WHISTLEBLOWERS PROMOTE TRANSPARENCY AND ACCOUNTABILITY AND ARE IMPORTANT HUMAN RIGHTS DEFENDERS

Alfred de Zayas

The independent expert on the promotion of a democratic and equitable international order, Alfred de Zayas, welcomes the closure of the criminal investigation against Julian Assange by Sweden and expresses satisfaction at the courage and constancy of the Ecuadorian government in granting diplomatic asylum to Julian Assange.  If asylum means anything, it certainly means that a person in the situation of Julian Assange should enjoy international protection as a person with a well-founded fear of being persecuted for reasons of his political opinions and who is outside the country of his nationality, Australia.

The Independent expert encourages investigative journalists to reveal the facts about and the motivation of the unconsciounable delays and unreasonable prolongation of the investigations against Assange, which would appear frivolous and vexatious and in any case not substantiated enough to have justified the issuance of an international arrest warrant.

The independent expert is concerned about the interference with Julian Assange’s freedom of movement and his right to privacy and family life.  The conditions of arbitrary detention (see ruling of the UN Working Group on Arbitrary Detention of December 2015) which he has endured have interfered with his right to regular contact with his family.

The independent expert is further concerned about the possible misuse and abuse of the justice system for political purposes and encourages investigative journalists to inquire into pressures that may have been brought on the Swedish authorities so as to prolong investigations and maintain the arrest warrant as long as possible.

The independent expert encourages the government of Australia to rely on the customary international law of diplomatic protection of citizens and prevail upon the United Kingdom to ensure the safe passage of Mr. Assange to Ecuador.

The independent expert deplores the continued persecution and prosecution of whistleblowers in many countries and urges States to revisit obsolete laws on the subject and ensuring that there persons responsible for war crimes, bribery, corruption, money-laundering, tax-evasion, whose schemes have been revealed by the work of whistleblowers, no longer enjoy impunity.  The whistleblowers should be able to count with the solidarity of the world because they are in a very real sense human rights defenders who promote transparency and accountability.  They are entitled to a Charter of Rights of Whistleblowers, as laid out in my 2016 report to the General Assembly A/71/286.