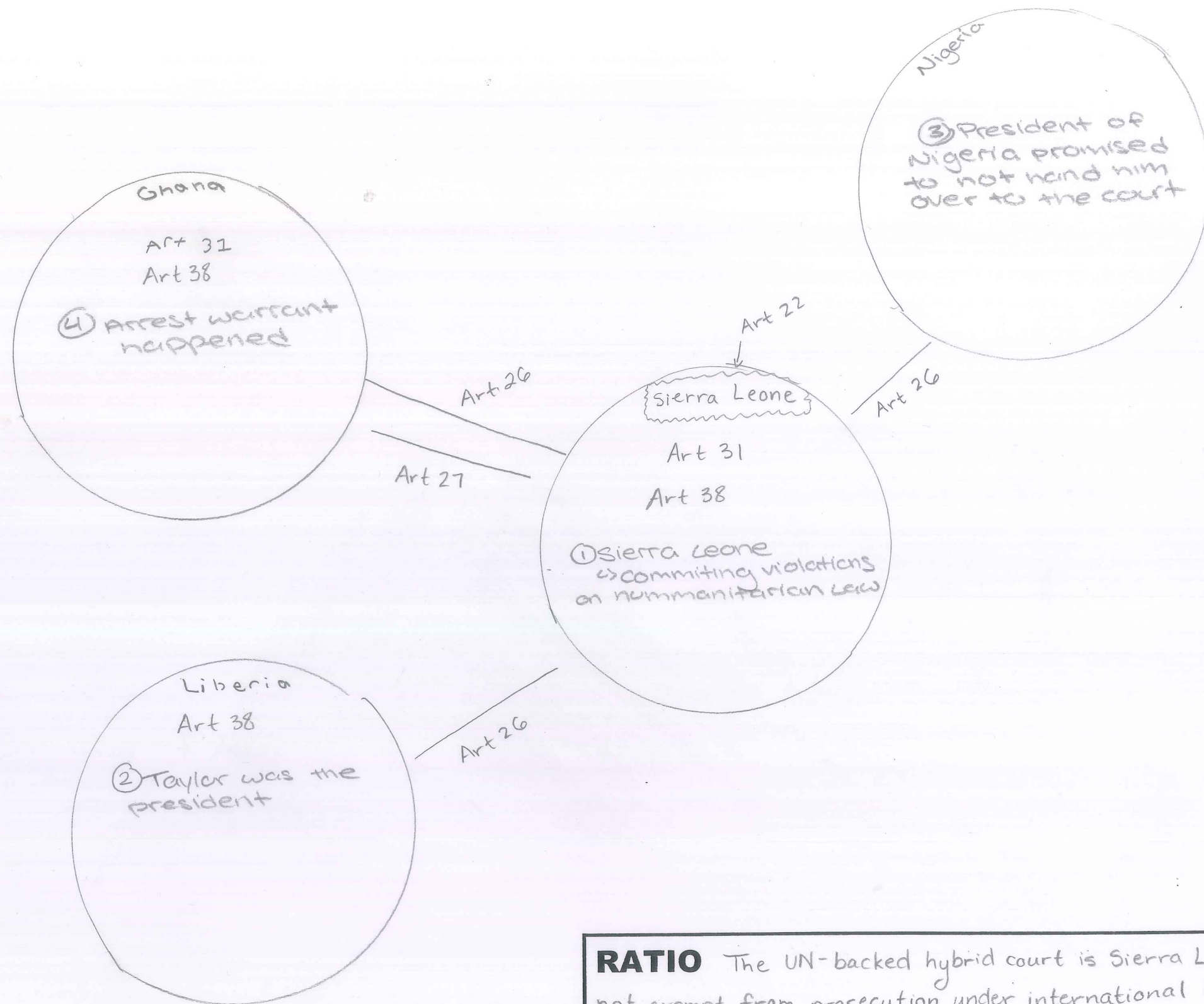


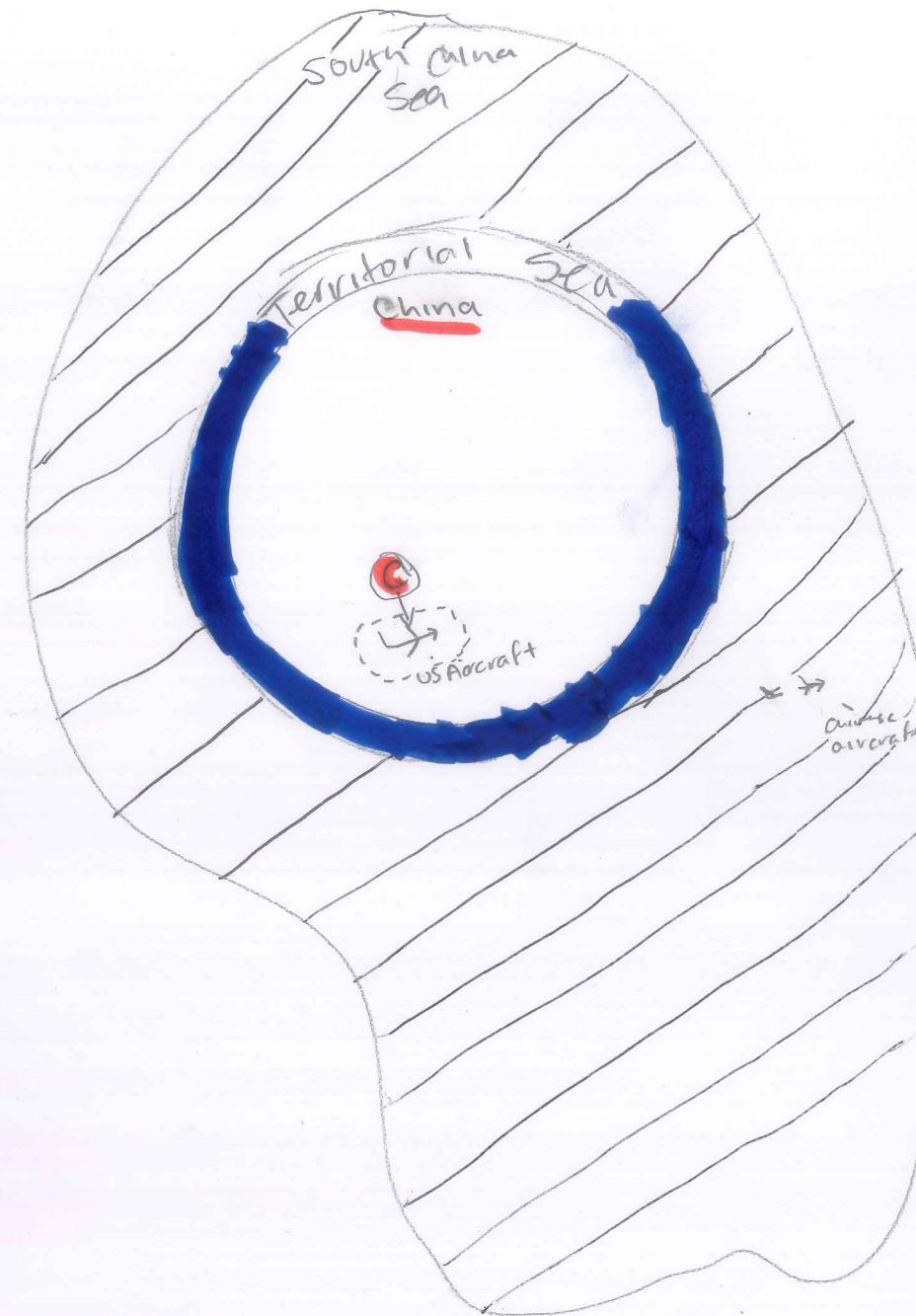
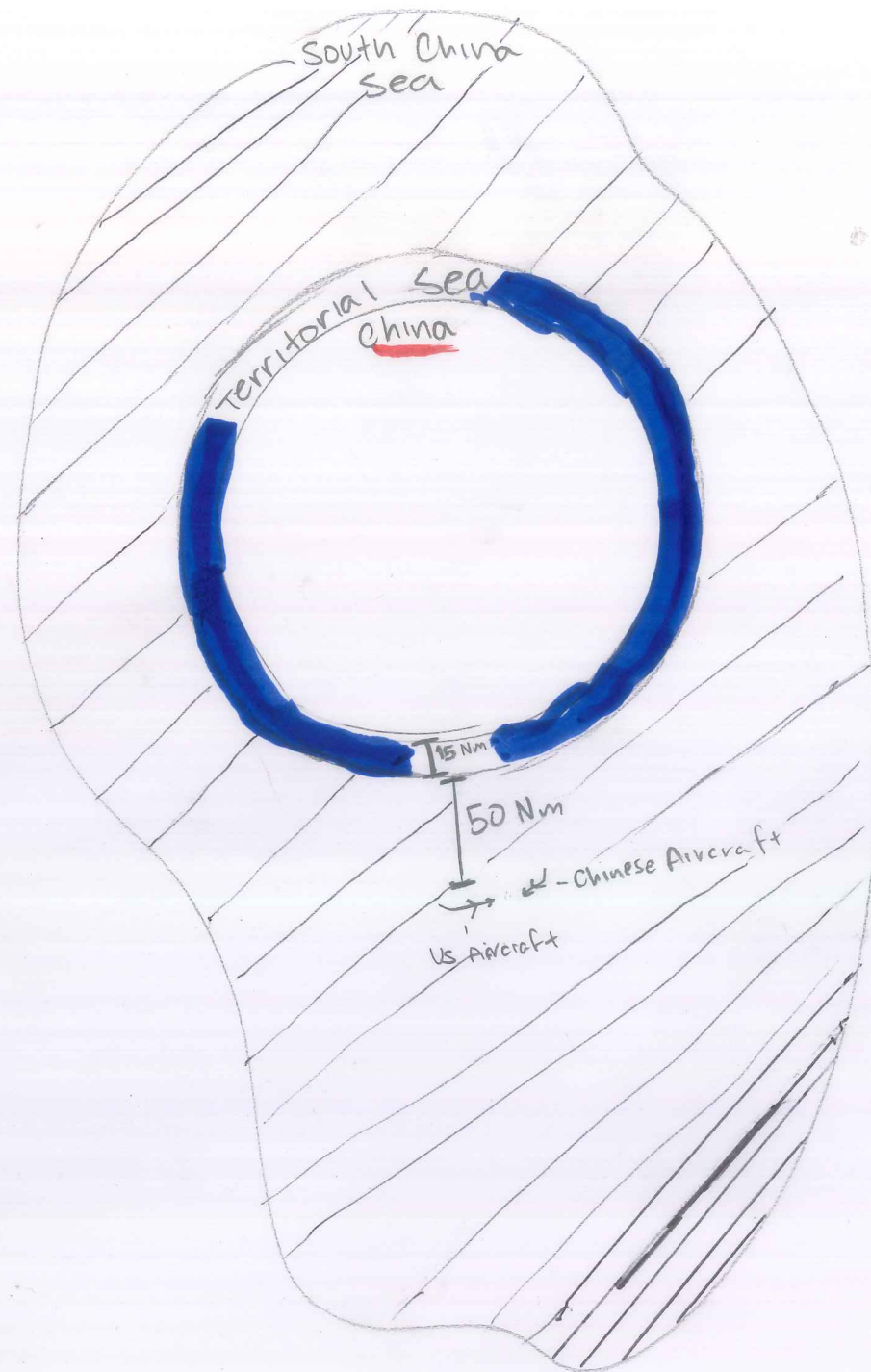
- Convention on the Privilege and immunity of the UN
- Head of State immunity
- ATCA Law suit
- Art. 31-
- Art. 26

RATIO

Head-of-state immunity is the strongest defence against domestic legal action. The actions being accused must be in the service of the government instead of that a political party to compromise international Law.



RATIO The UN-backed hybrid court in Sierra Leone ruled that Heads of states are not exempt from prosecution under international law. International criminal law eclipses the immunity that Heads of state receive.



--- → immunity
 ● → China

C

RATIO

The Schooner exchange, Article 5 and 32 of the U.N convention, and Article 25 of the Chicago Convention outline that a military vessel in distress is allowed to enter another states port, and is granted immunity within that state. Although these laws apply mainly to the issues of warships the same immunity shall be granted to any airship in distress. China's main argument that the United States were operating over territorial waters is negated by the fact that the aircraft was operating outside of China's 12 nautical mile claim. The South China Sea is in fact considered a part of the high seas. The many moral and legal obligations to assist an aircraft/vessel in distress establish that the United States has not violated China's sovereignty in anyway, and China was obligated to help the U.S aircraft in any way possible. In fact, China was the state who violated the sovereignty of the United States by boarding and searching the aircraft.

Jaiden
Thomas
Peter

D

Art 1(e) VCDR "diplomatic agent" defined

Art 9 VCDR persona non grata

Art 22 VCDR inviolability of "premises of the mission" & special duty to protect

Art 31 VCDR immunity from criminal and civil jurisdiction in receiving State

Art 32 VCDR immunity may be waived by sending State

Art 45 VCDR the receiving State must protect sending States mission premises even in the case of armed conflict

↓ #: stage number

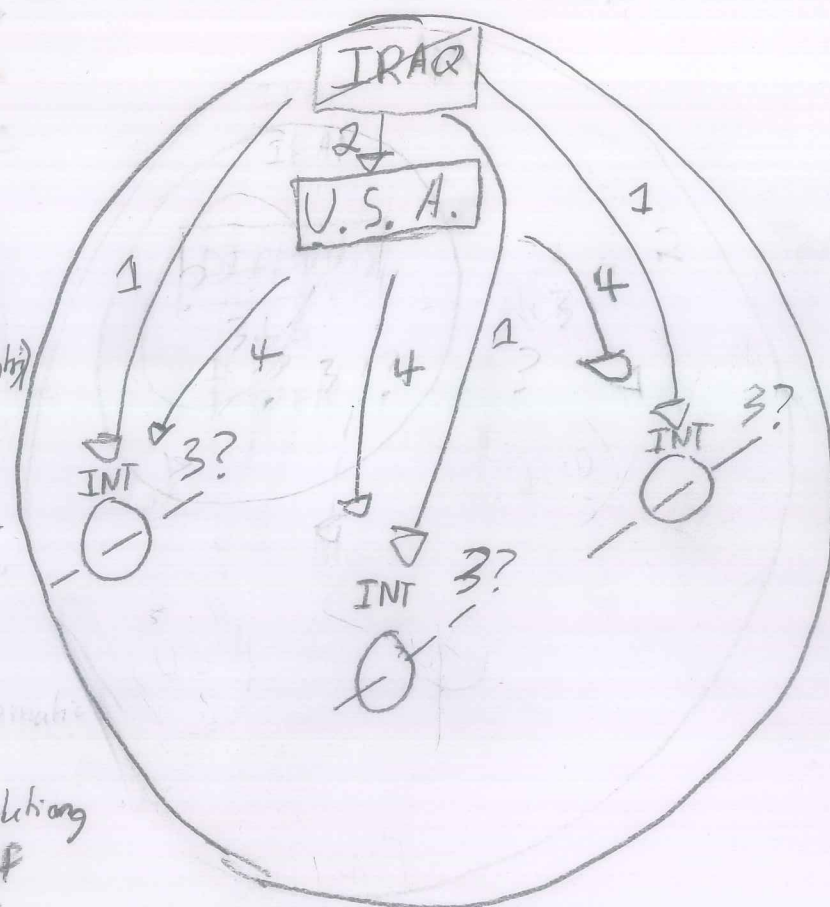
INT: International (any country)
Embassy

↓ #1: Former regime
accrediting diplomatic
missions.

↓ #2: U.S.A. deposing
and then occupying
IRAQ

↓ #3?: The question relating
to the legitimacy of
embassies after
occupation.

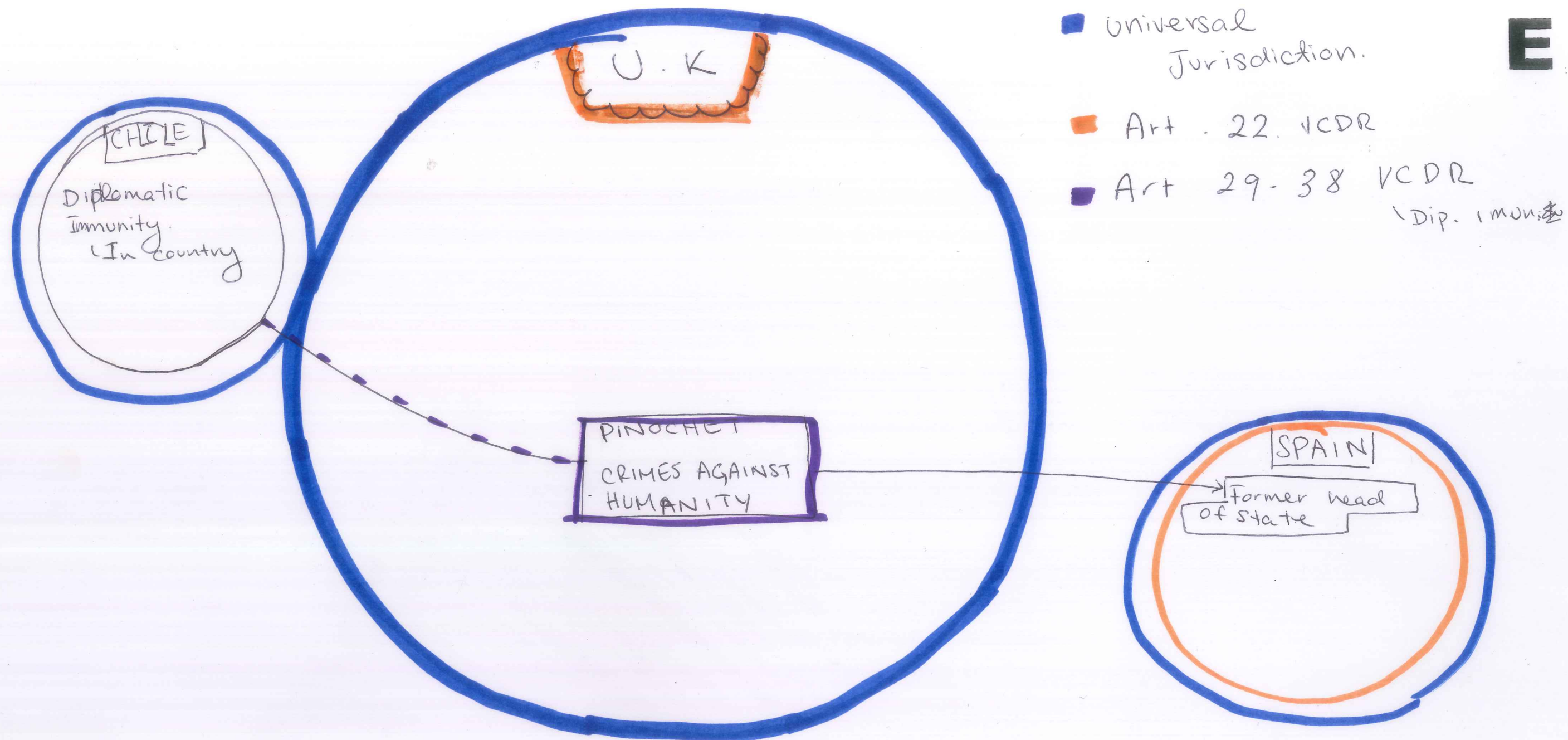
↓ #4: The decision making
the embassies legitimate
(note: the occupying state
does not need to
reaccredit the embassies)



→ Accreditation survives
regime change.

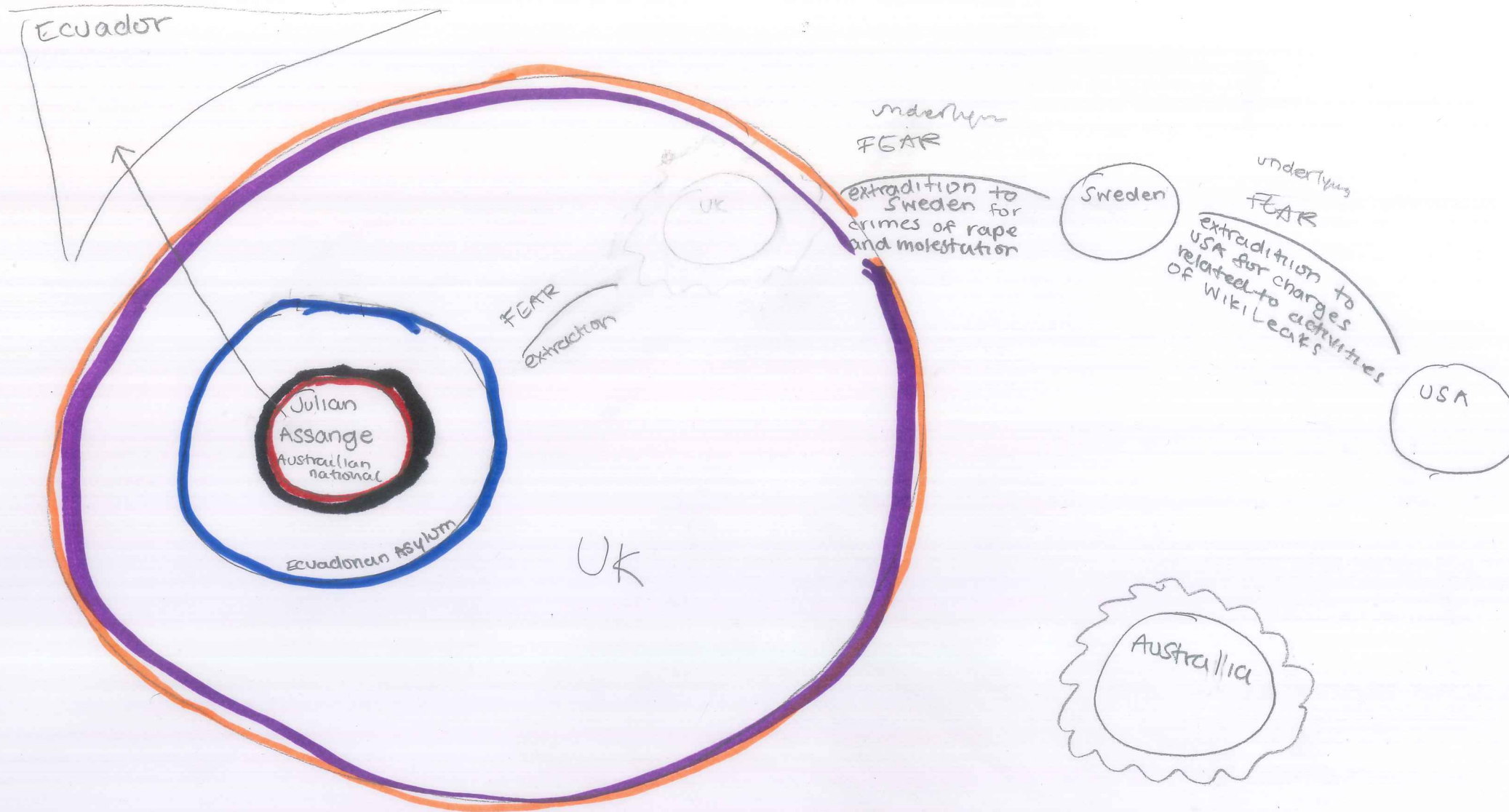
RATIO

After the deposition of a specific regime, if the occupying host does not have jurisdiction over the state in question, then, they do not have the authority to discredit current international diplomatic missions.



RATIO

Pinochet's case brings light to the increasing powers of Universal Jurisdiction. In this case it is apparent that universal jurisdiction that Spain wishes to apply, over shadows the questions of former head of state immunity.



→ Sending state (UK) is under no obligation to respect receiving states (Ecuador) wishes

- Assange is protected under Art. 22 of the Vienna Convention of Diplomatic Relations
- The UK could act on the Diplomatic and Consular Premises Act, Art 15, 16, 17
- If the UK acted on Art 15, 16, 17 of the Diplomatic and Consular Premises Act, Ecuador could act on Art 18 of said Act.
- Assange could leave the Ecuadorian embassy in the Diplomatic Bag, protected under Art. 27(3) of the Vienna Convention
- The UK could argue Paragraph 4 Art 19 of the Vienna Convention
- Australia could exercise its right for diplomatic protection and bring a case on behalf of the national

RATIO no legal right to seek diplomatic asylum exists & no IL requires states to recognize grant of asylum nor respect safe passage out. Assange is protected under Art. 22 of the Vienna Convention of Diplomatic Relations certainly but indefinitely. It is up to both states to come to an agreement on the resolution of Julian Assange's case.