

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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UK: LACK OF ACCESS TO JULIAN ASSANGE EXTRADITION HEARING UNDERMINES OPEN JUSTICE

Amnesty International is deeply concerned that the organization's lack of access to the Julian Assange extradition hearing, which began on 7 September at the Old Bailey in London, undermines the recognition of trial observers as guardians of international fair trial standards. The organization lodged three separate applications to request access to the premises of the Court for the hearing. All applications were rejected, signaling a retreat on the part of the UK authorities from the principle of open justice.

Amnesty International has [called](#) on the US government to drop all charges against Julian Assange for his publishing activities and on the UK authorities not to send Assange to the USA or any country where he would be at risk of serious human rights violations. As part of its research, advocacy and campaigning work on the Assange case, Amnesty is committed to monitoring the UK extradition hearing by engaging expert international trial monitors to observe and document the proceedings.

On 17 August, Amnesty wrote to UK Minister of Justice Robert Buckland requesting formal accreditation and a designated seat in the courtroom for a trial observer to monitor the Assange proceedings, which were to begin on 7 September. The request was based on past experience: for the [first phase](#) of Julian Assange's extradition hearing in February 2020, an Amnesty International trial monitor was seated in the court room for the bulk of the hearing. The [trial monitor](#) was the sole representative of an international human rights organization seated in the well of the courtroom and reporting on the proceedings.

A staff person from HM Courts and Tribunals Service made contact on 1 September to inform Amnesty that the request for access to the September hearing had been rejected, but remote access would be permitted. When our trial monitor attempted to access the hearing on the morning of 7 September, he was unable to get the link to work. Upon inquiring with the Court, he was informed by email that his remote access had been revoked. In declining remote access for Amnesty and approximately 40 other groups/individuals, the judge stated that she wanted to have control over the courtroom and noted that since the hearing began in February an image of Julian Assange sitting in Court had been circulated online in violation of court rules.

At that point, the only way for Amnesty to monitor the trial was to have our observer queue in the line for access to approximately two seats in the public gallery of an overflow court room on the Court premises, where a limited number of media workers and political observers were viewing the proceedings by livestream.

In Amnesty's view those seats are reserved for the public-at-large and trial monitoring organizations should not be vying with members of the community for the few seats available in the public gallery. Moreover, access to the public gallery is on a first come, first served basis for persons who queue up in the morning. Trial monitoring requires consistent and guaranteed access to the court in order to fully report on the proceedings for their duration; no such consistency and guaranteed access to a seat are assured when attempting to secure a place in the court's public gallery. In addition, no devices or writing utensils are permitted in the public gallery, making accurate recording/documenting of the proceedings near impossible.

Amnesty submitted an urgent application to the judge on 7 September requesting again that our trial monitor be permitted into the courtroom. The next day, it was also rejected. Court was adjourned early on 10 September due to a threat of COVID-19 infection and the need to test affected persons. The tests were negative. When the hearing resumed on 14 September, Amnesty submitted yet another application – this time for access strictly to the overflow room. That final application was rejected on 16 September with the judge noting that she would make no "special provision" for Amnesty's trial monitor.

Amnesty International remains committed to monitoring the extradition hearing of Julian Assange and will continue to advocate for its expert trial monitor to gain access to the court premises to observe and report on what transpires in court. We [call on the UK authorities](#) to acknowledge the crucial role trial monitors play in observing legal proceedings and by doing so to renew its full commitment to the principle of open justice.

FAIR TRIAL MONITORING AS INTERNATIONAL NORM

Amnesty International has for many years sent expert observers to trials all over the world where important human rights principles are at stake. The acceptance of international trial observers (whether sent by foreign governments or by nongovernmental organizations) has become an international legal norm. The practice is well-established and accepted within the international community, and is linked to international fair trial standards, including the right to a public hearing and the principle of open justice. Our assessment of a trial or legal proceeding seeks to establish whether the practice in the particular case is consistent with the laws of the country where the trial is held, and whether those laws and the practice in the case conform to international standards, enshrined in treaties to which the state is a party and other non-treaty standards.

International expert trial monitoring achieves three important goals:

- Evaluate the fairness of a trial or legal proceeding by providing an impartial and independent record of what transpired.
- Advance internationally recognized fair trial standards by putting the trial participants, including in particular the judge and prosecutor, on notice that they are under scrutiny.
- Identify needed reforms in the legal systems of the country.

The role of an international trial monitor is analogous but distinct from the press or other media. International trial monitors not only report on legal proceedings, but also analyse the proceedings for adherence by the state to its international human rights obligations, including the right to a fair trial. The presence of trial monitors signals to the presiding judge that independent and impartial experts in procedural and substantive areas of international human rights law are observing the proceedings and will hold the state to account for violations of fair trial guarantees. The press provides people with information in the public interest thus upholding the public's right to access to information about what their government is up to. Trial monitors serve open justice by documenting legal proceedings with the aim of holding the state accountable for complying with its human rights commitments. International trial monitors are the independent eyes and ears of the world when it comes to fair trial standards.

Amnesty International regularly sends trial monitors all over the world to observe and document proceedings. Our monitors have observed trials and other legal proceedings in [US federal courts](#) and at the [Guantanamo Bay Naval base in Cuba](#); and in [Bahrain](#), [Honduras](#), [Ecuador](#), [Hungary](#), [Israel](#), [Spain](#), [Turkey](#), [United Arab Emirates](#), among others.

Amnesty International is supported in its pursuit to gain access as international trial monitors to the Assange proceedings by a range of authoritative resources, including the Office of the UN High Commissioner for Human Rights' Manual on Trial Monitoring.¹ The UN Special Rapporteur on the situation of human rights defenders, in an address to the UN Human Rights Council in February 2016, has stated that "By observing court proceedings, gathering information on the trial of human rights defenders and analysing legal practices, trial monitors demonstrate support for defenders and contribute more broadly to the strengthening of judicial systems."

Likewise, the Organisation for Security and Cooperation in Europe has stated, "At its most basic level, the act of monitoring a trial is an expression of the right to a public trial and increases the transparency of the judicial process. In individual cases, trial monitoring may serve to improve the effective and fair administration of justice or bring attention to serious deficiencies."²

¹ <https://www.ohchr.org/Documents/Publications/MonitoringChapter22.pdf>

² https://www.osce.org/odihr/94216_pg.16