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## Edward Snowden: Is it illegal for US to block his asylum claim?

NSA leaker Edward Snowden has made it clear that he believes he is being pursued for political offenses. But the US government considers him a common lawbreaker and not a human rights case.



Russian supporters of NSA leaker Edward Snowden rally with posters protesting total surveillance in Moscow. Snowden wants asylum in Russia and is willing to stop sharing information as a trade-off for such a deal, according to a parliament member who was among a dozen activists and officials to meet with him Friday. (Alexander Zemlianichenko Jr/AP)

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By Peter Grier, Staff writer / July 13, 2013 at 8:17 am EDT

Washington

Is the United States illegally trying to block Edward Snowden's right to seek asylum in other nations?

That's what the National Security Agency leaker asserts. In a meeting Friday at Moscow's Sheremetyevo airport, he told representatives of human rights groups that the US has revoked his passport, placed him on no-fly lists, demanded that Hong Kong return him "outside the framework of its laws," and threatened sanctions against "countries who would stand up for my human rights and the UN asylum system."

Venezuela, among other Latin American nations, has now offered asylum, but the US and its allies on this issue are continuing to block his ability to travel, Mr. Snowden said.

“This unlawful threat makes it impossible for me to travel to Latin America and enjoy the asylum granted there in accordance with our shared rights,” Snowden said.

Is he right? Your answer to this may hinge on whether you frame his actions as political offenses or criminal behavior.

The American Civil Liberties Union has a good piece outlining the legal issues here. It notes that under Article 14 of the Universal Declaration of Human Rights, everyone has a right to seek asylum from persecution.

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“This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations,” the Universal Declaration of Human Rights states.

In addition, the American Convention on Human Rights provides for the right to seek asylum in foreign territory if “he is being pursued for political offenses or related common crimes.”

Snowden makes it clear that he believes he is being pursued for political offenses, and that what he has done is true to the spirit and letter of international law. In his speech to human rights representatives Friday, he quoted a principle that he said was declared at the Nuremberg trials of German war criminal suspects in 1945: “Individuals have international duties which transcend the national obligations of obedience. Therefore individual citizens have the duty to violate domestic laws to prevent crimes against peace and humanity from occurring.”

Snowden’s problem is that the US government considers him a common lawbreaker and not a human rights case, and thus he has no claim for asylum in other nations.

White House spokesman Jay Carney made that clear Friday when asked if the US was illegally denying Snowden his right to claim asylum.

“No, it’s not,” Mr. Carney said. “He has been charged under the law with three felonies, very serious crimes. And every aspect of the United States system of justice is available to him upon his return to the US to face those charges. And that’s how our system works.”

Navi Pillay, UN high commissioner for human rights, gave a little cautious support to Snowden on Friday, saying in a statement that pervasive surveillance could

amount to a human rights infringement.

“Snowden’s case has shown the need to protect persons disclosing information on matters that have implications for human rights, as well as the importance of ensuring respect for the right to privacy,” Ms. Pillay said.

However, many experts noted the irony in Snowden renewing his request for asylum from Russia, which he praised (along with Venezuela, Bolivia, Nicaragua, and Ecuador) for “being the first to stand against human rights violations carried out by the powerful.”

Russia is not generally known as a liberal haven. Human Rights Watch in April documented a Russian crackdown on domestic civil society that the rights group says has led to Russia’s worst human rights climate in the post-Soviet era.

For instance, on Thursday a Russian court posthumously convicted lawyer and dissident Sergei Magnitsky of tax evasion. Mr. Magnitsky died in a Russian prison in 2009 after being beaten with rubber batons and denied medical treatment, writes Michael Hirsh in the National Journal.

Magnitsky’s conviction was simply a thumb in the eye to the US and human rights activists, Mr. Hirsh writes.

“Snowden is obviously a very bright young man who no doubt acted in earnest, and he is in quite an international legal pickle given the US espionage charges against him,” he concludes. “But he also shows signs of a disturbingly solipsistic world view that automatically turns his allies into doers of right and his legal pursuers into oppressors, and in which he casts himself heroically as merely someone who has ‘been made stateless and hounded for my act of political expression.’ ”

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