



Written by [Joe Wolverton, II, J.D.](#) on August 17, 2012

Ecuador Grants Asylum to WikiLeaks' Assange; U.K. Denies Diplomatic Immunity

Ecuador granted asylum to WikiLeaks chief Julian Assange (pictured) on Thursday, in defiance of the British government's threat to occupy the country's embassy.



Prior to the Thursday's announcement [London's finest surrounded the Ecuadorian embassy throughout the day](#). Hundreds of metropolitan police waited on orders to seize control of the embassy as the announcement of Ecuador's decision on Julian Assange's asylum petition approached. Earlier the British government threatened to enter the embassy and apprehend Assange should Ecuador approve his request for political asylum.

Twenty-plus pro-Assange protesters gathered at the corner outside of the embassy, holding homemade signs and shouting support for the founder and editor of WikiLeaks. Supporters from around the world used the Internet to order coffee and have it delivered to them.

Ecuador's foreign minister Ricardo Patino [denounced the threatened revocation](#) of diplomatic status, reminding the UK that Ecuador was no longer a British colony. "We want to be very clear, we're not a British colony. The colonial times are over," Patino said after a meeting with Ecuadorian President Rafael Correa.

For its part, the British government dismissed Ecuador's act to protect Assange, insisting that he remains a fugitive from justice.

"The United Kingdom does not recognize the principle of diplomatic asylum," [said British foreign secretary William Hague](#). Hague cited the Diplomatic and Consular Premises Act 1987, maintaining that Britain may legally revoke the Ecuador embassy's diplomatic status. Hague further declared that Britain will not grant Assange safe passage out of the embassy and that the siege could go on indefinitely.

[Australian media reports](#) that Assange will appeal to the International Court of Justice should the U.K. block his safe passage to Ecuador.

The likelihood of an extended impasse was affirmed by former British diplomat Paul Whiteway in [an interview he conducted with CNN](#). "The fact Ecuador has granted political asylum to Assange doesn't actually make any real difference. Clearly he is not in Ecuador, he is in the Ecuadorian embassy in London, and for the time being he is able to remain there without being arrested. But he can't get to Ecuador without leaving the embassy without being arrested, so in a sense, it's a standoff," Whiteway said.

Undaunted, Assange sent a message to supporters after Ecuador's favorable decision. "It was not



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Britain or my home country, Australia, that stood up to protect me from persecution, but a courageous, independent Latin American nation," [Assange tweeted](#) from the WikiLeaks account.

Assange [is scheduled to make a statement Sunday](#) from the Ecuadorian embassy.

The WikiLeaks editor sought refuge at the embassy in June, after the [Supreme Court of the United Kingdom denied his application](#) to reconsider his appeal of an earlier decision by that court.

The case brought before the Supreme Court of the U.K. concerned whether a [European Arrest Warrant](#) (EAW) issued by Sweden for Julian Assange was valid. In its ruling of May 30, the seven-member panel of judges held that the EAW was valid and as a result Assange now will be extradited to Sweden to face allegations of sexual assault.

The events that led to Assange's arrest (without charge or due process) are well-known.

In late July 2010, WikiLeaks released the so-called Afghan War Diary. These documents are a collection of internal U.S. military logs of the war in Afghanistan that appear to confirm Pakistani aid to the Taliban and al-Qaeda, as well as the disclosure of the numerous civilian casualties of the military action of the United States.

In the days following the Afghan War Diary release, Julian Assange traveled to Sweden hoping to establish residency and to move the headquarters of WikiLeaks there in order to take advantage of that country's liberal whistleblower laws.

Assange admits that while in Sweden he had consensual sex with two women in August 2010.

In sworn statements, both of these women corroborated Assange's story, telling police in Sweden that their relations with Assange were consensual and nonviolent. In fact, discovery procedures revealed the existence of exculpatory evidence (chiefly text messages sent by the women to friends) that demonstrate that neither considered their encounter with Assange as anything other than consensual.

The next day, after reviewing the file, Stockholm's Chief Prosecutor Eva Finne dismissed the rape allegation. "I consider there are no grounds for suspecting he has committed rape," said Finne.

At this point, authorities began an inquiry into the possibility of charging Assange with the lesser crime of harassment.

On August 30, 2010, Julian Assange went to the police and offered to be questioned regarding the allegations of rape that were now being reprinted on many websites.

Later, Swedish Social Democrat politician Claus Borgstrum appealed the Chief Prosecutor's decision to throw out the rape charges to another prosecutor, Marianne Ny. On September 1, 2010, Ny granted the appeal reopening the rape investigation against Assange.

Dutifully, Assange stayed in Sweden for five weeks in order to answer the serious charges being contemplated against him. Assange made many attempts to arrange an interview with the prosecutor, but all offers were rejected and Assange was granted permission to leave Sweden to attend a previously arranged business meeting.

The rest of the story is succinctly recited in an article published by [Business Insider](#):

On September 27 Ny ordered that Assange be arrested. Assange's lawyers were informed on September 30, and by that time he had left Sweden. Ny stated that Assange "was 'not a wanted man' and would be able to attend an interview 'discreetly'" despite the warrant for his



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arrest, according to the Agreed Statement of Facts.

In October and November Assange's lawyers offered a telephone or video-link interview (because telephone or video interviews with suspects abroad are lawful in Sweden and qualify for the purposes of a preliminary investigation), but the options were denied as Ny insisted that Assange be interviewed in person.

After the U.K.'s Serious Organised Crime Agency (SOCA) denied the first EAW because it "failed to specify the punishability in respect of each offence," Ny submitted a replacement EAW on December 2. It was certified by SOCA on December 6; Assange was arrested on December 7 and remained under house arrest during the appeal process.

From a simple analysis of the Agreed Statement of Facts and Issues — without discussing the Swedish gender politics involved or how the media have treated Assange — it appears that Assange's argument that the EAW is invalid should have persuaded the British judges that Marianne Ny was more of an "enthusiastic prosecutor than an impartial 'judicial authority.'"

Although Ecuador has extended its diplomatic cover to him, Assange fears that if he is forced to return to Sweden, that country might then extradite him to the United States where he could face serious charges of espionage or conspiracy regarding WikiLeaks' disclosure of the Afghan War Diary and other documents revealing the U.S. government's purposeful deception in its prosecution of illegal wars in Iraq and Afghanistan.

A [WikiLeaks disclosure made in February of e-mails from the Austin, Texas-based security firm Stratfor](#) appears to confirm that a U.S. grand jury secretly indicted Assange around January 26, 2011.

The U.S. State Department denies that the United States plans to prosecute Assange. "This is an issue between the Ecuadoreans, the Brits, the Swedes," [Reuters quotes State Department spokeswoman Victoria Nuland](#) saying. "With regard to the charge that the U.S. was intent on persecuting him, I reject that completely," she added.

Photo of Julian Assange: AP Images



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