



Republic of Ecuador



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Ministry statement Foreign Affairs, Trade and Integration



Declaration of the Government of the Republic of Ecuador application of Julian Assange

On 19 June 2012, the Australian national citizen Julian Assange, appeared in the local Embassy (diplomatic protection of the Ecuadorian State to benefit from the existing rules on Diplomatic Asylum request on the fear that it causes the eventual political persecution that could result in a third country, Kingdom of Sweden for turn further extradition to that country.

The Government of Ecuador, true to the asylum procedure, and attach the utmost seriousness evaluated all aspects involved in it, particularly the arguments presented by Mr. Assange to support that this person perceives as a threat to life, personal safety and freedom.

It is important to note that Mr. Assange has made the decision to apply for asylum and protection in which he says, have been made by alleged "espionage and treason", which exposes the citizen *who is handed over to the authorities of the United States of America by the British, Swedish and Australian Assange, who chases him through the declassification of information embarrassing to the U.S. government* being persecuted in various countries, which derives not only from their ideas and their actions, but that engages the powerful, to publish the truth and, with Thus, exposing corruption and severe human rights in the world. "

Therefore, for the applicant, the imputation of political offenses is the foundation of his asylum claim with a situation involving imminent danger to him he can not resist. In order to explain the fear of persecution, and that this possibility end up becoming a situation of prejudice and violation of their safety, and freedom, the Government of Ecuador considered it following:

1. Julian Assange is an award-winning communications professional internationally for his fight for freedom and human rights in general;
2. That Mr. Assange shared with the global public documentary privileged information was greatly affected officials, countries and organizations;
3. That there are serious indications of retaliation by the country or countries that produced Assange, retaliation could jeopardize their safety, integrity, and even his life;
4. That, despite the diplomatic initiatives taken by Ecuador, countries which have required his security and life of Mr. Assange, have refused to facilitate them;
5. That, it is certain that the Ecuadorian authorities feasible Mr. Assange extradition to a third country with adequate guarantees for their safety and personal integrity;
6. That legal evidence clearly shows that, given an extradition to the United States of America, Mr. Assange could be tried by special courts or military, and it is not implausible that he is applied to be condemned to life imprisonment or the death penalty, which would not respect their human rights.

7. That while Mr. Assange must answer for open research in Sweden, Ecuador is aware that the contradictory attitude that prevented Mr. Assange the full exercise of the legitimate right of defense.
8. Ecuador is convinced that they have undermined the procedural rights of Mr. Assange during his stay in the country.
9. Ecuador has found that Mr. Assange is without protection and assistance they should receive as a citizen;
10. That, following several public statements and diplomatic communications made by official representatives of the United States of America, it is inferred that these governments would not respect international law and that their domestic laws would prioritize secondary hierarchy, rules breach express universal application.
11. That, if Mr. Assange is reduced to custody in Sweden (as is customary in this country), it would prevent further protective measures taken to avoid possible extradition to a third country.

Thus, the Government of Ecuador considers that these arguments lend support to Julian Assange's fear of political persecution because of his defense decided in favor of freedom of expression and freedom of movement. In this position to abuse that power tends to run in certain countries, aspects that suggest that Mr. Assange's situation is likely to endanger their lives, safety or integrity of personnel. This fear has been warned to Ecuador and receive asylum in the Embassy of Ecuador in the UK.

Article 41 of the Constitution of the Republic of Ecuador clearly defines the right of asylum. Under this article is recognized the rights of asylum and refugee status in accordance with the law and international human rights law. This constitutional provision:

"People who are in situations of asylum and refugee shall enjoy special protection to ensure the full respect and ensure the principle of non-refoulement, as well as legal and humanitarian emergency measures."

Similarly, the right to asylum is recognized in Article 4.7 of the Foreign Service Act of 2006, which defines the functions of the Ministry of Foreign Affairs, Trade and Integration of Ecuador to hear cases of diplomatic asylum, according to international practice.

It should be emphasized that our country has been highlighted in recent years by hosting a large number of asylum seekers and refugees, having unreservedly respected the principle of non-discrimination and provided refugee status in an expeditious manner, taking into account the circumstances of applicants, particularly those who are victims of armed conflict in their country. The UN High Commissioner for Refugees has praised Ecuador's respect for the significant fact that the country has not been confined to camps for these people, but have been integrated into society, respecting their human rights and guarantees.

The Ecuador places the right of asylum in the universal catalog of human rights and believes that the implementation of this right requires international cooperation that may lend our countries, without which would be fruitless, and the institution would be completely ineffective. For these reasons, and recalling that Ecuador has undertaken to assist in the protection and promotion of human rights, as provided by the Charter of the Organization of American States, the Government invited to provide their quota to achieve this purpose.

To this effect, Ecuador has been shown that, in the course of analysis of legal institutions related to asylum, it concurs with fundamental principles of general international law, the same as for its importance and because it is in line with the general interest of the entire international community, and have the full force of law. These principles, which are referred to in various international instruments, are as follows:

- a) The asylum, in all its forms, is a fundamental human right which creates obligations *erga omnes* states.
- b) The diplomatic asylum, shelter (or territorial asylum), and the right not to be extradited, transferred, human rights are comparable, since they are based on the same principles of human rights and no discrimination without any adverse distinction based on race, color, sex, language, religion, political opinion, national or social origin, property, birth or other status, or any other similar criteria.
- c) All these forms of protection are governed by the principles *pro person* (ie, more favorable to the individual), universality, indivisibility, interrelatedness and interdependence.
- d) The protection occurs when the state of asylum, refugee or required, or the protecting power has a well-founded fear that the protected person may be a victim of political persecution or political offenses against humanity.
- e) The State granting asylum seekers qualify causes, and in case of extradition, assess evidence of persecution.
- f) No matter which of its forms or forms are present, the seeker is always the same cause and the protection is granted to avoid political persecution, which causes it lawful, and safeguard the life, personal safety and free movement, which is the lawful purpose.
- g) The right to asylum is a fundamental human right, therefore, belongs to *jus cogens*, ie the norms of law recognized by the international community as a whole, do not support a contrary agreement and provisions of international law they oppose.
- h) In cases not covered by the law in force, the human person remains under the protection of international law derived from established custom and from the principles of humanity and from the dictates of public conscience.

international law derived from established custom, from the principles of humanity and from conscience.

- i) Lack of international agreement or domestic legislation of States can not legitimately claim right to asylum.
- j) The rules and principles governing the rights to asylum, extradition no, no delivery, no expul converging, as far as is necessary to improve the protection and provide it with maximum eff are complementary international law of human rights, the right to asylum and refugee law, and
- k) The rights of protection of the human person are based on ethical principles and values therefore have a humanistic, social, solidarity, welfare, peaceful and humanitarian.
- l) All States have the duty to promote the progressive development of international law effective national and international action.

Ecuador considers that the law applicable to the case of Mr. Julian Assange asylum comprises the mechanisms and procedures under international human rights instruments (whether regional or universal) provisions the right to seek, receive and enjoy asylum for political reasons, the conventions governing extradition law, and recognizing the right not to be delivered, returned, or expelled when founded fear of governing extradition law and recognize the right not to be extradited when this measure conflicts with conventions governing humanitarian law, and to recognize the right to be transferred when there are these forms of asylum and international protection are justified by the need to protect this person from or a possible accusation of political crimes and / or crimes related to the latter, which, in the opinion of Mr. Assange, but also pose a serious injustice committed against him.

Undeniably States, having contracted in so numerous and substantive international instruments an obligation to provide protection or asylum to persons persecuted for political reasons, have expressed their legal institution protection human rights and fundamental freedoms, based on a general practice according to such obligations as mandatory, *erga omnes*, to be linked to the respect, protection and progress and fundamental freedoms, are part of *jus cogens*. Some of these instruments are mentioned below:

- a) Charter of the United Nations**, 1945, Purposes and Principles of the United Nations: the States agree to cooperate in the promotion and protection of human rights;
- b) Universal Declaration of Human Rights** of 1948: right to seek and enjoy asylum in any country for reasons (Article 14);
- c) Declaration of the Rights and Duties of Man**, 1948: right to seek and enjoy asylum for political reasons (Article 27);
- d) Geneva Convention** of 12 August 1949 on the Protection of Civilian Persons in Time of War transferred to the protected person to a country where they fear persecution because of their political opinions (Article 45);
- e) Convention relating to the Status of Refugees** of 1951 and the New York Protocol of 1967: the right to expelling refugees to countries where their lives and freedom would be threatened (Art. 33.1);
- f) Convention on Diplomatic Asylum**, 1954: the state has the right to grant asylum and political offense or the motives of the persecution (Article 4);
- g) Convention on Territorial Asylum** of 1954: the state has the right to admit to its territory persons who are persecuted for their beliefs, opinions or political affiliations (Article 1), when they are persecuted for their beliefs, opinions or political affiliations considered political crimes (Article 2), the State granting asylum can not return or expel the person for political reasons or offenses (Article 3), also, extradition is not appropriate when dealing with the requested State, be prosecuted for political crimes, or for offenses committed for political reasons if extradition is requested obeying political motives (Article 4);
- h) European Convention on Extradition** of 1957 prohibits extradition if the requested Party has a political offense is of a political nature (Article 3.1);
- i) 2312 Declaration on Territorial Asylum** of 1967 provides for the granting of asylum to persons persecuted under Article 14 of the Universal Declaration of Human Rights, including persons struggling against political oppression (Article 1.1). It prohibits the refusal of admission, expulsion and return to any State where he may be persecuted (Article 3.1);
- j) Vienna Convention on the Law of Treaties** of 1969 provides that the rules and principles of international law imperatives no derogation is permitted, the treaty is void upon its conclusion conflicts with a peremptory norm of international law (Article 53), and if a new peremptory norm of this character, any existing treaty which is in conflict with it and is terminated (Article 64). Regarding the application of these articles, the Convention provides that the International Court of Justice, without requiring the agreement of the requested State, has the court's jurisdiction (Article 66.b). Human rights are norms of *jus cogens*.
- k) American Convention on Human Rights**, 1969: right to seek and enjoy asylum for political reasons (Article 17.1);

l) European Convention on the Suppression of Terrorism of 1977: the requested State extradition if there is a danger that the person is prosecuted or punished for their political view

m) Inter-American Convention on Extradition of 1981: extradition is not appropriate when or convicted, or is to be tried in a court of special jurisdiction in the requesting State (Article 4. rating of the requested State, be it political crimes or related crimes or common crimes p purpose, when the circumstances of the case, it may be inferred that persecution for ree nationality, or that the situation of the person sought may be prejudiced for any of these reas states, in reference to the right of asylum, that "nothing in this Convention shall be constru asylum when its appropriate."

n) African Charter on Human and Peoples 1981: pursued individual's right to seek an countries (Article 12.3);

o) Cartagena Declaration of 1984 recognizes the right to shelter, to not be rejected at the bo

p) Charter of Fundamental Rights of the European Union 2000: establishes the right o protection. Every citizen of the Union shall, in the territory of a third country that is not re State of nationality, to the protection of the diplomatic and consular authorities of any Meml conditions as nationals of that State (Article 46).

The Government of Ecuador considers important to note that the rules and principles enshrined in th and other multilateral agreements take precedence over domestic law of States, because these legislation universalizing intangible principles of which derives greater respect, protection and fu unilateral attitudes of such States. This would compromise international law, which should rather be fundamental rights is consolidated based on their integration and ecumenical.

Moreover, since Julian Assange sought political asylum in Ecuador, have remained high-level diplo and USA.

In the course of these conversations, our country has appealed to the UK get stricter guarar unobstructed, open legal process in Sweden. These guarantees include that once aired their legal ri be extradited to a third country, that is, the assurance that the figure does not apply specialty. Ur exchanges of texts, the UK at no time showed signs of wanting political compromises, simply repeatir

Julian Assange's lawyers asked the Swedish justice take Julian Assange's statements on the premis London. The Ecuador officially moved to the Swedish authorities willing to provide this interview with or obstruct the legal process followed in Sweden. This measure is perfect and legally possible. Swede

On the other hand, Ecuador auscultated the possibility that the Swedish government guarantees est in sequence to the United States. Again, the Swedish government rejected any compromise in this re

Finally, Ecuador wrote to the U.S. government to officially unveil its position on the Assange case. Inq

1. If there is an ongoing legal process or intend to carry out such a process against Julian Assar the organization;
2. Should the above be true, what kind of law, under what conditions and under what maximum persons;
3. If there is an intention to request the extradition of Julian Assange to the United States.

The U.S. response has been that it can not provide information about the Assange case, saying it is and the United Kingdom.

With this background, the Government of Ecuador, true to its tradition of protecting those who see premises of diplomatic missions, has decided to grant diplomatic asylum to citizen Julian Assange, b; to the President of the Republic, by written notice, dated in London on June 19, 2012, and supplemer London on June 25, 2012, for which the Government of Ecuador, after a fair and objective assessn Mr. Assange, according to their own words and arguments, endorses recurring fears, and assumes may be presumed that there may be political persecution, or could occur such persecution if me necessary to avoid it.

The Government of Ecuador is certain that the British Government will know justice and righte position, and in line with these arguments, is confident that the UK will provide as soon as poss necessary and relevant to the refugee situation, so that their governments can honor their ac international institutions that both nations have helped shape along their common history.

It also hopes to maintain unchanged the excellent ties of friendship and mutual respect that bind to and their people, engaged as they are in the promotion and defense of these principles and values concerns about the democracy, peace, Good Living, which are possible only if they respect the funda

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