may be launched against Ecuador in the HRC.

### *Principle of non-refoulement*

In Assange’s case we assume that only Ecuador violated the principle of non-refoulement. Article 22 paragraph 8 of the ACHR essentially expresses that no person should be deported to a country where his or her life and personal freedom is in danger, which is a present and ongoing concern in this particular case. In the same manner, the IACtHR has highlighted that the principle of non-refoulement is both broader in the Inter-American system, and it’s complimentary to the protection according to international refugee law and international human rights, and is reinforced by the recognition of the right to seek and receive asylum, as enshrined in the regional human rights instruments.<sup>89</sup>

---

87 IACtHR 1989: para. 183.

88 IACtHR 1989: para. 175.

89 IACtHR 2013: paras. 151–153.

*Suggestion:* we would recommend to submit an individual communication to the Commission against Ecuador. Whether or not that procedure is successful, a communication to the HRC may follow.

### ***Right to privacy***

The right to privacy is a special case amongst the human rights presumably violated in the Assange case, because all perpetrators had the same behaviour, same tactics and those were used for the same time periods. Therefore, if multiple procedures were to be launched, all would be based on the same factual background and the same legal claim (only the parties may be somewhat different). Therefore, in this case, it is wiser to select one forum.

*Suggestion:* We would suggest, considering the procedural aspects and the chance for compensation, the ECtHR.

### ***Right to fair trial***

*Suggestion:* from the table and the explanation of factual circumstances, it seems obvious that Assange could only launch one procedure against the UK in the ECtHR.

### ***Right to freedom of expression***

*Suggestion:* As Ecuador was accused of restricting Assange's access to the outside world, it seems safe to state that he may want to consider the submission of an individual petition to the Inter-American system. When that procedure is concluded, he can still have access to the HRC.

It seems that Assange's time for international enforcement is running out. Besides the obligation to exhaust all local remedies, there are other issues to consider. We hoped to provide some background for that consideration.

## **References**

ALETRAS, Nikolaos – TSARAPATSANIS, Dimitrios – PREOȚIUC-PIETRO, Daniel – LAMPOS, Vasileios (2016): Predicting Judicial Decisions of the European Court of Human Rights: A Natural Language Processing Perspective. *PeerJ Computer Science*, 2. Online: <https://doi.org/10.7717/peerj-cs.93>

American Convention on Human Rights 1969, OAS 36.

- Amnesty International (2024): *UK: Obstacles to Access for Julian Assange Hearings Undermine Open Justice*. 3 May 2024. Online: [www.amnesty.org/en/wp-content/uploads/2024/05/EUR45802024ENGLISH.pdf](http://www.amnesty.org/en/wp-content/uploads/2024/05/EUR45802024ENGLISH.pdf)
- BBC News (2012): Julian Assange Loses Extradition Appeal at Supreme Court. *BBC News*, 30 May 2012. Online: [www.bbc.com/news/uk-18260914](http://www.bbc.com/news/uk-18260914)
- BBC News (2019): Julian Assange Dragged from Ecuadorean Embassy. *BBC News*, 11 April 2019. Online: [www.bbc.com/news/av/uk-47892641](http://www.bbc.com/news/av/uk-47892641)
- BBC News (2024): Julian Assange: A Timeline of Wikileaks Founder's Case'. *BBC News*, 26 June 2024. Online: [www.bbc.com/news/world-europe-11949341](http://www.bbc.com/news/world-europe-11949341)
- BLÖNDAL, Erna Kristín – ARNARDÓTTIR, Oddný Mjöll (2019): Non-Refoulement in Strasbourg: Making Sense of the Assessment of Individual Circumstances. *Oslo Law Review*, 5(3), 147–174. Online: <https://doi.org/10.18261/issn.2387-3299-2018-03-02>
- CASSEL, Douglass (2006): The Expanding Scope and Impact of Reparations Awarded by the Inter-American Court of Human Rights. In BOSSUYT, M. – LEMMENS, P. – DE FEYTER, K. – PARMENTIER, S. (eds.): *Out of the Ashes: Reparations for Gross Violations of Human Rights*. [s. l.]: Intersentia, 91–107. Online: [www.corteidh.or.cr/tablas/r28153.pdf](http://www.corteidh.or.cr/tablas/r28153.pdf)
- Committee Against Torture (2008): General Comment No 2: Implementation of article 2 by States parties. CAT/C/GC/2. 24 January 2008.
- Committee against Torture (2018): General Comment No 4 on the implementation of article 3 of the Convention in the context of article 22.
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984, 1465 UNTS 85.
- Convention relating to the Status of Refugees 1951, 189 UNTS 137.
- Council of Europe [s. a.]: *Chart of Signatures and Ratifications of Treaty 005*. Online: [www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/signatures?p\\_auth=iBbyJRc4](http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/signatures?p_auth=iBbyJRc4)
- DEN HEIJER, Maarten (2013): Diplomatic Asylum and the Assange Case. *Leiden Journal of International Law*, 26(2), 399–425. Online: <https://doi.org/10.1017/S0922156513000095>
- DOHERTY, Ben (2023): Julian Assange 'Dangerously Close' to US Extradition after Losing Latest Legal Appeal. *The Guardian*, 9 June 2023. Online: [www.theguardian.com/media/2023/jun/09/julian-assange-dangerously-close-to-us-extradition-after-losing-latest-legal-appeal](http://www.theguardian.com/media/2023/jun/09/julian-assange-dangerously-close-to-us-extradition-after-losing-latest-legal-appeal)
- DONOSO, Gina (2009): Inter-American Court of Human Rights' Reparation Judgments. Strengths and Challenges for a Comprehensive Approach. *Revista Instituto Interamericano de Derechos Humanos*, 49, 29–68.
- Ministerio de Relaciones Exteriores, Comercio e Integración (2012): Declaración del Gobierno de la República del Ecuador sobre la solicitud de asilo de Julian Assange. Comunidad No. 042.
- [Ecuadorian Ministry of Foreign Affairs, Trade and Integration (2012): Statement by the Government of the Republic of Ecuador on Julian Assange's asylum request] Online: [www.ministeriodegobierno.gob.ec/declaracion-del-gobierno-de-la-republica-del-ecuador-sobre-la-solicitud-de-asilo-de-julian-assange/](http://www.ministeriodegobierno.gob.ec/declaracion-del-gobierno-de-la-republica-del-ecuador-sobre-la-solicitud-de-asilo-de-julian-assange/)
- European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14, 1950, ETS 5.

- European Court of Human Rights (ECtHR) (2023a): Guide on Article 1 of the European Convention on Human Rights, Obligation to respect human rights – Concepts of “jurisdiction” and imputability. 31 August 2023.
- European Court of Human Rights (ECtHR) (2023b): Practical Guide on Admissibility Criteria. 31 August 2023.
- FLEIG-GOLDSTEIN, Rachel M. (2017): The Russian Constitutional Court versus the European Court of Human Rights: How the Strasbourg Court Should Respond to Russia’s Refusal to Executive ECtHR Judgments. *Columbia Journal of Transnational Law*, 56(1), 172–218.
- France24 (2018): Ecuador Throws Out Assange Lawsuit. *France24*, 30 October 2018. Online: [www.france24.com/en/20181030-ecuador-throws-out-assange-lawsuit](http://www.france24.com/en/20181030-ecuador-throws-out-assange-lawsuit)
- GOLDMAN, Robert K. (2009): History and Action: The Inter-American Human Rights System and the Role of the Inter-American Commission on Human Rights. *Human Rights Quarterly*, 31, 856–887. Online: <https://doi.org/10.1353/hrq.0.0108>
- HAYDEN, Jones (2024): Mexico Cuts Diplomatic Ties with Ecuador After Raid on Embassy in Quito. *Politico*, 6 April 2024. Online: [www.politico.eu/article/mexico-cuts-diplomatic-ties-with-ecuador-after-raid-on-embassy-in-quito/](http://www.politico.eu/article/mexico-cuts-diplomatic-ties-with-ecuador-after-raid-on-embassy-in-quito/)
- HELPER, Laurence R. (1999): Forum Shopping for Human Rights. *University of Pennsylvania Law Review*, 148(2), 285–400. Online: <https://doi.org/10.2307/3312795>
- Human Rights Committee (1988): General Comment No 16: Article 17 (Right to Privacy) The Right to Respect of Privacy, Family, Home and Correspondence, and Protection of Honour and Reputation.
- Human Rights Committee (1999): General Comment No. 27: Article 12 (Freedom of Movement).
- Human Rights Committee (2007): General Comment No 32 Article 14: Right to equality before courts and tribunals and to a fair trial.
- International Covenant on Civil and Political Rights 1966, 999 UNTS 171.
- Inter-American Commission on Human Rights [s. a.]: Signatories and Ratifications of the B-32: American Convention on Human Rights. Online: [www.cidh.oas.org/basicos/english/Basic4.Amer.Conv.Ratif.htm](http://www.cidh.oas.org/basicos/english/Basic4.Amer.Conv.Ratif.htm)
- Inter-American Convention to Prevent and Punish Torture, 1985, OAS 67.
- Inter-American Court of Human Rights (1985): OC-5/85, Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism (arts. 13 and 29 American Convention on Human Rights), *IACtHR Series*, A 5.
- Inter-American Court of Human Rights (1989): Case of Velásquez-Rodríguez v Honduras. *IACtHR Series*, A 4.
- Inter-American Court of Human Rights (2001): Case of Olmedo-Bustos et al. v Chile (“The Last Temptation of Christ”). *IACtHR Series*, C 73.
- Inter-American Court of Human Rights (2003): Case of Urrutia v Guatemala. *IACtHR Series*, C 103.
- Inter-American Court of Human Rights (2004): Case of Tibi v Ecuador. *IACtHR Series*, C 114.
- Inter-American Court of Human Rights (2006): Case of the Ituango Massacres vs Colombia. *IACtHR Series*, C No. 148.
- Inter-American Court of Human Rights (2013): Case of Pacheco Tineo v Bolivia. *IACtHR Series*, C 272.

- Inter-American Court of Human Rights (2014): OC-21/14, Rights and guarantees of children in the context of migration and/or in need of international protection. *IACtHR Series*, A 21.
- Inter-American Court of Human Rights (2016): Request for Advisory Opinion presented by the Government of the Republic of Ecuador to the Inter-American Court of Human Rights of August 18, 2016. Online: [www.corteidh.or.cr/docs/solicitudoc/solicitud\\_18\\_08\\_16\\_esp.pdf](http://www.corteidh.or.cr/docs/solicitudoc/solicitud_18_08_16_esp.pdf)
- Inter-American Court of Human Rights (2018): OC-25/18, The institution of asylum, and its recognition as a human right under the Inter-American System of Protection (interpretation and scope of Articles 5, 22(7) and 22(8) in relation to Article 1(1) of the American Convention on Human Rights). *IACtHR Series*, A 25.
- International Law Commission (ILC) (1958): *ILC Yearbook Vol II*. New York: United Nations.
- JANIG, Philip (2016): Julian's Golden Cage: Julian Assange, the UN Working Group on Arbitrary Detention and the Quest for Scholarly Diligence. *Austrian Review of International and European Law*, 18, 155–178. Online: <https://doi.org/10.1163/15736512-90000006b>
- MIHR, Christian (2020): Violation of Human Rights: Julian Assange on Trial. *Investigate Europe*, 7 October 2020. Online: [www.investigate-europe.eu/posts/julian-assange-on-trial-en](http://www.investigate-europe.eu/posts/julian-assange-on-trial-en)
- NKHATA, Mwiza Jo (2020): Res judicata and the Admissibility of Applications before the African Court on Human and Peoples' Rights: A Fresh Look at Dexter Eddie Johnson v. Republic of Ghana. *The Law & Practice of International Courts and Tribunals*, 19(3), 470–496. Online: <https://doi.org/10.1163/15718034-12341432>
- NOWAK, Manfred (2005): *U.N. Covenant on Civil and Political Rights. CCPR Commentary*. 2nd ed. Kehl am Rhein: N.P. Engel.
- Office of the UN High Commissioner for Human Rights (2007): Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.
- Office of the UN High Commissioner for Human Rights (2019): *UN Expert Says "Collective Persecution" of Julian Assange Must End Now*. Online: [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24665&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24665&LangID=E)
- Office of the High Commissioner of Human Rights [s. a. a]: *Committee Against Torture – Overview of the Working Methods*. Online: [www.ohchr.org/EN/HRBodies/CAT/Pages/WorkingMethods.aspx#11](http://www.ohchr.org/EN/HRBodies/CAT/Pages/WorkingMethods.aspx#11)
- Office of the High Commissioner of Human Rights [s. a. b]: Status of Ratification Interactive Dashboard, Underlying Data. Online: [www.indicators.ohchr.org](http://www.indicators.ohchr.org)
- Optional Protocol to the International Covenant on Civil and Political Rights 1996, 999 UNTS 171.
- RISTIĆ, Jelena (2017): The Right to Asylum and the Principle of Non-Refoulement Under the European Convention on Human Rights. *European Scientific Journal*, 13(28), 108–120. Online: <https://doi.org/10.19044/esj.2017.v13n28p108>
- SANDHOLTZ, Wayne (2021): Human Rights Courts and Global Constitutionalism: Coordination Through Judicial Dialogue. *Global Constitutionalism*, 10(3), 439–464. Online: <https://doi.org/10.1017/S2045381720000064>

- SAVAGE, Charlie – GOLDMAN, Adam – SULLIVAN, Eileen (2019): Julian Assange Arrested in London as U.S. Unseals Hacking Conspiracy Indictment. *The New York Times*, 11 April 2019. Online: [www.nytimes.com/2019/04/11/world/europe/julian-assange-wikileaks-ecuador-embassy.html#:~:text=WASHINGTON%20%E2%80%94%20The%20WikiLeaks%20founder%20Julian,in%20Britain%20to%20avoid%20capture](http://www.nytimes.com/2019/04/11/world/europe/julian-assange-wikileaks-ecuador-embassy.html#:~:text=WASHINGTON%20%E2%80%94%20The%20WikiLeaks%20founder%20Julian,in%20Britain%20to%20avoid%20capture)
- SHAVER, Lea (2010): The Inter-American Human Rights System: An Effective Institution for Regional Rights Protection? *Washington University Global Studies Law Review*, 9(4), 639–676.
- SPECKER, L. G. P. (2005): Remediating the Normative Impacts of Forum Shopping in International Human Rights Tribunals. *The New Zealand Postgraduate Law E-Journal*, 2.
- STIANSEN, Øyvind – VOETEN, Erik (2020): Backlash and Judicial Restraint: Evidence from the European Court of Human Rights. *International Studies Quarterly*, 64(4), 770–784. Online: <https://doi.org/10.1093/isq/sqaa047>
- UN General Assembly. 1948. Resolution 217A (III). Universal Declaration of Human Rights A/Res, A/810.
- UN High Commissioner for Refugees (UNHCR) (1997): *UNHCR Note on the Principle of Non-Refoulement*. Online: [www.refworld.org/docid/438c6d972.html](http://www.refworld.org/docid/438c6d972.html)
- UN High Commissioner for Refugees (UNHCR) (2001): *The Scope and Content of the Principle of Non-Refoulement (Opinion)*. Online: [www.refworld.org/docid/3b3702b15.html](http://www.refworld.org/docid/3b3702b15.html)
- UN Human Rights Council (2007): Res 5/1. Institution-building of the United Nations Human Rights Council. A/HRC/RES/5/1.
- VÄRK, René (2012): Diplomatic Asylum: Theory, Practice and the Case of Julian Assange. *Sisekaitseakadeemia Toimetised*, 11, 240–257.
- Vienna Convention on Diplomatic Relations 1961, 500 UNTS 95.