

PRESS RELEASE

URGENT

GHISLAINE MAXWELL'S FAMILY CONDEMNS HER ARBITRARY DETENTION AND PETITIONS THE UNITED NATIONS

Geneva, November 22, 2021.

The brothers and sisters of Ghislaine Maxwell filed a complaint today with the UN Working Group on Arbitrary Detention regarding the arbitrary detention of their sister, imprisoned in the USA since July 2, 2020. They condemned "**...the serious violations of her defence rights and presumption of innocence and the unfit and degrading treatment that our sister has suffered and continues to suffer in prison, where she has been wrongly held in solitary confinement for over 500 days**". In their petition,¹ specialist human rights lawyers François Zimeray and Jessica Finelle describe in detail the numerous violations of the International Covenant on Civil and Political Rights (ICCPR), ratified by the United States of America, and of the "UN Mandela Rules"² on the Treatment of Prisoners.

This step is independent of the defence on the merits, overseen by Ms Maxwell's US Counsel. It does not address the issue of the allegations, or of innocence or guilt but focuses exclusively on the conditions under which Ms Maxwell is being prosecuted and detained. It raises the question of whether Ms. Maxwell can receive a fair trial, which presupposes that she is able to benefit from the presumption of innocence prior to judgement and exercise her rights on an equal footing with the prosecution. Beyond Ms Maxwell's particular situation, her case calls out for a much needed reflection on the increasing difficulty of being able to reach impartial judgements when defendants appearing before the courts are not only having to bear the weight of what they have been charged with but also the burden of media prejudice.

Unjustified and discriminatory detention in improper conditions:

There is no justification for the pre-trial detention of Ms Maxwell, who has never been sentenced, has never sought to flee the United States and poses no danger to society. Her four applications for release on bail and her two appeals were all denied without valid reason. She is being kept in prison at all costs, although she has offered to post all of her assets as security and to relinquish her French and British Citizenships.

¹ Available upon request.

² United Nations Standard minimum rules for the treatment of prisoners.

In their petition to the Working Group on Arbitrary Detention, the lawyers make the case that men indicted as main suspects in comparable cases appeared unremanded at trial. For François Zimeray and Jessica Finelle: ***"This is unprecedented discrimination, the like of which has never been seen before: all her applications for bail have been rejected, with no regard for the security offered. It is as if Ghislaine Maxwell is suffering the consequences of the failure of the US Administration to preserve the life of Jeffrey Epstein and secure his appearance at trial."*** In addition, the conditions of Ms. Maxwell's imprisonment are abnormally rigorous, which is equally unjustified and discriminatory: ***"In solitary confinement in a tiny and unsanitary cell, Ghislaine Maxwell is watched 24 hours a day. Every night, a flashlight is shone in her face every quarter of an hour. Her sleep and health are deteriorating. She is losing her hair. She undergoes up to seven body searches a day even though she is not in contact with any other detainee. Who could concentrate and defend themselves properly in such conditions? In chains she was transported to court, leaning on her wrists and dragging herself on her knees to get into the prison van. Is this the way to treat a human being, her lawyers ask, and one presumed innocent for all that?"***

Ms Maxwell is portrayed as guilty, perceived and treated as such, before trial.

In the words of her petitioning lawyers: ***"We are aware that the charges are serious. Ms. Ghislaine Maxwell should be able to respond to them in a fair trial where respect for the presumption of innocence is guaranteed. It is in the interest of all parties, complainants and accused alike, as much as it is in the interest of truth and justice. But is that still possible? After dozens of documentaries, shows and podcasts, fifty books, thousands of newspaper articles, hundreds of millions of people have already been able to convince themselves of her guilt."***

But Ghislaine Maxwell has not yet been tried. The prosecuting authorities have signally failed in their duty to maintain respect for the presumption of innocence and the rights of the defense. For François Zimeray and Jessica Finelle: ***"There is a narrow line between justice and revenge. We are not fighting against the complainants, but against arbitrariness. In the court of public opinion, Ms Maxwell is presumed guilty, convicted and demonized before any trial. The US prosecution authorities have not sought to mitigate the effects of this demonization. Rather, after staging her arrest, they oversaw a theatrical press conference where Ms Maxwell was presented to the world as the culprit. Perceived as such, she was and remains treated as guilty even though, it must be recalled, she has not yet been tried, has been unable to speak out or adequately prepare her defense. "***

-ENDS-

Notes for Editors

[About the UN Working Group on Arbitrary Detention:](#)

Created in 1991 under the leadership of the Frenchman Louis Joinet, founder of the Magistrates Union, this body of the United Nations High Commission for Human Rights is based in Geneva. It brings together independent and recognized experts responsible for

investigating cases of arbitrary detention in violation of international standards. Guardian of the "Mandela Rules", the Working Group is recognized today as the indisputable authority when it comes to assessing the arbitrariness of detention. As the former High Commissioner for Human Rights Zeid al Hussein noted in 2016, the Working Group has "made historic decisions, which have led on numerous occasions to the release of the detainee. Its opinions, delivered following impartial and independent investigations, have also raised awareness of detention conditions in many countries on five continents. The Working Group on Arbitrary Detention is considered by many observers to be "the most significant human rights achievement in recent history" (New York Times, March 11, 1991).

About Zimeray & Finelle

Zimeray & Finelle is an international law firm combining legal and diplomatic expertise in the fields of human rights and criminal law.

About Maître François Zimeray

A lawyer at the Paris and Geneva Bars and at the International Criminal Court, François Zimeray was French Ambassador for Human Rights, then French Ambassador to Denmark. He practiced for over 20 years in a large French law firm and was also a member of the Legal Commission of the European Parliament. In September 2018, he joined forces with Jessica Finelle, an international criminal lawyer since 2009, to create the Zimeray & Finelle law firm, specializing in human rights, criminal law and business criminal law. At the same time, Maître Zimeray partners with a team of human rights lawyers at London-based Doughty Street Chambers. With Jessica Finelle, he secured the UN condemnation of Japan in the Carlos Ghosn case, former CEO of Renault-Nissan. François Zimeray almost died in a terrorist attack in Copenhagen on February 14, 2015. He is the author of *I saw the same face everywhere* published by Plon in 2016.

About Maître Jessica Finelle

A Lawyer at the Paris Bar and a Zimeray & Finelle law firm partner, Jessica Finelle is a specialist in French and international criminal law. She is accredited to the International Criminal Court and has been involved in numerous cases where human rights are at issue. Recently, Maître Finelle obtained recognition by the United Nations that the Congolese authorities were arbitrarily detaining General Mokoko, the main opponent of the Denis Sassou-Nguesso regime. The United Nations experts have called on the latter to immediately release the General and make reparations for his injuries.

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