

In UK threat to Ecuador, experts see mistake

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Ecuador's Foreign Minister Ricardo Patino, second from left, gestures after giving a news conference where he announced that Ecuador would grant asylum to WikiLeaks' founder Julian Assange, in Quito, Ecuador, Thursday, Aug. 16, 2012. The announcement comes two months after Assange took refuge in its London embassy to avoid extradition to Sweden to face questioning for alleged sexual misconduct. (AP Photo/Dolores Ochoa)

(AP) — It was a warning meant to remind Ecuador that Britain's patience has limits. But as the stalemate over Julian Assange settled in Friday, it appeared London's veiled threat that it could storm Ecuador's embassy and drag Assange out has backfired — drawing supporters to the mission where the WikiLeaks founder is holed up and prompting angry denunciations from Ecuador and elsewhere.

Experts and ex-diplomats say Britain's Foreign Office, which warned Ecuador of a little known law that would allow it to side-step usual diplomatic protocols, messed up by issuing a threat it couldn't back up.

"It was a big mistake," said former British ambassador Oliver Miles. "It puts the British government in the position of asking for something illegitimate."

Britain's warning was carried in a set of notes delivered to Ecuadorean diplomats Wednesday as they tried to negotiate an agreement over Assange, who has spent nearly two months holed up at the Latin American nation's London mission in a bid to avoid extradition to Sweden, where he's wanted over allegations of sexual assault.

The notes, published by Britain on Thursday, said ominously that keeping Assange at the embassy was incompatible with international law. They added: "You should be aware that there is a legal basis in the U.K. — the Diplomatic and Consular Premises Act — which would allow us to take action to arrest Mr. Assange in the current premises of the embassy."

Britain passed the law in 1987, after a deadly shooting in 1984 in which a Libyan diplomat opened fire on demonstrators from within his country's London embassy, killing a British police officer.

The Ecuadoreans were outraged by the notes, accusing Britain of threatening to assault their embassy and calling a crisis meeting of the Union of South American Nations. The ripples from the controversy continued to spread Friday, with Russia's Ministry of Foreign Affairs saying in a brief message posted to Twitter that the issue raised questions about diplomatic protections.

Britain's Foreign Office insists its missive was "not a threat," something that Miles dismissed with a laugh.

"If I tell you, 'I'm not threatening you but I DO have a very large stick here,' it's a question of semantics," he said.

Assange, who has been holed up inside Ecuador's small embassy since June 19, claims the Swedish case is merely the opening gambit in a Washington-orchestrated plot to make him stand trial in the United States — something disputed by both Swedish authorities and the women involved.

In a radio interview Friday, Ecuador's president Rafael Correa said he feared that Assange could face a possible death penalty if he was prosecuted and convicted in the United States.

"I am not in agreement with everything that Julian Assange has done but does that mean he deserves the death penalty, life in prison, to be extradited to a third country. Please! Where is the proportionality between the crime and the punishment? Where is due process?" Correa said.

Correa insisted that his nation was not seeking to undermine Sweden's attempts to question Assange over allegations made by two women who accuse him of sexual misconduct during a visit to the country in mid-2010.

"The main reason why Julian Assange was given diplomatic asylum was because his extradition to a third country was not guaranteed, in no way was it done to interrupt the investigations of Swedish justice over an alleged crime. In no way," Correa said.

Former Spanish judge Baltasar Garzon, who is representing Assange pro bono, would not disclose his legal team's next steps now that Britain has refused safe passage.

"It's something we have to study and evaluate, that in the coming days or weeks we will have to decide," he told The Associated Press by phone in Colombia.

He said it would be up to Ecuador, as a sovereign state, to decide whether to appeal to the International Court of Justice in the Hague in order to compel Britain to grant Assange safe passage out of the country.

With negotiations continuing between Britain, Sweden and Ecuador, diplomats and legal experts said that the U.K. should never have raised its legal threat to barge into Ecuador's embassy to detain Assange.

Some lawyers have pointed out that the act itself notes that an embassy's diplomatic status can only be revoked if the move is "permissible under international law" — a high hurdle to jump given the age-old deference given to foreign embassy buildings.

Rebecca Niblock, an extradition lawyer, said it was tough to see how Britain could follow through on the threat to nab Assange from inside the embassy, while staying true to what she called "a fundamental premise of international law."

Extradition expert Julian Knowles was a dissenting voice, saying that he believed the Brits could, and would, be able to revoke Ecuadorean embassy's diplomatic status if Assange persisted in what Knowles described as "abuse of the rule of law."

Knowles, who has been critical of Assange, said British officials could arrest the Australian once the diplomatic and media ferment faded.

"I think they'll take the view that within a few days or weeks it will all blow over," he said.

But most observers backed the sentiment expressed by Britain's former ambassador to Russia, Tony Brenton, who told BBC radio that the Foreign Office had "slightly overreached themselves here."

"I fear the government roared rather like a mouse in this case, and would be best not to have made that threat," lawyer Alex Carlile told Sky News.

Britain's government seems to have toned down its rhetoric. Speaking to reporters Thursday, British Foreign Secretary William Hague insisted that Britain would act within the law.

"We are committed to working with them amicably to resolve the matter," he said. "There is no threat here to storm an embassy."

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