

Terms of Asylum and Distraction: Ecuador's President Moreno's "Assange Problem"

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Political asylum is an accepted if often ignored right. It is also at the mercy of those interests that grant it. Ecuador's repeated insistence on conditioning Julian Assange's stay in its London abode is tantamount to corroding the idea of asylum to vacuity. You are granted asylum as a political dissident, but political dissident you shall not be, especially when it comes to exposing the secrets of your landlord.

Assange has ventured to [test](#) the onerous limits on his conduct that have been imposed by embassy protocols, taking the matter to the Inter-American Commission on Human Rights. His argument has been that the strict rules applied to his stay, entailing a monitoring of visits, control of medical bills, communications, expenses and pet care were a violation of "fundamental rights and freedoms". The Commission, as it transpired, did not bite.

The Ecuadorean [response](#) was a crowing one, arguing that the state's treatment of Assange was in accordance with international law, and that their guest's situation "cannot be extended indefinitely and (Ecuador) expects it to be resolved as soon as possible."

Ecuador's Attorney General Íñigo Salvador, [summed it](#) up in smug fashion.

"The decision was based on the fact that the request filed by Assange did not comply with the requirements of gravity, urgency and irreparable harm provided for in Article 25 of the Rules of Procedure of the IACHR."

The peculiar twist to this, however, was that such impositions could be justified as protecting, not impairing, Assange's rights.

"With this decision [by the Commission], the Special Protocol of Visits, Communications and Medical Care remains in force, which guarantees the rights of the asylee."

Assange has been accused of muddying the stables throughout his stay, but the calls have become more strident over the last eighteen months. A year of muzzling and limiting Assange's conduct has become both cruel and comical. President Lenín Moreno seems to be waiting for the moment where a final stroke of agitation will release him from any sense of restraint.

On Tuesday, that moment might have come. Moreno insisted that Assange had been a serial violator of his terms of asylum.

“We should ensure Mr Assange’s life is not at risk but he’s violated the agreement we have with him so many times.”

The Ecuadorean president, in pained tones, claimed that “photos of my bedroom, what I eat and how my wife and daughters and friends dance” had been doing the buzzing rounds on social media. While Moreno did not explicitly accuse Assange of being behind that spray of material, the accusing voice was unmistakable. The Vice President Otto Sonnenholzner [confirmed](#) it, loudly proclaiming that what WikiLeaks had done was “repugnant”. The Minister for Foreign Affairs, José Valencia, focused on Assange’s means of communication, arguing that he had been biting the hand that had fed him.

The office of the President has also made a formal, if risible complaint to Joseph Cannataci, the special rapporteur for the right to privacy based at the UN Human Rights Council, accusing WikiLeaks and other “possible authors” of disseminating private photos and personal information obtained from Moreno’s own computers, tablets and a miscellany of devices. Cannataci’s good offices are being used, in turn, to deal with claims by WikiLeaks that Ecuador is spying on him. The dark face continues.

The entire show of puffed indignation seemed an enormous distraction. Last week, the Ecuadorean National Assembly passed a resolution calling for a corruption probe into Moreno’s affairs regarding the INA Papers. The INA Investment Corp of Panama fame specialises in minimising (dare one say evading?) tax, and it took a publication by digital news platform *La Fuente* on February 19 to suggest a [link](#) between Moreno, his family and the company. From that particular haven, it is alleged, ample funds were used from an offshore account to make an assortment of payments covering gifts, furniture purchases, and an apartment in Spain.

In the words of an [official statement](#),

“With 74 votes, the National Assembly approved a resolution that requires the Inspection Commission to carry out an analysis of the publication dated Feb. 19, 2018, in a digital platform called ‘The Offshore Labyrinth Of The Presidential Circle.’”

A close reading of the resolution hardly suggests that Moreno is going to be in much trouble; the focus, as María José Carrión of Moreno’s own party, Alianza País, has [explained](#), will involve “an analysis of this journalistic publication. It won’t be an investigation, as it’s not possible for the President to be summoned because the law is clear and for that to happen it must be within the framework of a political trial, which is not the case.”

Fidel Narváez, former consul at the Ecuador embassy in London, has a working and plausible hypothesis: the entire spectacle is being engineered to throw the curious and vigilant off the scent, one that is becoming rather piquant. Not a single document connected with the INA Papers matter has ever been personally leaked or published by Assange or WikiLeaks. The Assembly, [he charges](#), has become a place of ludicrous activity in attempting to investigate Assange in the name of protecting “national interests”.

While the increasingly crotchety approach from the Moreno government suggests an imminent decision on his fate, Assange has not been left without some legal ammunition. The Inter-American Court of Human Rights, in a [ruling](#) issued on May 30 last year, made it

clear that Assange should not only be released but granted safe passage to Ecuador as part of the right to asylum. The advisory opinion considered the right to seek and receive asylum in a foreign country pursuant to the American Convention on Human Rights (Article 22(7)) and Article XXVII of the American Declaration on the Rights and Duties of Man.

The protection against *refoulement*, in which a person's life, integrity, security and/or liberty might be at risk, was held to bind States extraterritorially "whenever authorities exercise their authority or effective control over such persons, as may happen in legations, and that, by their own nature, may be in the territory of another State with that State's consent and authorization." But Moreno, and his colleagues are a desperate bunch, and their latest efforts suggest that scapegoating Assange and readying him for the fall might offer some measure of therapeutic relief, however brief.

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