

EVERYONE SHOULD BE EQUAL BEFORE THE LAW

Probably the most important report on the human rights situation in Sweden

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Accoun
accoun.org

Charta 2008
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Summary

This report is jointly presented by Accoun and Charta 2008 to describe crucial and systematic problems regarding human rights in Sweden. As we show in the report, not everyone is treated equally before the law. Our main message is that this must be corrected, for the decline in the respect for human rights and civil rights to be reversed.

Our recommendations are:

- To correct the flaws in the legal system, so that the suspects' fundamental rights – including that of a fair trial – will never be ignored again. Hence the new Swedish law against terrorism from 2003 must be removed.
- To ensure that the habit of impunity comes to an end, starting now with some of the cases we mention in this report.
- To restore and expand the Swedish transparency principle.
- To take a lead by changing the FRA-law and other laws, in order to end unjustified mass-surveillance, involving telephone and internet communication.
- To better acknowledge legitimate criticism against Swedish authorities, stop downplaying abuses and to work on preventing media manipulation.

Introduction

The United Nations Human Rights Council (UNHRC) regularly reviews the situation for human rights in all United Nations member states via the Universal Periodic Review (UPR). Sweden will be reviewed in January 2015 and has submitted an official report for this, as well as earlier reports, to the United Nations. The Swedish government operates a web site on human rights, <http://manskligarattigheter.se>, where a number of reports can be found, also showing the Swedish government's view of the human rights situation in other countries. In addition, some other Non-Governmental Organizations (NGOs) have earlier prepared reports on human rights in Sweden, such as the joint submission from the United Nations Association of Sweden in June 2014 for the UPR.

However, several Swedish lawyers and citizens involved in the movement for human rights, believe that the above mentioned reports don't give the full picture of the situation. Many of the most severe abuses on human rights and related mechanisms are inadequately dealt with. Some reports contain information that could even be described as misleading or distracting. Often, Sweden does not seem to acknowledge legitimate criticism. There seems to be an ongoing cover-up of abuses that must be stopped.

Amnesty International has, in conjunction with the 60th anniversary of the Universal Declaration of Human Rights in 2008, challenged world leaders to apologize for six decades of human rights failure and re-commit themselves to deliver concrete improvements. We think that is still correct and unfortunately also goes for Sweden, despite Sweden's excellent reputation for promoting and protecting human rights.

Quietly, Sweden has seen a decline in the respect for human and civil rights, in particular since the tragic events in the USA on September 11, 2001. That decline is extremely important to reverse. Just like some companies work with continuous improvements, for example of quality by applying the standard ISO 9001, governments must strive for continuous improvements in the area of human rights. That is not possible in case of cover-up or denial of legitimate criticism.

Therefore, the NGOs Accoun and Charta 2008 prepared this report, to highlight the crucial and systematic problems often ignored elsewhere. Accoun is an organization in the start-up phase, which emphasizes accountability worldwide for government-related crime and abuse of power. Charta 2008 is a civil rights movement established in March 2008, with a focus on abuses related to Sweden in the "war on terror", and has nearly 500 members. The intention of this report is not to describe all aspects of the

human rights situation in Sweden or the good parts of it, because such information is already available elsewhere.

A common denominator of the issues described in this report is that not everyone is treated equally before the law. Often that is government-related and especially top politicians, the “intelligence community” and military seem to operate above the law. We must face that this is a threat to human rights, civil rights and democracy, which must not be ignored, if we are to achieve real improvement.

Suspects' fundamental rights ignored

Despite that everyone is entitled to a fair trial in case of any criminal charge, some people have been denied this in Sweden.

An example is when funds were frozen for three people active in al-Barakaat, at the end of 2001 [1]. This infringement of fundamental rights could happen again, because the flaws in the legal system that made it possible, have still not been corrected. This involves not only Sweden, but also the European Union and the United Nations.

Sweden also seems to accept that the rights of some Swedish citizens can be violated abroad, or even contribute to that.

This is exemplified by two Swedish citizens, Mohamed Yusuf and Yasin Ahmed, who had left the al-Shabaab in Somalia and were arrested in Djibouti probably in August 2012. In mid November they were transferred to New York, where they remain in detention after more than two years. Sweden has an obligation to stand up for their citizens when their fundamental rights are violated [2]. Apparently, Swedish authorities not only ignored their fundamental rights. They seem to have assisted the USA to violate the human and civil rights of these two Swedish citizens. The UNHRC's Working Group on Arbitrary Detention has requested the immediate release of Yusuf and Ahmed, which has been ignored.

The new Swedish law against terrorism from 2003 has a number of flaws, including that it opens up for "guilt by association" and the risk of accepting dubious evidence. The application of the law shows an extreme over-representation regarding suspicions against people of Islamic connection, which violates the principle that all are equal before the law.

Before 2003 Sweden already had criminal laws against terrorism. Both the Swedish Bar Association (Advokatsamfundet) and the Helsinki Committee for Human Rights (now Civil Rights Defenders) have rejected the new Swedish law against terrorism from 2003. The new law includes elements that are extraneous to our legal system.

Our recommendation is to correct the flaws in the legal system, so suspects' fundamental rights – including that of a fair trial – will never be ignored again. Hence the new Swedish law against terrorism from 2003 must be removed.

Impunity in practice

Another violation of the principle that all are equal before the law, is that some actors often have impunity in practice.

In Sweden, there have been some very strange cases, where not a single person has been prosecuted for government-related crime or abuse of power.

An example is the case of Mohammed Alzery and Ahmed Agiza, who were sent to Egypt and tortured in December 2001. Swedish authorities must have understood that “outsourcing” of torture was the plan of the USA. Sweden has several times been criticized by the United Nations Committee Against Torture for the handling of this case.

To have an entire prosecution for the treatment of Alzery and Agiza is the most important action to fulfill the obligation to avoid similar violations in the future. This needs to involve all the responsible in Sweden, Egypt and the USA.

There have also been a number of cases of police brutality in Sweden. In some of these cases, Swedish police has even killed people on very loose grounds. This has been strongly criticized, but usually that is all. The pattern seems to be that alleged abuses by regular police can be tried in court, although the police will practically always be acquitted, but there will not even be a prosecution when the Swedish Security Service (Säpo) or other parts of the intelligence community are involved.

Some examples of very questionable police actions, which have not led to prosecution of the police, are Rinkeby 2004 and 2008 [1] and Göteborg 2010 [3]. The Swedish National Task Force, which we thought was for events such as ongoing hijackings, has instead been used to raid innocent families who are sleeping in their own home, apparently with Säpo involved.

Another example of impunity in practice is the dismissal when around seven hundred Swedish citizens filed charges against their own government, parliament and armed forces for the Swedish involvement in the Libyan war 2011 [4]. Sweden participated in the NATO-led attack, which is claimed to have overstepped the UN mandate. It turned Libya from a dictatorship to an even worse condition – a total chaos. Thus, Sweden has participated in destroying a country, causing severe degradation of the human rights situation for millions of Libyans.

In 2013, Barack Obama, before his visit to Sweden, was reported to Swedish police for crimes against humanity. The case was not handed over to the International Criminal Court (ICC) for further investigation.

Therefore, Sweden is also partially responsible for the ICC apparently becoming an “African Criminal Court”. The ICC is pursuing more cases in Africa than in all other world regions combined, which is a disproportionate focus, while western powers seem to have impunity also there.

(The king of Sweden has immunity to prosecution, but is not known to have misused that to commit any serious crime.)

Our recommendation is to ensure that the habit of impunity comes to an end, starting now with some of the cases we have mentioned in this report.

Secrecy as a threat to democracy

While impunity can often be seen as a reason for human rights abuses, secrecy is a reason for impunity. Secrecy can also be a threat to democracy and good governance. Therefore, it is of special concern that the Swedish transparency principle is about to erode [5].

In Sweden, the time for secrecy is up to 70 years, which can prevent the principle of legal equality by protecting perpetrators.

Especially top politicians, the “intelligence community” and military can too easily hide criminal acts and abuse of power. They have actually tried to do so in many of the cases mentioned in this report, which may be only the “tip of the iceberg”. In the hidden archives, there is probably documentation of many other cases, with even more severe wrongdoings. There may also be cases where evidence has been deliberately destroyed.

Even Säpo has warned for the development in Sweden and criticized Sweden’s perhaps most secret organization, KSI (Kontoret för Särskild Inhämtning, which means Office for Special Collection). They do exactly what they want, says Wilhelm Agrell, a professor of intelligence analysis at Lund University [6]. KSI is part of the Swedish Military Intelligence and Security Service and operates without any parliamentary insight at all. Even their budget is secret. It has been stated that KSI has the right to break the law [7].

We are also concerned about the emergence of “secret courts”, which is a very questionable concept. A Swedish example is Försvarsunderrättelse-domstolen, whose meetings are generally not public and decisions cannot be appealed. Note that the Universal Declaration of Human Rights specifically states the right to a public trial.

It has over and over again been shown that review of authorities is of utmost importance, for wrongdoings to be corrected, but Sweden has gone the other way.

In short, our recommendation is to restore and expand the Swedish transparency principle.

Mass-surveillance

As Edward Snowden and others have revealed, Swedish authorities are involved in mass-surveillance, in cooperation with a few other countries. Mass-surveillance is a tool that threatens our democracy and many aspects of civil and human rights. For example, it can be a tool in order to “blackmail” almost everyone, including politicians and judges. It is also obvious how mass-surveillance threatens journalism and in particular their sources, so that they may not be able to reveal crimes and abuse of power.

Another serious problem related to mass-surveillance is that authorities have taken the liberty to “hack” computers and similar devices in order to control them remotely. This not only gives opportunities to listen to conversations via built-in microphones etc, but also for example to interfere in control systems or place incriminating information. Thus, authorities can undermine both the technical infrastructure and the legal system.

Sweden has adopted laws, in particular the so-called FRA-law, apparently under pressure from the USA to justify mass-surveillance and related activities. This is a problem not only for Sweden, but also for other countries. As an example, the Swedish agency FRA has been reported to participate in hacking of Belgian telecoms company Belgacom [8].

The Swedish government also has rejected the decision of the European Court not to store data from the mass-surveillance of telephone and internet traffic.

Our recommendation is for Sweden to take a lead by changing the FRA-law and other laws, in order to end unjustified mass-surveillance, involving telephone and internet communication.

Biased reporting

It can be understood that the Swedish Government's reports on human rights, which can be found on <http://manskligarattigheter.se>, cannot be 100 % complete (and there is also a disclaimer about that in some reports). However, it is very disturbing to find a pattern of biased reporting there, in order to downplay some of the most severe abuses conducted by Sweden and some other western countries.

For example, Sweden's report on the USA ignores the enormous number of state-sanctioned murders by the USA, of which some have even happened during torture, the wide-spread impunity for that and the persecution of whistleblowers [9]. There are several cases, such as Kiriakou and al-Awlaki (just to mention two of them), which the Swedish government must have known about but decided to downplay.

John Kiriakou was the first US official to confirm the use of waterboarding of terrorist suspects as an interrogation technique, which he described as torture. In January 2012 he was sentenced to 2.5 years imprisonment for revealing classified information, while the torture perpetrators are still free.

The same silence and downplaying is used regarding president Obama's present misuse of lethal drones. Over 400 attacks have killed more than 2500 terrorist suspects, their family members and others, mainly in Pakistan, Afghanistan and Yemen. One of the US citizens executed this way, without a trial, was the 16-year-old Abdulrahman al-Awlaki in Yemen 2011. This was a clear breach of the US constitution, for which there has been no trial or impeachment yet.

Biased government reports seems to go hand-in-hand with biased media reports. A German journalist, Udo Ulfkotte, has recently published the book *Gekaufte Journalisten*, which describes how governments and security authorities corrupt and even infiltrate media. This has probably relevance also in Sweden.

The biased reporting is not compatible with the principle that everyone is equal before the law, because such reporting signals that some governments should get away with abuses, while others are treated harsher.

Our recommendations are to better acknowledge legitimate criticism against Sweden, stop downplaying abuses and to work on preventing media manipulation.

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Some disturbing facts about Sweden:

- If you are a suspect of a crime, you can in some cases be a denied a fair trial
- There is impunity in practice for others, even for sending people to torture or destroying another country
- The secret organization KSI operates without any parliamentary insight at all and is stated to have the right to break the law
- Authorities have taken the liberty to “hack” computers, which can undermine both the technical infrastructure and the legal system
- There is a pattern of biased reporting from the Swedish government, in order to downplay some of the most severe abuses conducted by Sweden and some other western countries

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