

Why Are Amnesty International Monitors Not Able to Observe the Assange Hearing?

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Earlier this month, the street outside the Old Bailey criminal court in London, where Julian Assange's extradition hearing has been taking place, was transformed into a carnival.

Inside the Old Bailey, the courtroom has turned into a circus. There have been multiple technical difficulties, a COVID-19 scare which temporarily halted proceedings and numerous procedural irregularities including the decision by the presiding judge to withdraw permission for Amnesty International's fair trial observer to have access to the courtroom.

If the outside was a carnival, the inside of the court soon became a circus. -
Stefan Simanowitz, Amnesty International

Arriving at the court each morning was an assault to the senses with the noise of samba bands, sound systems and chanting crowds and the sight of banners, balloons and billboards at every turn.

The first day of the hearing, which started on Monday 7 September, drew more than two hundred people to gather outside the court. People in fancy dress mingled with camera crews, journalists and a pack of hungry photographers who would disappear regularly to give chase to any white security van heading towards the court, pressing their long lenses against the darkened windows.

One of the vans had come from Belmarsh high security prison, Julian Assange's home for the last 16 months.

The Wikileaks founder was in court for the resumption of proceedings that will ultimately decide on the Trump administration's request for his extradition to the US. The American prosecutors claim he conspired with whistleblowers (army intelligence analyst Chelsea Manning) to obtain classified information. They want him to stand trial on espionage charges in the US where he would face a prison sentence of up to 175 years.

Assange's lawyers began with a request that the alleged evidence in a new indictment handed down in June be excluded from consideration given that it came so late. The Judge denied this. In the afternoon session, the lawyers requested an adjournment until next year to give his lawyers time to respond to the US prosecutor's new indictment. They said they had been given insufficient time to examine the new allegations, especially since they had only "limited access" to the imprisoned Assange. Indeed, this most recent hearing was the first time in more than six months that Julian Assange had been able to meet with his lawyers. The judge rejected this request.

We requested access to the court for a trial monitor to observe the hearings,

but the court denied us a designated seat in court. -Stefan Simanowitz, Amnesty International

Reacting to the decision, Kristinn Hrafnsson the editor-in-chief of Wikileaks told me that: “the decision is an insult to the UK courts and to [Julian Assange](#) and to justice. For the court to deny the request to adjourn is denying [Assange](#) his rights.”

Amnesty International had requested access to the court for a trial monitor to observe the hearings, but the court denied us a designated seat in court. Our monitor initially did get permission to access the technology to monitor remotely, but the morning the hearing started he received an email informing us that the Judge had revoked Amnesty International’s remote access.

We applied again for access to the proceedings on Tuesday 8 September, setting out the importance of monitoring and Amnesty International’s vast experience of observing trials in even some of the most repressive countries.

The judge wrote back expressing her “regret” at her decision and saying: “I fully recognise that justice should be administered in public”. Despite her regret and her recognition that scrutiny is a vital component of open justice, the judge did not change her mind.

If Amnesty International and other observers wanted to attend the hearing, they would have to queue for one of the four seats available in a public gallery. We submitted a third application to gain direct access to the overflow room at the court where some media view the livestream, but this has also been denied.

Amnesty International have monitored trials from Guantanamo Bay to Bahrain, Ecuador to Turkey. For our observer to be denied access profoundly undermines open justice. -Stefan Simanowitz, Amnesty International

The refusal of the judge to not to give any “special provision” to expert fair trial monitors is very disturbing. Through its refusal, the court has failed to recognize a key component of open justice: namely how international trial observers monitor a hearing for its compliance with domestic and international law. They are there to evaluate the fairness of a trial by providing an impartial record of what went on in the courtroom and to advance fair trial standards by putting all parties on notice that they are under scrutiny.

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In the court, the overflow room has experienced ongoing technical problems with sound and video quality. More than a week after the proceedings began, these basic technical difficulties have not been properly ironed out and large sections of witness evidence are inaudible. These technological difficulties were not restricted to the overflow room. In court, some witnesses trying to “call into” the court room last week, were not able to get in. These basic technical difficulties have hampered the ability of those in the courtroom to follow the proceedings.

If Julian Assange is silenced, others will also be gagged either directly or by the fear of persecution and prosecution. -Stefan Simanowitz, Amnesty International

We are still hopeful that a way can be found for our legal expert to monitor the hearing because the decision in this case is of huge importance. It goes to the heart of the

fundamental tenets of media freedom that underpin the rights to freedom of expression and the public's right to access information.

The US government's unrelenting pursuit of Julian Assange for having published disclosed documents is nothing short of a full-scale assault on the right to freedom of expression. The potential chilling effect on journalists and others who expose official wrongdoing by publishing information disclosed to them by credible sources could have a profound impact on the public's right to know what their government is up to.

If Julian Assange is silenced, others will also be gagged either directly or by the fear of persecution and prosecution which will hang over a global media community already under assault in the US and in many other countries worldwide.

The US Justice Department is not only charging a publisher who has a non-disclosure obligation but a publisher who is not a US citizen and not in America. The US government is behaving as if they have jurisdiction all over the world to pursue any person who receives and publishes information of government wrongdoing.

If the UK extradites Assange, he would face prosecution in the USA on espionage charges that could send him to prison for the rest of his life – possibly in a facility reserved for the highest security detainees and subjected to the strictest of daily regimes, including prolonged solitary confinement. All for doing something news editors do the world over – publishing information provided by sources, that is in the interest of the wider public.

It is ironic that no one responsible for potential war crimes in Iraq & Afghanistan has been punished. Yet the publisher who exposed these potential crimes is the one in the dock. -Stefan, Simanowitz, Amnesty International

Outside the court, I bumped into Eric Levy, aged 92. His interest in Assange's case is personal. He was in Baghdad during the American "shock and awe" bombardment in 2003 having travelled to Iraq as part of the Human Shield Movement aiming to stop the war and – failing that – to protect the Iraqi population.

"I'm here today for the same reason I was in Iraq. Because I believe in justice and I believe in peace," he tells me. "Julian Assange is not really wanted for espionage. He is wanted for making America look like war criminals."

Indeed, it is ironic that no one responsible for possible war crimes in Iraq and Afghanistan has been prosecuted, let alone punished. And yet the publisher who exposed their crimes is the one in the dock facing a lifetime in jail.

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