

Julian Assange: Asylum and immunity

An arresting issue



Professor Rob Cryer

"After nearly two months of Julian Assange being a houseguest at the Ecuadorian Embassy in London, the Ecuadorian Foreign Minister Ricardo Patiño announced on the 16th August 2012 that he had been granted 'diplomatic asylum'."

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Feedback

AM on 21 September 2012, **Paul** wrote

As far as extradition is concerned, I don't see that it makes much difference whether Assange remains here or is ultimately sent to Sweden, as the US could just as easily request his extradition from this country. Though of course it might be tricky while he remains inside the Ecuadorian embassy. Recent cases such as that of Christopher Tappin and Richard O'Dwyer show that the US is only too willing to request extradition of people they want to speak to, and indeed we seem to be only too willing to send them there.

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AM on 20 September 2012, **Mehrdad Nadershahi** wrote

what surprises me is why the allegation just came out after the U.S accused him of disclosing confidential information, why the women did not take any legal action prior to that ?

I think it is just a game and the U.S spies in Sweden made that up to have some thing against him to justify their actions, and what better that allegation of rape an all that nonsense.

Political games, that`s all it is

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M on 07 September 2012, **Mark** wrote

If we are going to take international law as seriously as we ought, perhaps we should also be asking questions about the legality of President Obama's decision to authorize US armed men to enter the building where Osama Bin Laden was known to be resident, without the consent of the Government of Pakistan, and with authorisation to take him, dead or alive. I am sure that many people would have been interested to hear what he might have said at his trial, had there ever been one. Perhaps some of his disclosures would have been as embarrassing and as thought provoking as the Wikileaks disclosures. International laws should be exercised and applied in an even-handed way, and what's sauce for one goose should also be sauce for another. Or am I mistaken?

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M on 06 September 2012, **Tom** wrote

I suggest that the heading 'Feedback' be changed to 'Other Viewpoints', in the interests of democracy and on the basis of the premise that a long academic career does not necessarily equip a person to speak with unquestioned authority beyond the narrow remit of his or her discipline.

on 06 September 2012, **Mark** wrote

If Mr Assange goes to Sweden to answer accusations of sexual assault and/or rape, it will be impossible for either side to establish whether or not he is guilty of the alleged crimes, unless either or both women had tape recorders hidden in their bedrooms or unless - which seems unlikely - he is submitted to some form of torture to extract a confession, which would in any case be unreliable. However, a Swedish court might find him guilty on the basis of two people's word against one, and as a consequence of a successful endeavour on the part of the prosecution to portray him as a narcissistic egomaniac - an 'accusation' which most parts of the British media have made fairly consistently, even when Mr Assange was nominated 'Man of the Year' by "Le Monde" about two years' ago. If or when Mr Assange were found guilty of sexual assault and/or rape by a Swedish court, it would be much easier for the US to demand his extradition - perhaps assuring that he would not face the death penalty but not assuring that he would not face a very long period in somewhere like Guantanamo. Such an outcome might be a fate worse than death for him, but public opinion would be so against him as a 'proven' violator of women that his safe passage to the US would go very smoothly. This would be his punishment for doing nothing more than what good journalists with a moral conscience do as part of their profession. His extradition to the US, if it happened, would also set a very dangerous precedent. What might then be the fate of British journalists who were happy to publish his leaked material, or possibly even journalists like Robert Fisk who have exposed the extent of citizen deaths in Iraq in a way that journalists in the US have not? If Mr Assange were extradited, others might follow....or if not, they would certainly be very cautious about what they publish in the future. I fear that Professor Cryer is being rather naive if he believes that the interpretation of international law by members of the legal profession is totally divorced from any political or diplomatic considerations. In any case, however precisely a law is worded, its language can always be manipulated by those who are 'skilled in the art of proving that black is white, and white is black, according as they are paid' (Jonathan Swift). Have we all forgotten the famous words of Mr Clinton, 'I did not have sex with that woman', when what he meant is, 'I did not have genital sex with that woman'? I look forward to reading Professor Cryer's analysis of why General Pinochet was not extradited from Britain, which I assume must have been in contravention of international law.

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&commentUsername=Mark&commentPageURL=/research/impact/perspective/assange.aspx)**

on 30 August 2012, **Matthew (Ironic)** wrote

Fantastic explanation on the topic. Interesting why he chose Ecuador though, as a previous comment stated. I know that South America have traditionally resented the West's strong influence both at home and abroad, but why not choose the Argentinian high commission for example...? Imagine the diplomatic and most importantly social mess that would have caused for civilians in both countries.

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&commentUsername=Matthew&commentPageURL=/research/impact/perspective/assange.aspx)**

on 28 August 2012, **Aqib Khan** wrote

(sources are provided in brackets)

The basic problem is Assange's fear is of being extradited to the United States, for reasons I shall return to shortly. The confrontation can easily be solved: have Sweden interrogate Assange in London and present any findings to the Ecuadorian and British authorities. Rafael Correa has gone on record stating that if proven no Ecuadorian embassy would harbour a convicted criminal (<http://www.youtube.com/watch?v=P0xLyKaNvP4>), (<http://www.youtube.com/watch?v=P0xLyKaNvP4>.) Sweden has however refused this option out of hand. (http://articles.timesofindia.indiatimes.com/2012-08-23/interviews/33341601_1_ecuadoran-embassy-julian-assange-ecuadorian-embassy) (http://articles.timesofindia.indiatimes.com/2012-08-23/interviews/33341601_1_ecuadoran-embassy-julian-assange-ecuadorian-embassy) Nor has it given any guarantees of not transporting Assange to the United States. Rather Swedish authorities have a history of transporting men, seeking diplomatic asylum in Sweden may I add, to Egypt on US orders to be tortured. (http://www.cbsnews.com/2100-18560_162-678155.html) (http://www.cbsnews.com/2100-18560_162-678155.html) Without guarantees from Sweden that Assange would not be sent onto the United States, how can Assange even contemplate returning to Sweden, whilst witnessing the treatment of his associate Bradley Manning?

Bradley Manning is Assange's associate that revealed such war crimes as civilians in Iraq being gunned down (source <http://www.youtube.com/watch?v=13qWADMfQnQ&feature=fvwrel>). (<http://www.youtube.com/watch?v=13qWADMfQnQ&feature=fvwrel>.) If Manning did what he is convicted of, he deserves the Presidential Medal of Freedom for an act of "an especially meritorious contribution to the security or national interests of the United States, world peace, cultural or other significant public or private endeavours". However, according to his lawyers Bradley Manning has been forced to sleep naked in his cell subject to "isolation, harassment, sleep-deprivation" (<http://www.guardian.co.uk/commentisfree/cifamerica/2011/mar/11/bradley-manning-wikileaks>) (<http://www.guardian.co.uk/commentisfree/cifamerica/2011/mar/11/bradley-manning-wikileaks>.) the conditions are so perilous, almost 300 American Legal scholars have condemned his treatment as "degrading and inhumane conditions" are illegal, unconstitutional and could even amount to torture." (<http://www.guardian.co.uk/world/2011/apr/10/bradley-manning-legal-scholars-letter>) (<http://www.guardian.co.uk/world/2011/apr/10/bradley-manning-legal-scholars-letter>)

What further makes the possibility of going to Sweden impossible, with its shady history of kowtowing to immoral and illegal American demands, is the propaganda campaign launched against him.

Swedish Senior Advisor at Stockholm University Ferrada-Noli comments:

"I have seen most articles written in the period when I was studying this phenomenon, negative towards Assange – and not only negative in connection with the [sexual assault] allegations, but also negative ad hominem, describing his personality in unjustified and offensive terms."

He goes on to say:

"In the US, the preparations for the trial [over Assange] are seeking a connection between WikiLeaks and Bradley Manning, trying to make Assange accountable. For that they need time, they need to prepare this material. For that, of course, it's highly convenient to keep him under arrest."

(<http://rt.com/news/us-assange-sweden-wikileaks-617/>) (<http://rt.com/news/us-assange-sweden-wikileaks-617/>)

Daniel Elsberg, a former US military analyst who in 1971 leaked the Pentagon Papers, which revealed how the US public had been misled about the Vietnam war, who was also harassed by the United States government agrees on the true purpose of torturing Bradley Manning:

Prolonged isolation, sleep deprivation, nudity – that's right out of the manual of the CIA for "enhanced interrogation" We've seen it applied in Guantánamo and Abu Ghraib. It's what the CIA calls "no-touch torture", and its purpose there, as in this case, is very clear: to demoralise someone to the point of offering a desired confession. That's what they are after, I suspect, with Manning. They don't care if the confession is true or false, so long as it implicates WikiLeaks in a way that will help them prosecute Julian Assange.

(<http://www.guardian.co.uk/commentisfree/cifamerica/2010/oct/25/pentagon-papers-iraq-war-logs-wikileaks>
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The United States also has a shameful history of harassing whistle blowers (http://en.wikipedia.org/wiki/White_House_Plumbers) (http://en.wikipedia.org/wiki/White_House_Plumbers) ranging from smear campaigns as in the case of Daniel Ellsberg to murdering civil rights leaders (<http://en.wikipedia.org/wiki/COINTELPRO> (<http://en.wikipedia.org/wiki/COINTELPRO>)). "FBI Director J. Edgar Hoover issued directives governing COINTELPRO, ordering FBI agents to "expose, disrupt, misdirect, discredit, or otherwise neutralize" the activities of these movements and their leaders." <http://whatreallyhappened.com/RANCHO/POLITICS/COINTELPRO/COINTELPRO-FBI.docs.html> (<http://whatreallyhappened.com/RANCHO/POLITICS/COINTELPRO/COINTELPRO-FBI.docs.html>)

Finally, the last reason for his fear of heading to the United States, is the sheer volume of politicians and political commentators who have openly called for his execution. This is the shortened list, the full list can be found by following the link provided.

- Former US Vice Presidential Candidate Sarah Palin
- Former advisor to Canadian Prime Minister Stephen Harper
- Jeffrey Kuhner Washington Times columnist
- Ralph Peters U.S. Army Lieutenant Colonel
- William Kristol Editor of the Weekly Standard
- G. Gordon Liddy Former White House Adviser
- Paul Craig Roberts former advisor to Ronald Reagan, who even took the time to detail how he could be assassinated

(source: http://www.peopleokwithmurderingassange.com/the_list.html (http://www.peopleokwithmurderingassange.com/the_list.html) links and sources to each statement are provided)

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VI on 28 August 2012, **Fred Jan** wrote

Never seen so much diplomatic fuss about an Australian having sex without preservatives in Sweden. I wish the UK and the Americans would do the same with their own citizens. How about starting with Hillary Clinton?

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?M on 24 August 2012, **Iain Snelling** wrote

Thanks very much - an excellent explanation of this issue. I wondered why he chose the Ecuador embassy - presumably there was some negotiation first to see if they would be prepared to 'help'. Or did he just walk in?

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