

**EVIDENCE**

**JULIAN ASSANGE CASE**

“...secrets do not belong to governments.

That information belongs to us. Governments rule by our consent. If they want to keep secrets, they must have our permission to do so.

And they never have the right to keep crimes secret.”

-Matt Taibbi<sup>1</sup>

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<sup>1</sup> <https://www.racket.news/p/why-julian-assange-must-be-freed>

*Julian Assange Case: Evidence*

by Paula lasella

2023, USA

This document has been compiled by New Hampshire artist, Paula lasella.

She has done so in response to the virtual blackout on information about Julian Assange in the U.S.

Her goal is to create an accessible entry point for Americans to scan information about this case ignored by the mainstream Western press. She is alerting you to information in the form of articles, videos, books, tweets, and in some cases testimony under oath covered by independent journalists, intellectuals, activists, and authors throughout the world.

She hopes this new understanding will encourage you to dig deeper into this case.

If you have any questions, please feel free to contact Paula at <mailto:AssangeBoston@gmail.com>

# Table of Contents – Assange Case Evidence Files

*Resource files exposing the War on Julian Assange and Journalism - links and screenshots of court documents, testimonies under oath, and substantive authorities provide proof that contradict false narratives and help correct the record about the Assange case.*

## **File #1: Assange is an Award-Winning Journalist - Evidence that Refutes the ‘Hacker Narrative’**

Julian Assange authored many books and has been a member of the press since the onset of his career. He has won dozens of international journalism awards. Assange is being prosecuted for collecting, handling, and communicating sensitive government documents – a wide net that many fall under. The US government needs to paint Assange as a ‘hacker’ to slide this prosecution past the public.

## **File #2: The Espionage Act is an Illegitimate Tool to Suppress the First Amendment**

In 2016, the ACLU wrote in an amicus brief that the Espionage Act is used as a ‘government tool’ which the Constitution forbids. This vague archaic legislation has been used to prosecute and imprison whistleblowers – now for the first time it is being used against a journalist/publisher. The Eastern District Court of VA (EDVA) - dubbed the ‘Espionage Court’ - has a 99% conviction rate. The defendant cannot use the ‘public interest defense’ – all evidence is classified, and the jury is made up of the intel agencies’ community and contractors. *Assange stands no chance of receiving a fair trial in the US.*

## **File #3: WikiLeaks’ Responsible Redaction - Evidence that Refutes the ‘Put Lives at Risk’ Fallacy**

It has been proven false that *WikiLeaks’* publications put individuals in harm’s way. Assange and fellow media/technical partners redacted names by developing software using dictionaries. The claim of harm was debunked in 2013 during Chelsea Manning’s court martial but continues to circulate in the media for over a decade to distract from the *WikiLeaks’* publications revealing evidence of US war crimes.

## **File #4: Evidence that the CIA Spied on and Plotted to Kill Assange**

In 2021, *Yahoo News* broke a story of 30 top government officials exposing a CIA plot to abduct or assassinate Assange. Officials at the top levels of government knew of the plot – the president, the Department of Justice, and the intelligence agencies. *The UK government is preparing to extradite Julian Assange to the country that plotted to kill him.* Like the 2020 US extradition hearing, Assange related court proceedings have gone under-reported by mainstream media: currently there are criminal investigations in Spain’s High Court at the Audiencia Nacional, and a US lawsuit in a New York District Court - these court proceedings involve the Spanish security firm UC Global owner David Morales, former Secretary of State Mike Pompeo, the CIA, Julian Assange and his visitors at the Ecuadorian Embassy.

## **File #5: Assange Prosecution is a Targeted, Political, ‘Selective Prosecution’**

Media outlets like the *NYT*, *Guardian*, *El Pais*, *Der Spiegel*, *Le Monde*, and whistleblower media outlets like *Cryptome* published the same classified/leaked content alongside *WikiLeaks* – and in some cases \*before\* *WikiLeaks* published. None of these outlets have been questioned or prosecuted for these 2010/11 publications. (See *Cryptome* founder, John Young’s testimony.)

## **File #6: Evidence of US War Crimes Revealed in Collateral Murder Video**

Witnesses testified during the UK 2020 extradition hearing about documented war crimes. Daniel Ellsberg stated, "The American public needed urgently to know what was being done routinely in their name, and there was no other way for them to learn it than by unauthorized disclosure."

### **File #7: 2020 Extradition Hearing - Witness Testimonies (partial archive)**

During the 2020 Extradition hearing in London, experts testified about using *WikiLeaks'* releases in their own work, in crucial legal cases, and in informing the public about the atrocities governments were committing in secret. *Forty witness statements provided evidence that debunked government misinformation on the Assange case* – testimonies, under oath, that showed how Assange's ideals for peace and justice were carried out through his work with *WikiLeaks*.

### **File #8: US/UK Political Pursuit of Julian Assange & Mishandling of Swedish 'Rape' Investigation**

Experts, as early as 2013, came forward to call the 9 year-long Swedish investigation into Assange as politicized and corrupt. The allegations of wrongdoing were kept alive in the media despite Assange never being charged and despite the investigation having been dropped in 2019. The women involved never pressed charges. The police manipulated the report and inappropriately leaked the story to the press. FOIA docs reveal that Sweden was following instructions from the UK and US governments. The decade-long character assassination was a political 'stitch-up' to trap Assange and destroy public support for him.

### **File #9: Evidence of Assange's Deteriorated Health in Prison**

Independent doctors and experts such as United Nations' rapporteurs, and human rights groups like Amnesty and Doctors for Assange have repeatedly written to government officials about Assange's compromised health – 12 years detained without medical care, claiming his very life is at risk.

### **File #10: Assange is a political prisoner: the "independent judiciary" is a fairy tale in political cases**

Important twitter thread documents public statements from government officials worldwide illustrating the usual rhetoric of authoritarian countries that face criticism for jailing dissidents - deflecting blame with the words "our judiciary is independent". Waiting for the legal system to run its course is not an option for Julian Assange. Unless people of conscience act with urgency, Assange may never live to see the day when the legal processes against him finally come to an end.

### **Resource #1: 'The Importance of Evidence' – Case Comparison, George Floyd and Julian Assange**

A 'community newsletter' written by Milwaukee academic, Ann Batiza, compares the George Floyd case with the Assange case. Raw evidence, like *WikiLeaks'* documents, is needed to secure justice.

### **Resource #2: 'Alternative Facts - How the media failed Julian Assange'**

<https://harpers.org/archive/2023/03/alternative-facts-how-the-media-failed-julian-assange/>

### **Resource #3: 'The Trial of Julian Assange - A Story of Persecution' by Nils Melzer**

<https://www.versobooks.com/products/2907-the-trial-of-julian-assange>

### **Resource #4: 'Secret Power – WikiLeaks and Its Enemies' by Stefania Maurizi**

<https://www.plutobooks.com/9780745347615/secret-power/>

### **Resource #5: 'Guilty of Journalism – The political case against Julian Assange' by Kevin Gosztola**

<https://www.sevenstories.com/books/4493-guilty-of-journalism>

### **Resource #6: 'WikiLeaks: A True History' a free online book, by Gary Lord**

<https://jaraparilla.xyz/ch0.html>

Available Amazon Kindle: <https://x.com/jaraparilla/status/1696732874437959980?s=20>

**Resource #7: Info:** <https://assangedefense.org/> **Follow:** [https://twitter.com/Stella\\_Assange](https://twitter.com/Stella_Assange)

**Resource #8: 'The War on Journalism – the Case of Julian Assange'** (40 min video)  
<https://video.emergeheart.info/w/f2467447-f5a8-45c9-8d08-804d6a2d4747>

**Resource #9: 'Debunking the Assange Myths'** by Caitlin Johnstone  
<https://caityjohnstone.medium.com/debunking-all-the-assange-smears-a549fd677cac>

**Resource #10: Full Archive of the 2020 Extradition Hearing Witness Statements**  
<https://www.tareqhaddad.com/the-archives/#WEEK-THREE>

**Resource #11: Full Focus, 'Series: The Julian Assange Archives (Parts 1-10)'**  
<https://lafleurproductions.substack.com/p/series-the-julian-assange-archives>

**Resource #12: Assange Updates, Google Doc: Part 1 & 2 (2016-23)** Note: 648pgs *slow to load!*  
<https://docs.google.com/document/d/1XNo8JngYiRfbwqLaYmEC6HJyXEYvCbDGR-brWpQQnw/edit#>

**Assange Case Evidence Files (updated):** [tinyurl.com/AssangeEvidenceFiles](https://drive.google.com/drive/u/1/folders/1UzbiHler62jTQu4NyItqDLiuUqNKNBWG)  
<https://drive.google.com/drive/u/1/folders/1UzbiHler62jTQu4NyItqDLiuUqNKNBWG>



# Evidence File #1: Julian Assange is an Award-Winning Journalist Evidence that Refutes the 'Hacker Narrative'

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  - MEAA 2022 letter affirming Assange's membership in MEAA.
  - International Press Card issued by the International Federation of Journalists alongside certified copy of Assange's Australian passport with headshot.
  - Screenshot *International Federation of Journalists* article on the International and European Federation of Journalists (IFJ-EFJ) requesting Biden administration to pardon Assange.
- P2.** Evidence that Courts Recognize Assange as "Journalist" and WikiLeaks as "Media Organization"
- US court's rejection of DNC's lawsuit against WikiLeaks for the DNC publications, saying "this type of information is plainly entitled to the strongest protection that the First Amendment offers", screenshot with links.
  - *British Royal Court of Justice* statement including "Mr. Julian Assange, a journalist well known through his operation of WikiLeaks..." screenshot with link.
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- P3.** US Federal Judge Koeltl Recognized Public Interest Value of Materials Published by WikiLeaks
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- P4.** 2020 UK Magistrates Court Extradition Hearing Witness Testimony: Assange first publisher indicted under Espionage Act
- Testimony of Jameel Jaffer, Exec Director of the Knight First Amendment Institute, excerpts.
- P5-8.** US Dept of Justice Charges Assange with Conspiracy to Commit Computer Intrusion – 'Chat Log': Evidence that Assange did not commit computer intrusion to gain access to leaks by Chelsea Manning, undermining the allegation that Assange is a "hacker".
- Context from Assange Defense Committee member, Ann Batiza, Ph.D. on the charge for collusion to commit computer intrusion. Based on footnoted letter Batiza wrote to her senator.
  - Snapshot of Chelsea Manning's chat log with an unknown chat user "Nathaniel Frank" to crack a hash.
  - Excerpt from section 15.34 of Assange's appeal quoting the US prosecutor.
  - Excerpts from *Computer Weekly* report on Manning's hearing and implications for computer intrusion charges against Assange.
  - Link and excerpt from article describing how the key witness for the computer intrusion charge, Soggi Thordarson, admits he lied in court and was jailed indefinitely in Iceland.
- P9.** 2013 Manning Court Martial sentencing: Manning acted alone – link to transcript
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- P10.** 'Julian Assange Unleashed a Revolution in Journalism'
- Reproduction of May 2023 article in *Independent Australian* by John Jiggins, excerpts.
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- Link to June 2023 YouTube video by Kevin Gosztola with screenshots of key moments and excerpts.
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# Evidence File 1: Julian Assange is an Award-Winning Journalist Evidence that Refutes the 'Hacker Narrative'

## WikiLeaks and Assange's Awards and Recognition

**JULIAN ASSANGE AND WIKILEAKS AWARDS FOR JOURNALISM**

HOW FAR HAVE WE SUNK WHEN TELLING THE TRUTH BECOMES A CRIME?  
UN SPECIAL RAPPORTEUR ON TORTURE WILMS MELZER

THE ECONOMIST NEW MEDIA AWARD 2008  
AMNESTY NEW MEDIA AWARD 2009  
TIME MAGAZINE PERSON OF THE YEAR, PEOPLE'S CHOICE 2010  
SAM ADAMS AWARD FOR INTEGRITY 2010

NATIONAL UNION OF JOURNALISTS JOURNALIST OF THE YEAR 2011  
KRISTINN HRAFNSSON  
SYDNEY PEACE FOUNDATION GOLD MEDAL 2011  
BLANQUERNA AWARD FOR BEST COMMUNICATOR 2011

MARtha BELLHORN PRIZE FOR JOURNALISM 2011  
WALKLEY AWARD FOR MOST OUTSTANDING CONTRIBUTION TO JOURNALISM 2011  
AUSTRALIA'S PULITZER PRIZE  
VOLTAIRE AWARD FOR FREE SPEECH 2011

INTERNATIONAL PIERO PASSETTI JOURNALISM PRIZE OF THE NATIONAL UNION OF ITALIAN JOURNALISTS 2011  
JOSE COUSO PRESS FREEDOM AWARD 2011  
PRIVACY INTERNATIONAL HERO OF PRIVACY 2012

GLOBAL EXCHANGE HUMAN RIGHTS PEOPLE'S CHOICE AWARD 2013  
YOKO ONO LENNON COURAGE AWARD FOR THE ARTS 2013  
BRAZILIAN PRESS ASSOCIATION HUMAN RIGHTS AWARD 2013

KAZAKHSTAN UNION OF JOURNALISTS TOP PRIZE 2014  
WILLY BRANDT AWARD FOR POLITICAL COURAGE 2015  
SARAH HARRISON  
GALIZIA PRIZE FOR JOURNALISTS, WHISTLEBLOWERS AND DEFENDERS OF THE RIGHT TO INFORMATION 2016

DANNY SCHECHTER GLOBAL VISION AWARD FOR JOURNALISM & ACTIVISM 2019  
GAVIN MACFADYEN AWARD 2019  
CATALAN DIGNITY COMMISSION'S DIGNITY AWARD 2019

JOURNALISTS CLUB OF MEXICO'S INTERNATIONAL JOURNALISM AWARD 2019  
BARY WEBB FREEDOM OF THE PRESS AWARD 2020  
WIKILEAKS ALSO NOMINATED FOR UN MANDATA PRIZE IN 2015 AND NOBEL PEACE PRIZE SEVEN TIMES 2018-2015, 2018

THE UNPRECEDENTED CHARGES AGAINST JULIAN ASSANGE AND WIKILEAKS ARE THE MOST SIGNIFICANT AND TERRIFYING THREAT TO THE FIRST AMENDMENT IN THE 21ST CENTURY  
FREEDOM OF THE PRESS FOUNDATION

**DEFEND ASSANGE TO DEFEND PRESS FREEDOM**

[https://challengepower.info/assange\\_s\\_awards\\_and\\_recognition](https://challengepower.info/assange_s_awards_and_recognition)



**MEAA Media Member**

Name: **Julian Assange**

Section: Media | Membership Status: Financial

Industry Code: Journalist | Membership Number: 3009227

MEAA Member ID

The Hon Anthony Albanese MP  
Prime Minister  
Parliament House  
CANBERRA ACT 2600  
[A.Albanese.MP@aph.gov.au](mailto:A.Albanese.MP@aph.gov.au)

Senator the Hon Penny Wong  
Minister for Foreign Affairs  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
[foreign.minister@dfat.gov.au](mailto:foreign.minister@dfat.gov.au)

20 June 2022

Dear Prime Minister and Minister for Foreign Affairs,

The Media, Entertainment & Arts Alliance urgently asks you to intervene on behalf of Julian Assange after the UK Home Secretary determined the United States could extradite Assange to face charges of espionage. If convicted he could be jailed for up to 175 years.

The WikiLeaks publisher has been a Journalist member of MEAA since 2007. He carries an International Federation of Journalists' press card.

The decision to uphold extradition to the US imperils journalism everywhere. We urge the Australian government to call on our nation's traditionally close relationship with the US to advocate that the charges be dropped, which would allow Assange to be released from prison and reunited with his family.

<https://www.meaa.org/download/meaa-letter-to-pm-and-foreign-minister-re-julian-assange-extradition-220620/>

**IFJ** International Federation of Journalists  
16 December 2022

### Assange: IFJ and EFJ co-sign open letter to US President

Founder of WikiLeaks Julian Assange is jailed in the UK awaiting extradition to the US to face charges of espionage. If found guilty, he faces a jail term of up to 175 years. Together with EU lawmakers, Assange's wife Stella and organisations defending press freedom and human rights, the International and European Federation of Journalists (IFJ-EFJ) have co-signed an open letter to US President Joe Biden asking him to pardon Assange.



**International Press Card**

Julian Assange  
MEAA Australia

Validity: 19 June 2021  
Card number: AU 3939

**IFJ EFJ**

**INTERNATIONAL FEDERATION OF JOURNALISTS**

REARRE JULIAN PAUL AUSTRALIAN 03 JUL 1971

We hereby certify this to be a true copy of the original  
FINNIA STEPHENS INNOCENT

WIKILEAKS  
2016.10.10

MINISTERIO DE RELACIONES EXTERIORES Y MOVILIDAD HUMANA  
VICEMINISTERIO DE MOVILIDAD HUMANA

<https://www.ifj.org/media-centre/news/detail/category/press-releases/article/assange-ifj-and-efj-co-sign-open-letter-to-us-president>

# Courts Recognize Julian Assange as “Journalist” and WikiLeaks as “Media Organization”

 **WikiLeaks** @wikileaks

In his rejection of the DNC's lawsuit against WikiLeaks Judge John G. Koeltl wrote on the DNC publications: "This type of information is plainly of the type entitled to the strongest protection that the First Amendment offers."

Full text of the dismissal: [courthousenews.com/wp-content/upl...](http://courthousenews.com/wp-content/upl...)

The DNC's published internal communications allowed the American electorate to look behind the curtain of one of the two major political parties in the United States during a presidential election. This type of information is plainly of the type entitled to the strongest protection that the First Amendment offers.

<https://twitter.com/wikileaks/status/1158335903619792896?s=20>

<https://www.courthousenews.com/wp-content/uploads/2019/07/DNC-dism.pdf>

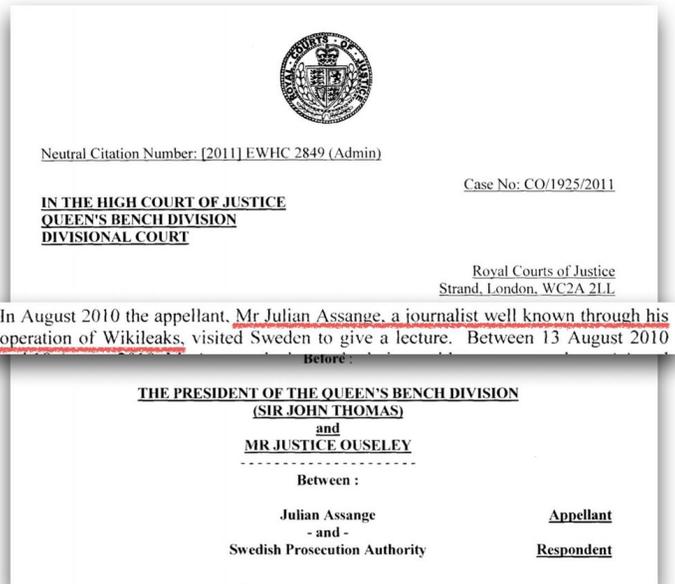
 **Kristinn Hrafnsson** @khrfnsson

The UK courts and tribunals recognise @wikileaks as media organisation and #Assange as a journalist. At least they get this right. So should everyone else.



4:28 AM · May 16, 2019

<https://twitter.com/khrfnsson/status/1128940213743566849?s=20>



Neutral Citation Number: [2011] EWHC 2849 (Admin) Case No: CO/1925/2011

**IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
DIVISIONAL COURT**

Royal Courts of Justice  
Strand, London, WC2A 2LL

In August 2010 the appellant, Mr Julian Assange, a journalist well known through his operation of Wikileaks, visited Sweden to give a lecture. Between 13 August 2010

**THE PRESIDENT OF THE QUEEN'S BENCH DIVISION  
(SIR JOHN THOMAS)  
and  
MR JUSTICE OUSELEY**

Between :

Julian Assange **Appellant**  
- and -  
Swedish Prosecution Authority **Respondent**

[https://www.wired.com/images\\_blogs/threatlevel/2011/11/assange-judgment.pdf](https://www.wired.com/images_blogs/threatlevel/2011/11/assange-judgment.pdf)



**IN THE FIRST TIER TRIBUNAL** Appeal No: EA/2017/0041

**GENERAL REGULATORY CHAMBER**

**INFORMATION RIGHTS**

On appeal from the Information Commissioner's Decision Notice No FS50610253 dated 6 February 2017

Before

Andrew Bartlett QC (Judge)  
Dr Henry Fitzhugh  
David Wilkinson

**Facts**

28. WikiLeaks is a media organization which publishes and comments upon censored or restricted official materials involving war, surveillance or corruption, which are leaked to it in a variety of different circumstances. Around February to August 2010 it was reported in the media that Mr Assange and WikiLeaks were the subject of investigation by the US authorities, following publication of confidential US materials.

<https://www.scribd.com/document/368013590/First-Tier-Tribunal-Appeal#>

## IN REJECTING DNC LAWSUIT AGAINST WIKILEAKS, JUDGE STRONGLY DEFENDED FIRST AMENDMENT RIGHTS OF JOURNALISTS

01 AUG  
2019



KEVIN GOSZTOŁA

SHADOWPROOF

In a clear defense of the First Amendment, a federal judge ruled the Democratic National Committee cannot hold WikiLeaks or its founder, Julian Assange, liable for publishing information that Russian agents were accused of stealing.

The DNC sued President Donald Trump's campaign, the Russian Federation, Assange, and WikiLeaks on April 20, 2018, alleging the dissemination of materials "furthered the prospects" of the Trump campaign. They argued officials "welcomed" the assistance of agents allegedly working for the Russian Federation.

At the time, DNC chair Tom Perez accused WikiLeaks of helping to perpetrate a "brazen attack" on democracy. However, Judge John Koeltl in the Southern District of New York saw through the DNC lawsuit and recognized the impact it would have on press freedom.

Koeltl highlighted the case of the Pentagon Papers, where the Supreme Court held there was a "heavy presumption" against the "constitutional validity of prior restraints" (suppressing) the publication of information.

Whether or not WikiLeaks knew the materials were obtained illegally, they were protected by the First Amendment.

"The First Amendment prevents such liability in the same way it would preclude liability for press outlets that publish materials of public interest despite defects in the way the materials were obtained so long as the disseminator did not participate in any wrongdoing in obtaining the materials in the first place," Koeltl asserted.

Acknowledging how WikiLeaks and various groups suggested this lawsuit threatened freedom of the press, Koeltl noted the DNC's response. "This case does not threaten freedom of the press because WikiLeaks did not engage in normal journalistic practices by, for example, 'asking foreign intelligence services to steal 'new material' from American targets.'"

Yet, the DNC's own allegations were, "WikiLeaks sent GRU operatives using the screen name Guccifer 2.0 a private message, asking the operatives to 'send any new material [stolen from the DNC] here for us to review.'"

The judge reasoned, "This was not a solicitation to steal documents but a request for material that has been stolen. Journalists are allowed to request documents that have been stolen and to publish those documents."

An amicus brief submitted to the federal court in the Southern District of New York by the Knight First Amendment Institute, Reporters Committee for Freedom of the Press, and the ACLU highlighted several examples of public interest stories published in the past decades that were based on stolen or illegally acquired information.

Reporting on Watergate relied on anonymous sources. Activists stole files from the FBI in 1971 that exposed COINTELPRO. Big Tobacco and scandals at global finance companies were exposed through illegal methods.

"An anonymous source sent more than 2.6 terabytes of encrypted information to a German newspaper and a U.S. investigative journalism non-profit," the groups recounted. "Known as the 'Panama Papers,' these internal files of a now-defunct Panamanian law firm detailed a transnational tax evasion scheme developed for wealthy clients around the world. The disclosure of the files sparked public debate and multiple proposals for legal reform."

Koeltl recognized the public interest value of the materials that were published by WikiLeaks, as well as other media organizations during the 2016 presidential election. He especially focused on the DNC's claim that WikiLeaks was prohibited from publishing alleged "trade secrets."

"If WikiLeaks could be held liable for publishing documents concerning the DNC's political, financial, and voter-engagement strategies simply because the DNC labels them 'secret' and trade secrets, then so could any newspaper or other media outlet. But that would impermissibly elevate a purely private privacy interest to override the First Amendment interest in the publication of matters of the highest public concern," Koeltl declared.

He added, "The DNC's published internal communications allowed the American electorate to look behind the curtain of one of the two major political parties in the United States during a presidential election. This type of information is plainly of the type entitled to the strongest protection that the First Amendment offers."

"Indeed, the DNC alleges that the publication of the stolen documents was so significant that it had an impact on the course of a presidential election. The DNC's conclusory allegations that 'donor lists' and 'fundraising strategies' were among those documents are insufficient to pierce the shield that the First Amendment provides for core political speech," Koeltl concluded.

Within the lawsuit, the DNC never alleged that WikiLeaks agreed to participate in the theft or that it advance knowledge of plans to hack the DNC. There was no factual allegation ever made, which suggested Trump campaign officials, Assange, or WikiLeaks had known Russian Federation agents were planning to hack the DNC's computers until after they were compromised.

"The DNC argues that the various meetings and conversations between the defendants in this case and with persons connected to the Russian government during the time that Russian GRU agents were stealing the DNC's information show that the defendants conspired with the Russian Federation to steal and disseminate the DNC's materials," Koeltl mentioned. "That argument is entirely divorced from the facts actually alleged."

Furthermore, the DNC maintained that WikiLeaks knew the materials were stolen and coordinated with Russian intelligence agents. Therefore, they should be "considered an after-the-fact conspirator for the theft based on its coordination to obtain and distribute the stolen materials."

But the judge called it "irrelevant" whether WikiLeaks may have solicited stolen documents from Russian Agents

"A person is entitled to publish stolen documents that the publisher requested from a source so long as the publisher did not participate in the theft," Koeltl clearly stated.

If WikiLeaks was held liable, this would render "any journalist who publishes an article based on stolen information a co-conspirator in the theft."

Joshua Dratel, an attorney for WikiLeaks, told the Associated Press he was "very gratified with the result, which reaffirms First Amendment principles that apply to journalists across the board, whether they work for large institutions or small independent operations."

Despite the arguments of the federal judge in defense of the First Amendment, DNC deputy communications director Adrienne Watson signaled the DNC may not back down from its lawsuit.

Watson maintained the opinion raises "serious concerns about our protections from foreign election interference and the theft of private property to advance the interests of our enemies."

"At a time when the Trump administration and Republican leaders in Congress are ignoring warnings from the president's own intelligence officials about foreign interference in the 2020 election, this should be of concern to anyone who cares about our democracy and the sanctity of our elections," Watson said.

Under President Barack Obama's administration, Democrats largely ignored or supported a grand jury investigation into WikiLeaks. Several Democratic lawmakers endorsed the prosecution of Assange.

Assange was indicted under the Espionage Act by President Donald Trump's administration. That indictment was roundly condemned by journalists at media organizations and press freedom groups as a dangerous escalation against freedom of the press.

Because a Democratic presidential administration never really shut down the grand jury investigation, the Justice Department under Trump was able to pick up where the Obama administration left off—even if the administration had recognized it had a "New York Times problem" where it could not prosecute WikiLeaks staffers without also going after journalists at establishment media outlets.

The initial response of the DNC to the outcome of this lawsuit, as well as the fact that WikiLeaks and Assange were ever sued, shows how contempt for freedom of the press under the First Amendment is not and has never been limited to the Trump White House.

<https://shadowproof.com/2019/08/01/in-rejecting-dnc-lawsuit-against-wikileaks-judge-strongly-defended-first-amendment-rights-of-journalists/>

Excerpt: "[Judge] Koeltl recognized the public interest value of the materials that were published by WikiLeaks, as well as other media organizations during the 2016 presidential election. He especially focused on the DNC's claim that WikiLeaks was prohibited from publishing alleged "trade secrets."

"If WikiLeaks could be held liable for publishing documents concerning the DNC's political, financial, and voter-engagement strategies simply because the DNC labels them 'secret' and trade secrets, then so could any newspaper or other media outlet. But that would impermissibly elevate a purely private privacy interest to override the First Amendment interest in the publication of matters of the highest public concern," Koeltl declared.

***This type of information is plainly of the type entitled to the strongest protection that the First Amendment offers.***

# Extradition Hearing Witness Testimony: Assange first publisher indicted under Espionage Act

Full Witness Archive: <https://www.tareqhaddad.com/the-archives/>

DAY 17 (30 Sept 2020)

Witness #40: Jameel Jaffer (Executive Director Knight First Amendment Institute)

***"The indictment of Mr. Assange poses a grave threat to press freedom in the United States. This case is the first in which the U.S. government has relied on the 1917 Espionage Act as the basis for the prosecution of a publisher. The indictment focuses almost entirely on the kinds of activities that national security journalists engage in routinely and as a necessary part of their work ..."***

<https://www.tareqhaddad.com/wp-content/uploads/2020/10/2020.09.30-Assange-Extradition-Hearings-Statement-of-Jameel-Jaffer.pdf>

US v Julian Paul ASSANGE

Witness Statement #40 Jameel Jaffer

Dated 17 Jan 2020

EXCERPT:

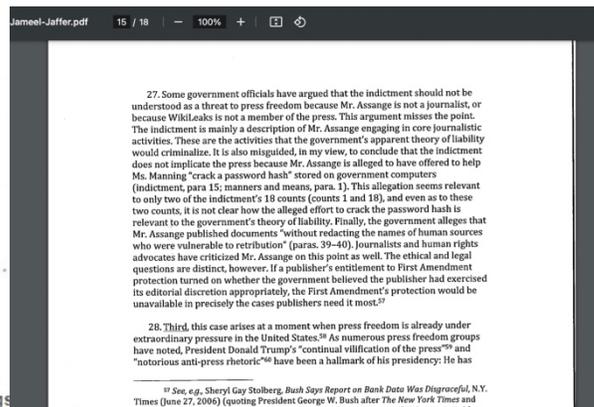
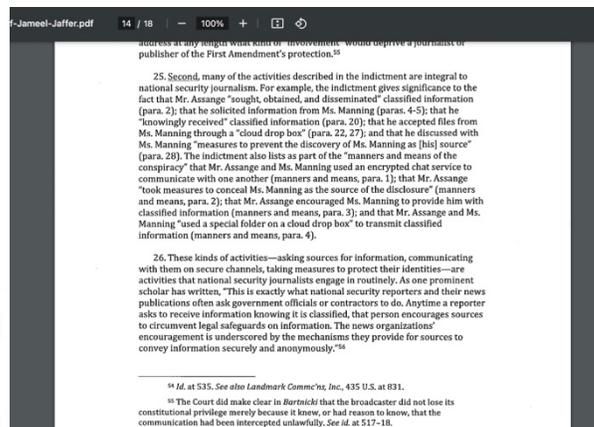
1. I am the Executive Director of the Knight First Amendment Institute at Columbia University in New York City. I have held this position since September 2016. For the preceding fourteen years, I served on the staff of the American Civil Liberties Union, including as Director of its National Security Project and then as a Deputy Legal Director, in which capacity I oversaw the organization's work relating to free speech, privacy, technology, national security, and international human rights. I have litigated and argued cases at all levels of the U.S. judicial system, including in the U.S. Supreme Court; testified before Congress and other government bodies; and written scholarly and popular articles, as well as two books, on topics relating to national security and civil liberties. [...]

2. At the request of attorneys for Julian Paul Assange, I am providing this report about the implications for press freedom of the U.S. government's indictment of Mr. Assange under the 1917 Espionage Act.<sup>1</sup>

3. The indictment of Mr. Assange poses a grave threat to press freedom in the United States. This case is the first in which the U.S. government has relied on the 1917 Espionage Act as the basis for the prosecution of a publisher. The indictment focuses almost entirely on the kinds of activities that national security journalists engage in routinely and as a necessary part of their work—cultivating sources, communicating with them confidentially, soliciting information from them, protecting their identities from disclosure, and publishing classified information.

The indictment's implicit but unmistakable claim is that activities integral to national security journalism are unprotected by the U.S. Constitution and even criminal.

<https://www.tareqhaddad.com/wp-content/uploads/2020/10/2020.09.30-Assange-Extradition-Hearings-Statement-of-Jameel-Jaffer.pdf>



***27. "Some government officials have argued that the indictment should not be understood as a threat to press freedom because Mr. Assange is not a journalist, or because WikiLeaks is not a member of the press. This argument misses the point. The indictment is mainly a description of Mr. Assange engaging in core journalistic activities. These are the activities that the government's apparent theory of liability would criminalize. It is also misguided, in my view, to conclude that the indictment does not implicate the press because Mr. Assange is alleged to have offered to help Ms. Manning "crack a password hash" stored on government computers. [...] it is not clear how the alleged effort to crack the password hash is relevant to the government's theory of liability [...] If a publisher's entitlement to first Amendment protection turned on whether the government believed the publisher had exercised editorial discretion appropriately, the First Amendment's protection would be unavailable in precisely the cases publishers need it most."*** - Witness Jameel Jaffer (Testimony pdf - page 15)

<https://www.tareqhaddad.com/wp-content/uploads/2020/10/2020.09.30-Assange-Extradition-Hearings-Statement-of-Jameel-Jaffer.pdf>

# US Dept of Justice Charges Assange with Conspiracy to Commit Computer Intrusion – ‘Chat Log’

<https://www.justice.gov/opa/pr/wikileaks-founder-charged-computer-hacking-conspiracy>

<https://www.computerweekly.com/news/252489645/Forensic-expert-questions-US-claims-that-Assange-conspired-to-crack-military-password>

Context: This 5-yr prison charge attempts to portray Assange as a *hacker* rather than a journalist. The alleged hacking didn't happen, according to expert testimony at Manning's court martial hearing in 2013 and again was debunked at Assange's 2020 extradition hearing. The only evidence that the U.S. had about alleged "conspiracy" was Chelsea Manning's chat log in which she asked a person named "Nathaniel Frank" to help her crack a password hash. Nathaniel Frank said in the chat that he would look into it and ultimately Frank wasn't able to do anything. Chelsea has been identified as "Nobody." "Nathaniel Frank" has never been identified. Below, excerpts of letter by Ann Batiza, Ph.D. to Milwaukee senator using *Computer Weekly* excerpts and 155-pg Assange High Court Appeal.

dawgnetwork@jabber.ccc.de	Nobody	2010-03-08 15:55:28	any good at lm hash cracking?
pressassociation@jabber.ccc.de	Nathaniel Frank	2010-03-08 16:00:28	yes
pressassociation@jabber.ccc.de	Nathaniel Frank	2010-03-08 16:00:44	donations; not sure.
pressassociation@jabber.ccc.de	Nathaniel Frank	2010-03-08 16:00:55	something in order of 5M
pressassociation@jabber.ccc.de	Nathaniel Frank	2010-03-08 16:01:30	but we lost our CC processor, so this is making matters somewhat painful.
pressassociation@jabber.ccc.de	Nathaniel Frank	2010-03-08 16:02:23	we have rainbow tables for lm
dawgnetwork@jabber.ccc.de	Nobody	2010-03-08 16:04:14	80c11049faebf441d524fb3c4cd5351c
dawgnetwork@jabber.ccc.de	Nobody	2010-03-08 16:05:07	i think its lm + lmrnt
dawgnetwork@jabber.ccc.de	Nobody	2010-03-08 16:05:38	anyway...
dawgnetwork@jabber.ccc.de	Nobody	2010-03-08 16:06:08	need sleep &gt;yawn&gt;
dawgnetwork@jabber.ccc.de	Nobody	2010-03-08 16:09:08	not even sure if thats the hash... i had to hexdump a SAM file, since i dont have the system file...
pressassociation@jabber.ccc.de	Nathaniel Frank	2010-03-08 16:10:06	what makes you think it&apos;s lm?
pressassociation@jabber.ccc.de	Nathaniel Frank	2010-03-08 16:10:19	its from a SAM?
dawgnetwork@jabber.ccc.de	Nobody	2010-03-08 16:10:24	yeah
pressassociation@jabber.ccc.de	Nathaniel Frank	2010-03-08 16:11:26	passed it onto our lm guy
dawgnetwork@jabber.ccc.de	Nobody	2010-03-08 16:11:40	thx

<https://s3.documentcloud.org/documents/886185/pe-123.pdf>

**There is now more evidence – from the prosecution's own statement – that there is no evidence to support the allegation that Julian hacked into US computers or helped Chelsea Manning do so.** The reporting by *Computer Weekly* at the time of the extradition hearing helps explain the new evidence.

Below is an image from sections 15.34, 15.35, and 15.39 of the 155-page appeal, recently filed by Assange's lawyers. <https://www.craigmurray.org.uk/wp/wp-content/uploads/2023/06/assangehighcourtappeal.pdf>

In this statement "Kromberg" refers to the U.S. prosecutor that was providing allegations for the British barrister, James Lewis, who was trying this case in the U.K. court.

Note that in section 15.34 of the appeal, Julian's lawyers state, "the US Government (belatedly) disavowed any suggestion that Manning was attempting to decrypt the password hash in order to access any of the databases with which this indictment is concerned ..."

**Then Assange's lawyers provide the citation for that disavowal in the prosecution's own statement - from U.S. prosecutor, Gordon Kromberg:**

*It was now... 'not alleged that the purpose of the hash-cracking agreement was to gain anonymous access to the NetCentric Diplomacy database or, for that matter, any other particular database' (Kromberg 4, CB/12/pg 1009 – 1030, §10-17)*

### The concession

- 15.34. The US Government finally (belatedly) disavowed any suggestion that Manning was attempting to decrypt the passcode hash in order to access any of the databases with which this indictment is concerned (namely, those containing the war diaries, Guantánamo briefs, rules of engagement or cables). It was now '...not alleged that the purpose of the hash-cracking agreement was to gain anonymous access to the NetCentric Diplomacy database or, for that matter, any other particular database' (Kromberg 4, CB/12/pg1009 – 1030, §10-17).
- 15.35. It is accepted that withdrawal of a misleading allegation can cure a *Zakrzewski* abuse, and that should have been the end of the issue.
- 15.49. In sum, (a) the US had been caught lying about the evidence underlying its passcode hash conspiracy allegation. Mr Eller's evidence was not 'an alternative narrative' (Judgment §380) to that allegation; it brought to the DJ's attention the content of the US Government's own (concealed) evidence. That ought to have been met by a stay of proceedings for abuse. (b) But the US retreated from its allegations before the DJ's ruling was due. That ought to have been the end of the matter. (c) Yet the US then sought to resuscitate its lying allegations with absurd alternative suggestions and speculation. Clinging to a misleading allegation in this way ought to have left the DJ with no choice but to invoke *Zakrzewski*. Instead, the DJ wrongly regarded that as raising 'a matter for trial'.



*Computer Weekly*<sup>1</sup> reported on the extradition hearing (which mainstream media did not cover) and discussed the evidence presented to refute the prosecution’s assertions.

Below is a slightly abbreviated account of their report. I’ve highlighted the key points made. *The magazine cites the testimony of an expert witness for the defense, Patrick Eller. Eller was a “former criminal investigator in the US Army” and is currently a college professor and CEO of Metadata Forensics.* His entire written testimony (and qualifications) can be found [here](#).<sup>1</sup>

*Computer Weekly* emphasized the following points while reporting on Patrick Eller’s testimony:

- **The person Manning chatted with was not identified as Assange and there was no evidence the hash was cracked.**

**CW (Computer Weekly):** According to a Jabber chat log, Manning asked a person called Nathaniel Frank – alleged but not proven to be Assange – whether he was any good at cracking a password hash. Manning sent Assange [the person alleged to be Assange] a hexadecimal string that she had found on her computer network.

**CW:** The discussion ended after “Frank” passed the hash to an expert to look at and later reported that he [Frank] had “no luck so far” in decrypting it.

- **Manning had access to all the material she leaked.**

**CW:** Eller, CEO of Metadata Forensics, said in written submissions to the court that Manning did not need access to the ftp account to access any of the material she passed on to WikiLeaks.

<sup>1</sup> <https://www.tareqhaddad.com/wp-content/uploads/2020/09/2020.09.25-Assange-Extradition-Hearings-Statement-of-Patrick-Eller.pdf>

**CW:** "Manning already had legitimate access to all of the databases from which she downloaded data" he [Eller] said. "Logging into another user account would not have provided her with more access than she already possessed."

- **Cracking the password was not technically possible – and the government already knew that from Manning's trial.**

**CW:** Eller said it would have been technically impossible at that time for Assange or Manning to decrypt the password [neither was in possession of a missing piece].

**CW:** He [Eller] said he had not changed his view in the light of evidence by the prosecution today that security vulnerabilities had previously been found in the Windows passwords software in use at the time.

**CW:** "No, I don't change my opinion," he said, adding that his opinion was shared by a government expert in Manning's court martial.

**CW:** Eller told James Lewis for the prosecution that Microsoft issued a patch which fixed the problem in December 1999 to protect against an attack by strongly encrypting the password. Cracking that password would not help Manning access anonymous files.

- **Manning's use of that password would *not* have helped her access files anonymously.**

**CW:** There was no advantage in Manning using the ftp account if she wanted to hide her identity, Eller told the court.

**CW:** "Even if Manning was in fact logged into the ftp user account rather than her own normal account, this would have no effect on tracking," he said in his witness statement.

**CW:** "Merely logging into a different local user account on the computer (such as ftp user) would not anonymise Manning at all because the IP address of the computer would remain the same regardless of what user account is in use."

**CW:** "If Manning had wanted access from an account that wasn't her own, she could have done so without cracking any passwords because she had access to the accounts of other soldiers in the SCIF," said Eller.

- **Manning was likely trying to crack the password to upload movies, games or install chat.**

**CW:** Eller said that in his view, the allegation that Manning was trying to crack the password to access sensitive data was not tenable.

**CW:** Before allegedly chatting with Assange on Jabber, Manning had already downloaded and leaked hundreds of thousands of documents using her normal account on two secure computers that she used regularly.

**CW:** These included the Iraq and Afghan war logs, the rules of engagement and "Collateral murder" video, and the Guantanamo detainee assessment briefs.

**CW:** There was no evidence that Manning had attempted to download these documents anonymously and no indication that she was trying to crack the ftp user account password, said Eller.

**CW:** "The technical impossibility of using the ftp user account to download data anonymously, combined with Manning's past behaviour of downloading hundreds of thousands of documents from her own account, indicate that it is highly unlikely that Manning's attempt to crack the ftp user password had anything to do with leaking documents," he wrote.

**CW:** Manning already knew how to access data on her own local computer anonymously by booting it with a Linux CD and reading the files, bypassing the access controls of the Windows operating system.

**CW:** Manning was regarded as a technical expert and was often asked by other soldiers to help them install unauthorised software.

**CW:** Eller said there were many potential reasons why Manning would want to crack a password, including installing software for her colleagues.

***Witness Patrick Eller's testimony provided evidence and expert opinion that says:*** (Summary)

- 1. Assange was not identified as the person Manning was talking to.**
- 2. Manning already had access to all the files she leaked.**
- 3. There is no evidence the password hash Manning asked for help with was cracked.**
- 4. Cracking the password was not technically possible. (This is the most important point and it was conceded by the prosecution.)**
- 5. The password could not confer anonymity.**
- 6. It is likely the password was for uploading software for entertainment.**

Because this computer intrusion charge was so hollow, the government suborned perjury from Sigurdur Thordarson, a known fraudster and pedophile, in order to bolster the "hacking" charge. Thordarson subsequently recanted admitting he lied. Therefore, he lost his immunity from Icelandic prosecution previously arranged for by the FBI, and is currently in jail. *(End of Batiza letter excerpts)*

***More on US govt's key witness Sigurdur "Siggi" Thordarson - admitted false testimony and jailed indefinitely in Iceland:***

**'Key witness in Assange case jailed in Iceland after admitting to lies and ongoing crime spree'**

"Sigurdur Thordarson, a key witness for the FBI against Julian Assange, has been jailed in Iceland. The notorious alleged hacker and convicted pedophile was remanded to custody in Iceland's highest security prison, Litla Hraun, on September 24 [2021] ... Thordarson was given immunity by the FBI in exchange for testimony against Julian Assange. Thordarson was arrested the same day he arrived back in Iceland from a trip to Spain, and was subsequently brought before a judge after police requested indefinite detention intended to halt an ongoing crime spree. The judge apparently agreed that Thordarson's repeated, blatant and ongoing offences against the law put him at high risk for continued re-offending." <https://heimildin.is/grein/14117/>

***The conspiracy to commit a computer crime charge is not actually about hacking — it's about establishing legal precedent to [charge publishers](#) with conspiring with their sources, something that so far the U.S. government has failed to do because of the First Amendment.***

## Feb 2013 Manning Court Martial statement emphasized: Manning acted alone

**"...no one associated with the WLO [WikiLeaks Organization] pressured me into giving more information. The decisions that I made to send documents and information to the WLO and website were my own decisions, and I take full responsibility for my actions."** -Bradley [Chelsea] Manning

Alexa O'Brian's transcript of Manning's Court Martial sentencing, Feb 28, 2013: <https://archive.ph/oKQbJ>

Pfc. Manning  
**Court excerpts:**  
I thought about-- well, after I made a phone call-- I made a few phone calls. I made at least one phone call to The Washington Post, and then I called the New York Times and sort of got the same response. And then, I also-- and then I also thought about going-- there is an Albritton Communications' office where Politico operates, and I thought about going down there.  
Judge Lind  
Okay. And then ultimately what decision did you make?  
Pfc. Manning  
I-- with time running out on my-- my mid-tour leave, I decided that I was going to upload it to-- to WikiLeaks, but I decided before-- before I lost a good internet connection-- before I lost really strong  
Judge Lind  
And whose drop box was it?

Pfc. Manning  
It was-- somebody within the WikiLeaks organization-- I never got a full identification as to who-- but guided me to that-- and it resolved-- the IP address resolved to that website, your Honor.

*This is a transcript of the Article 39(a) Providence Inquiry held on February 28, 2013 at Fort Meade, Maryland in US v Pfc. Manning. It may contain omissions or errors.*

- Judge: Army Col. Denise Lind
- Prosecution: Captain Ashden Fein, Captain Joe Morrow, Captain Angel Overgaard
- Defense: Mr. David Coombs, Captain Joshua Tooman, Major Thomas Hurley

*\*During the pretrial proceedings, court-martial and sentencing of Pfc. Manning, Chelsea requested to be identified as Bradley and addressed using the male pronoun. In a letter embargoed for August 22, 2013 Chelsea proclaimed that she is female and wished to be addressed from that moment forward as Chelsea E. Manning.*

For me, representing WikiLeaks and Assange, it was extremely important to hear Manning emphasize having acted alone. "The decisions that I made to send documents and information to the website were my own decisions," she said. Though she communicated with WikiLeaks via online chat, she never knew who exactly was on the other end of the chat. Nor did WikiLeaks know who she was. So despite all the torture the military had subjected her to, Manning refused to implicate anyone at WikiLeaks in her decisions. She said WikiLeaks did not seek to influence or pressure her in any way. It acted just as any other journalistic enterprise would when receiving documents from a whistleblower.

**Michael Ratner**

*Moving the Bar: My Life as a Radical Lawyer*

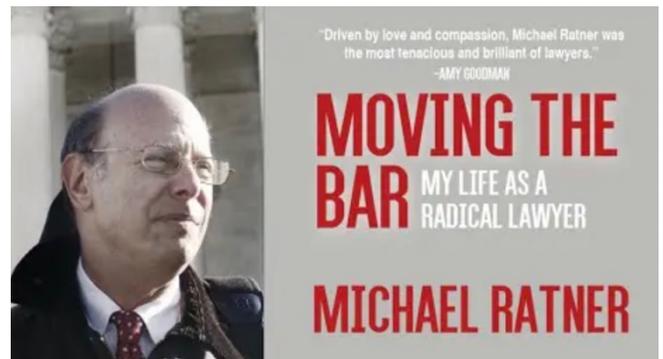
[https://x.com/Stella\\_Assange/status/1702430226247258221?s=20](https://x.com/Stella_Assange/status/1702430226247258221?s=20)

"...the U.S. government's strategy against Assange had become more apparent. Prosecutors in the Manning case revealed internet chat logs between Manning and an unnamed person at WikiLeaks who they said colluded with Manning by helping the accused traitor engineer a reverse password. Without supporting evidence, prosecutors claimed the unnamed person was Assange. Both Manning and Assange denied it. [...] The case against Manning was also a case against WikiLeaks and Julian Assange. The two were inextricably linked."

"Though [Manning] communicated with WikiLeaks via online chat, she never knew who exactly was on the other end of the chat. Nor did WikiLeaks know who she was. So despite all the torture the military had subjected her to, Manning refused to implicate anyone at WikiLeaks in her decisions." Excerpts: Michael Ratner's 'Moving the Bar'

Over the next few weeks I did not send any additional information to the WLO. I continued to converse with Nathaniel over the Jabber client and in the WLO IRC channel. Although I stopped sending documents to WLO, no one associated with the WLO pressured me into giving more information. The decisions that I made to send documents and information to the WLO and website were my own decisions, and I take full responsibility for my actions. -Bradley Manning

**Facts regarding the unauthorized storage and disclosure of other Government documents.** <https://archive.ph/oKQbJ>



<https://www.orbooks.com/catalog/moving-the-bar/>

"...the prosecution was trying not just to convict Manning but to set the stage for a later prosecution of WikiLeaks and Julian Assange. The chief prosecutor claimed that WikiLeaks was not a journalistic enterprise, that it was a group of "information anarchists." And he tried to paint WikiLeaks and Julian Assange as Manning's co-conspirators ... he mentioned Assange 10 times, WikiLeaks at least 20 times."

-Michael Ratner, 'Moving the Bar - My Life as a Radical Lawyer' Excerpts about the 2013 Manning Court Martial trial

"... the dozen or so lawsuits CCR filed "seeking to expose and end rendition, illegal drone strikes, the wars in Afghanistan and Iraq, and the torture at Guantanamo and other secret U.S. prisons." But each time the government would tell the courts, "You can't litigate this. National Security." "We had reached a dead end." **And then all of a sudden the truth tellers told the truth. "With acts of great courage, they revealed to the world what this country is actually doing. [...]** As a result, we're seeing the unraveling of governments and corporations all over the world." **"My experience has taught me that the truth has a way of coming out, even when the most powerful government on earth tries to crush it."** - Michael Ratner (LA Progressive review)

# 'Julian Assange Unleashed A Revolution In Journalism'

<https://independentaustralia.net/politics/politics-display/julian-assange-unleashed-a-revolution-in-journalism,17520>

Independent **IA** Australia

POLITICS > OPINION

## Julian Assange unleashed a revolution in journalism

By [John Jiggins](#) | 17 May 2023, 12:00pm | [8 comments](#) | [📄](#)

**Despite criticisms, the work done by Julian Assange in exposing the truth cements his status as one of the most important journalists of our time, writes Dr John Jiggins.**

ACCORDING TO Dr [Suelette Dreyfus](#), [WikiLeaks](#) founder [Julian Assange](#) was the most original voice in 21st-Century journalism. She justified this claim by referencing the invention of the anonymous digital drop box that [WikiLeaks](#) and Assange pioneered, which allowed whistleblowers to transfer information to the public while preserving their anonymity.

This invention was widely imitated by copycats like [The New York Times](#) and the [ABC](#), who never defended Assange or his journalism, and treated his outrageous persecution as the normal outcome of a justice system.

The [Walkley Award](#) to [WikiLeaks](#) in 2011 for 'outstanding contribution to journalism' cited the invention of the digital drop box.

The judges said:

*This innovation could just as easily have been developed and nurtured by any of the world's major publishers – but it wasn't.*

*Yet so many eagerly took advantage of the secret cables to create more scoops in a year than most journalists could imagine in a lifetime.*

As well as the digital drop box, [WikiLeaks](#) pioneered analysing large data sets in a collaborative way with the massive [Cablegate](#) files, working with a global coalition that included 89 major publications including [The New York Times](#), [The Guardian](#), [Le Monde](#) and [La Republica](#).

Yet while this famous Australian journalist is being tortured to death, slowly crucified by the governments of the UK and the U.S., facing the ludicrously vengeful punishment of 175 years in prison when he is extradited to the U.S., there is no outcry of support from our media. For over a decade – zero support.

Instead, he is subjected to ludicrous insults like the ridiculous claim that he is [not really a journalist](#).

Julian Assange has won 24 major awards for journalism and social activism, receiving glowing endorsements from the most prominent journalists in the world.

Assange restored to journalism its noblest ideal, an ideal that has been increasingly perverted and debased by the corporate media in their quest for power: the idea of journalists as a Fourth Estate.

In the 18th Century, the English Government was based on three estates: the clergy, the House of Lords and the House of Commons.

The idea of journalists as a Fourth Estate, serving as a public watchdog and informing the citizenry about their government, emerged in the revolutionary era during the transition from monarchy to democracy when journalists like [Thomas Paine](#) inspired the [American Revolution](#), urging the 13 colonies to break away from the British Empire and govern themselves.

The legacy of these courageous journalists was the first amendment to the [U.S. Constitution](#), which guarantees the right to free speech and a free press, a guarantee that is under its greatest attack with the persecution of Julian Assange, who is being brutally punished for the crime of journalism.

The Walkley Award panel acknowledged Assange's extraordinary achievement in public interest journalism, unleashing what they [described](#) as 'an avalanche of inconvenient truths in a global publishing coup'.

The Award [read](#):

*This year's winner has shown a courageous and controversial commitment to the finest traditions of journalism: justice through transparency.*

*WikiLeaks applied new technology to penetrate the inner workings of government to reveal an avalanche of inconvenient truths in a global publishing coup.*

*Its revelations, from the way the war on terror was being waged, to diplomatic bastardry, high-level horse-trading and the interference in the domestic affairs of nations, have had an undeniable impact.*

The corporate media avoid condemning Assange's persecution partly through jealousy, but largely because of their anger at being revealed to be corrupt warmongers, who are serially dishonest and massively compromised.

In the centuries that separate us from Thomas Paine and the American Revolution, journalism became dominated by giant corporations and family dynasties like the [Packers](#) and the [Murdochs](#).

These press barons misused their media power to spin the news to become powerful political actors, boosters of their chosen politicians and policies. What matters for the corporate journalists they employ was not truth but the narrative the corporate agenda demands.

The Murdoch Press has become the most powerful political party in Australia, [according](#) to former Prime Minister [Malcolm Turnbull](#). Another former Prime Minister, [Kevin Rudd](#), [described](#) it as a cancer eating the heart of Australian democracy. Murdoch's empire has a near monopoly in Queensland, controlling not just the [Courier Mail](#), but every newspaper in regional Queensland.

The First World War further deformed corporate journalism, as the state harvested the propaganda power of the corporate media to convince young men everywhere to slaughter each other on an industrial scale.

Journalists of this era were christened the "stenographers of power" who reported the dictates of the war boosters and the war makers unquestioningly.

The Second World War intensified this marriage between the deep state and the corporate media. When Britain's ally against Hitler's Germany was Stalin's Soviet Union, the British press lauded Soviet dictator Joseph Stalin and christened him [Uncle Joe](#). Alarmed by the valorisation of Stalin, one conservative confronted Churchill.

"Don't worry," Churchill replied: "*We can turn it on and off like a tap.*"

And they did. Uncle Joe became the new Hitler, then [Chairman Mao](#), [Uncle Ho](#), [Saddam Hussein](#), [Osama bin Laden](#), [Colonel Gaddafi](#) and Syria's [Bashar al-Assad](#) as the endless wars rolled on.

In 2003, every newspaper in Australia campaigned for the [Iraq War](#), a crime of military aggression against a sovereign nation, which constitutes the ultimate war crime. Their embedded reporters reported the war from the perspective of the U.S. military, until [WikiLeaks](#) revealed their lies with the [Collateral Murder](#) video and the [Iraq war logs](#). These revelations made [WikiLeaks](#) famous and made Assange the target of the [Five Eyes](#).

Over the past year, our media has recklessly campaigned for a war with China. According to the China hawks, 2027 is the year pencilled in for this war. This flock of vultures circle our planet, raucously squawking [Orwell's](#) famous paradox that '*war is peace*'.

In 2006, Julian Assange unleashed his revolution in journalism by adopting the Fourth Estate ideal of journalism that the mainstream media had abandoned. Instead of causing wars, [WikiLeaks](#) stopped them.

The persecution of Julian Assange shows the extraordinary propaganda power of the Five Eyes. For exposing their crimes, Assange, a hero of truth, was transformed into the most dangerous man in the world, his hideous persecution – openly, lawfully – sending its [Dalek](#) command to journalists everywhere to obey or be exterminated!

# 'Why It Matters Whether You Consider Julian Assange A Journalist—Or Not'

Journalist, Kevin Gosztola's video: <https://www.youtube.com/watch?v=EjJbdolcRtE>

Third, you don't consider Julian Assange a journalist? Doesn't matter. Whether or not Assange fits your - or anyone's - definition of "journalist" is irrelevant when we are talking about the first amendment's guarantee of press freedom. It's a right that's afforded to everyone. All that matters in this case is that Assange was engaging in acts of journalism indistinguishable from the acts carried out every day in the New York Times, the Guardian and elsewhere. If he can be prosecuted for those acts, so can they.

Why It Matters Whether You Consider Julian Assange A Journalist—Or Not  
Kevin Gosztola 4.73K subscribers  
Join Subscribed  
89  
Share Download

**"The US Justice Department's prosecution depends on the public believing that somehow Assange was not a journalist when he published documents submitted by Chelsea Manning in 2010. Taking a position that Assange is a journalist confronts the very misinformation and disinformation that has helped facilitate his arbitrary detention. That is why I open the book [Guilty of Journalism] with the clear statement, "Assange is a Journalist". The CPJ has declined to label Assange as a 'journalist', but their own definition of what makes someone a journalist clearly covers Assange: "People who cover news or comment on public affairs through any medium [...]" Assange commented on public affairs on CNN, Al Jazeera English, and on the progressive independent news program Democracy NOW."**  
- Kevin Gosztola Video Excerpts at 1:05 min

Committee to Protect Journalists  
News Data Safety Resources Get Involved About Us

## Methodology

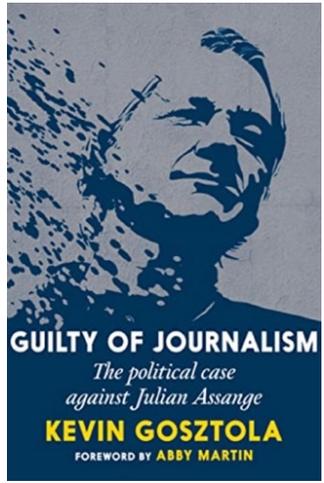
CPJ defines journalists as people who cover news or comment on public affairs through any medium — including in print, online, via broadcast media, or photographs and video. We take up cases involving staff journalists and freelancers. (Read our FAQs here.)



Kevin Gosztola @kgosztola  
Why It Matters Whether You Consider Julian Assange A Journalist—Or Not



Kevin Gosztola @kgosztola  
Why It Matters Whether You Consider Julian Assange A Journalist—Or Not



Book Review: **"Guilty of Journalism outlines how WikiLeaks exposed the reality of American wars, the United States government's unprecedented indictment against Assange as a publisher, and the media's role in persuading the public to "shoot the messenger." The new book by Kevin Gosztola, who has spent the last decade covering Assange, WikiLeaks, and the wider war on whistleblowers, tells the full story based on testimony from dozens of witnesses. It examines abuses of power by the CIA and the FBI, including a spying operation that targeted Assange's family, lawyers, and doctors. Guilty of Journalism offers a balanced and comprehensive perspective on all the events leading up to what press freedom advocates have called the trial of the century."**  
<https://www.sevenstories.com/books/4493-guilty-of-journalism>

## Evidence File #2: The Espionage Act is an Illegitimate Tool to Suppress the First Amendment

### In this Evidence File:

- P1.** The Espionage Act Used Against a Journalist - (precedent setting)
- Excerpt from 'US v Julian Paul Assange' - Carey Shenkman testimony, Sept 2020.
  - Excerpt from *LAProgressive* March 2023 article, 'Carey Shenkman on the Espionage Act'.
- P2.** Witness Bridget Prince and Whistleblower John Kiriakou on U.S. District Court Eastern District of VA
- Excerpt from 'US v Julian Paul Assange' - Bridget Prince testimony, Sept 2020.
  - Whistleblower John Kiriakou excerpts from *LAProgressive* article, 'What Awaits Julian Assange in the Eastern District of Virginia', Dec 2021.
- P3.** 'A Murderous System is Being Created Before Our Very Eyes' – "Without doubt" Assange won't receive a fair trial in the United States, by Professor Nils Melzer
- Excerpts from Jan 2020 Assange case article by Nils Melzer, an authority on law and torture.
- P4.** 'US v Manning – ACLU Amicus 2016 Brief' – (Espionage Act)
- Excerpts from *U.S. V. Manning – ACLU Amicus Brief*, May 2016.
- P5.** 'The Espionage Act: Could Trump Indictment Lead to Changes to 1917 Law Used to Jail Whistleblowers?'
- *Democracy NOW!* June 2023 interview with Chip Gibbons (Defending Rights & Dissent) excerpts.
- P6.** 'It's Time to Reform the Espionage Act'
- Excerpt from *Defending Rights & Dissent* Nov 2020 article, 'It's Time to Reform the Espionage Act' by Chip Gibbons and Jesselyn Radack (whistleblower attorney).
- P7.** Chip Gibbons' Twitter Thread on 105<sup>th</sup> Anniversary of the Espionage Act – June 15, 2022
- Tweet screenshots: Jacobin article 'Repressing Radicalism'; Socialist Party targeted; Chelsea Manning; Ed Snowden; Daniel Hale; Julian Assange

## Evidence File 2: The Espionage Act Used Against a Journalist – (precedent setting)

Full witness statements: <https://www.tareqhaddad.com/the-archives/>

DAY 8 & 9 (17 & 18 Sept 2020)

Witness #10: **Carey Shenkman** (Human Rights attorney, author, litigator)

**"The current US admin has signaled its desire to escalate prosecutions as well as "jailing journalists who publish classified info." The Espionage Act's breadth provides such a means."** – Carey Shenkman

Full PDF: <https://tareqhaddad.com/wp-content/uploads/2020/09/2020.09.17-Assange-Extradition-Hearings-Statement-of-Carey-Shenkman.pdf>

US v Julian Paul ASSANGE

Witness Statement #10 Carey Shenkman

Dated 18 Dec 2019

EXCERPT:

I have been asked by the lawyers representing Julian Assange, Birnberg Peirce, to provide a report in respect of the request by the US government for his extradition on charges under the US Espionage Act of 1917 and under the Computer Fraud and Abuse Act. I have been asked to provide a report on the following issues:

- (i) A legislative history of the US Espionage Act from its first enactment in 1917.
- (ii) Its application to publication of secrets under successive US administrations.
- (iii) To comment on its particular application in light of the US extradition request for Mr Assange in 2019.
- (iv) To comment upon any extension of the Espionage Act in its application to Mr Assange.
- (v) I am asked to comment similarly upon the history and application of the Computer Fraud and Abuse Act.
- (vi) I am asked to comment upon critiques and analyses applied to the content and application of either or both Acts above.

The law's political nature is apparent through not only its wartime origins, but also from studying abandoned attempts to utilize the Act against the publication of secrets. The flaws present within the Espionage Act of 1917 also manifest within the Computer Fraud and Abuse Act, a contentious law which is widely critiqued for its lack of definition of key terms and susceptibility to political misuse. Portions of § 793 of the Act are repeated verbatim in the CFAA, particularly in subsection 1030(a)(1) which was passed as a carbon copy of the Act. One of the nation's leading legal academics calls the CFAA the "worst law in technology."<sup>149</sup>

42. There has never, in the century-long history of the Espionage Act, been an indictment of a U.S. publisher under the law for the publication of secrets. Accordingly, there has never been an extraterritorial indictment of a non-U.S. publisher under the Act. During World War I, federal prosecutors considered the mere circulation of anti-war materials a violation of the law. Nearly 2,500 individuals were prosecuted under the Act on account of their dissenting views and opposition to U.S. entry in the War. Targets were as small as independent filmmaker Robert Goldstein or as prominent as presidential candidate Eugene Debs and national labor leader William "Big Bill" Haywood. Over a century later, exposure of wartime abuses would still fall within the crosshairs of the Act subject to the policy objectives of the administration in power. The difference from the expansive use under the Act in World War I of individuals for their dissenting views and opposition to the U.S. is that the law is being used not only against publishers but extraterritorially. The current U.S. administration has signaled its desire to escalate prosecutions as well as "jailing journalists who publish classified information."<sup>150</sup> The Espionage Act's breadth provides such a means. While prior legislators and Attorneys General have attempted to provide reassurance that § 793 of the Act would not ever be used against the press, such reassurances are regarded as having no weight against the plain text of the law and the reality of the present day. What is now concluded, by journalists and publishers generally, is that any journalist in any country on earth—in fact any person—who conveys secrets that do not conform to the policy positions of the U.S. administration can be shown now to be liable to being charged under the Espionage Act of 1917.

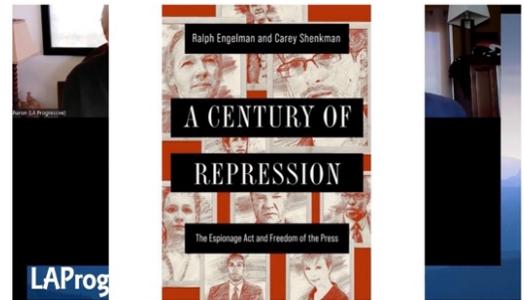
<https://www.tareqhaddad.com/wp-content/uploads/2020/09/2020.09.17-Assange-Extradition-Hearings-Statement-of-Carey-Shenkman.pdf>

## Carey Shenkman on the Espionage Act

March 7, 2023



By Sharon Kyle: [LA Progressive](#)



LAProgressive Excerpts:

"What Shenkman and Engelman reveal through this book is that The Espionage Act of 1917 is one of the most important yet least understood pieces of legislation ever enacted in the United States. **Contrary to what its name implies, the Espionage Act has not historically been used to thwart the efforts of spies – this fact and much more is what makes this read so compelling.**

**A CENTURY OF REPRESSION spans two World Wars, the Cold War, and the War on Terror. It addresses illegal break-ins, and prosecutorial misconduct as well as the cases of Eugene Debs, John S. Service, Daniel Ellsberg, Chelsea Manning, Edward Snowden, and Julian Assange.**

**Most importantly, this book uncovers that ways in which a piece of legislation, given a name that is a misnomer, has been used to quash dissent and, by extension, violate civil liberties.**

'Carey Shenkman on the Espionage Act' LAProgressive Interview  
<https://www.laprogressive.com/law-and-the-justice-system/carey-shenkman-on-the-espionage-act>

# Witness Bridget Prince & Whistleblower John Kiriakou on U.S. District Court Eastern District of VA

DAY 17 (30 Sept 2020)

Witness #34: **Bridget Prince** (Investigator and researcher, One World Research-OWR)

**THE JURY POOL: "The HQ of govt agencies which are based in the Alexandria division include: - CIA - FBI - NCCIC - Homeland Security - DOD - the Pentagon - INSCOM - US Army Intelligence & Security"**

PDF: <https://tareqhaddad.com/wp-content/uploads/2020/10/2020.09.30-Assange-Extradition-Hearings-%E2%80%93-Bridget-Prince-First-Statement.pdf>

US v Julian Paul ASSANGE  
Witness Statement #34 Bridget Prince  
Dated 18 Dec 2019  
EXCERPT:

## Re Jury Selection

5. I have been asked by Mr Assange's solicitors, Birnberg Peirce Ltd, to carry out research with regards to government agencies and contractors who are located in, and hence potential employers of, individuals in the geographical area from which Mr. Assange's jury pool will be selected.

6. The U.S. District Court for the Eastern District of Virginia consists of four divisions<sup>1</sup>. In each division there are a set number of counties and cities from which a jury pool is selected. Mr. Assange has been indicted in the Alexandria Division of the Eastern District of Virginia.

8. I have carried out research in each of these counties and identified a large concentration of government agencies that have offices and are headquartered in this area. The headquarters of government agencies which are based in the Alexandria Division include:

- Central Intelligence Agency (CIA) (Fairfax)
- Federal Bureau of Investigations Academy (Stafford)
- National Cybersecurity & Communications Integration Center - Department of Homeland Security NCCIC (Arlington)
- U.S Department of Defense (The Pentagon - Arlington)
- United States Army Intelligence and Security Command INSCOM (Fairfax)

9. According to reports by the Virginia Employment Commission a number of government agencies are in the list of the top 50 largest employers in these countries as follows [Exhibit 2]:

- *City of Alexandria* – U.S Department of Defense (second largest employer), Institute for Defense Analysis and Department of Homeland Defense
- *Arlington* – U.S Department of Defense (largest employer), Department of Homeland Defense (third largest employer) and United States Department of Justice
- *Fairfax* – U.S Department of Defense (fourth largest employer), Department of Homeland Defense
- *Loudoun* – U.S Department of Homeland Defense (fourth largest employer)
- *Prince William* – U.S Department of Defense (third largest employer)
- *Stafford* – U.S Federal Bureau of Investigation (third largest employer, U.S Department of Defense (fourth largest employer)

11. Examples of military and intelligence contractors who are major employers in the relevant counties from which the jury pool will be selected are [Exhibit 5]:

- *Alexandria* – Institute for Defense Analyses
- *Arlington* – Booz Allen Hamilton
- *Fairfax* – Northrup Grumman
- *Loudoun* – MC Dean Inc

<https://www.tareqhaddad.com/wp-content/uploads/2020/10/2020.09.30-Assange-Extradition-Hearings-%E2%80%93-Bridget-Prince-First-Statement.pdf>



Assange, if extradited to the US, doesn't have a prayer of a fair trial in the Eastern District of Virginia.

His jury will be made up of people who are from the CIA, the FBI, Defense Department, Homeland Security, or intelligence contractors.

JOHN KIRIAKOU  
CIA TORTURE PROGRAM WHISTLEBLOWER



**STOP THE U.S. EXTRADITION**

#JournalismsIsNotACrime

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## What Awaits Julian Assange in the Eastern District of Virginia?

John Kiriakou: There's no such thing as a fair trial in a national security case, especially in the Eastern District of Virginia, the home of the CIA and the Pentagon.

JOHN KIRIAKOU • DEC 14, 2021

EXCERPTS:

**"The fix is in. There's no such thing as a fair trial in a national security case, especially in the Eastern District of Virginia, the home of the CIA and the Pentagon.**

**"Assange will be subject to CIPA, the Classified Information Protection Act, that will prohibit him and his attorneys from raising myriad issues and from appropriately defending him against the government's accusations.**

**"CIA attorneys will be in court every day to "protect Agency equities;" that is, to insist that the judge bar Assange and his attorneys from raising the notion that what WikiLeaks did by publishing evidence of war crimes was whistleblowing.**

**"They also argue that Assange is neither a publisher nor a journalist.**

**"The bottom line here is that judges don't get to say where a prisoner goes. Neither do prosecutors. It's up to the Bureau of Prisons. And if they want to screw somebody, especially a high-profile prisoner like Julian Assange, they'll screw him.**

**"The case will [...] likely end up at the European Court of Human Rights. That could take another two years.**

**"But in the meantime, don't believe a single word that the Justice Department says. They're liars. And they'll do literally anything to win a national security case, especially against Julian Assange." -John Kiriakou**

LAProgressive 'What Awaits Julian Assange in the Eastern District of Virginia?' (Dec 2021)  
<https://www.laprogressive.com/law-and-the-justice-system/what-awaits-julian-assange>

## 'A murderous system is being created before our very eyes' Professor Nils Melzer

«I have never seen a comparable case» – Nils Melzer, the UN Special Rapporteur on Torture.

<https://mronline.org/2020/02/04/a-murderous-system-is-being-created-before-our-very-eyes/>

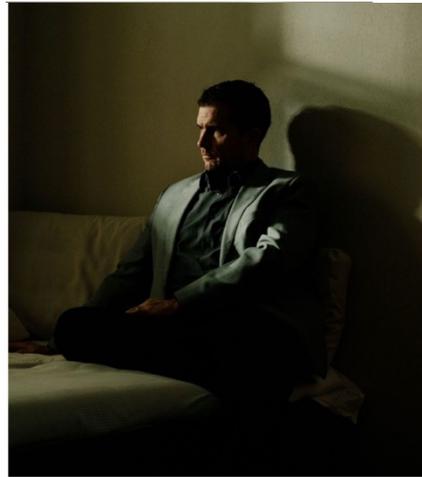
### EXCERPTS:

#### What awaits Assange once he is extradited?

He will not receive a trial consistent with the rule of law. That's another reason why his extradition shouldn't be allowed. Assange will receive a trial-by-jury in Alexandria, Virginia-the notorious Espionage Court where the U.S. tries all national security cases. The choice of location is not by coincidence, because the jury members must be chosen in proportion to the local population, and 85 percent of Alexandria residents work in the national security community-at the CIA, the NSA, the Defense Department and the State Department. When people are tried for harming national security in front of a jury like that, the verdict is clear from the very beginning. The cases are always tried in front of the same judge behind closed doors and on the strength of classified evidence. Nobody has ever been acquitted there in a case like that. The result being that most defendants reach a settlement, in which they admit to partial guilt so as to receive a milder sentence.

#### You are saying that Julian Assange won't receive a fair trial in the United States?

Without doubt. For as long as employees of the American government obey the orders of their superiors, they can participate in wars of aggression, war crimes and torture knowing full well that they will never have to answer to their actions. What happened to the lessons learned in the Nuremberg Trials? I have worked long enough in conflict zones to know that mistakes happen in war. It's not always unscrupulous criminal acts. A lot of it is the result of stress, exhaustion and panic. That's why I can absolutely understand when a government says: We'll bring the truth to light and we, as a state, take full responsibility for the harm caused, but if blame cannot be directly assigned to individuals, we will not be imposing draconian punishments. But it is extremely dangerous when the truth is suppressed and criminals are not brought to justice. In the 1930s, Germany and Japan left the League of Nations. Fifteen years later, the world lay in ruins. Today, the U.S. has withdrawn from the UN Human Rights Council, and neither the Collateral Murder massacre nor the CIA torture following 9/11 nor the war of aggression against Iraq have led to criminal investigations. Now, the United Kingdom is following that example. The Security and Intelligence Committee in the country's own parliament published two extensive reports in 2018 showing that Britain was much more deeply involved in the secret CIA torture program than previously believed. The committee recommended a formal investigation. The first thing that Boris Johnson did after he became prime minister was to annul that investigation.



Nils Melzer: «Let's see where we will be in 20 years if Assange is convicted – what you will still be able to write then as a journalist. I am convinced that we are in serious danger of losing press freedoms.»



U.S. V. MANNING - ACLU AMICUS BRIEF



DOWNLOAD LEGAL DOCUMENT

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES, Appellee

BRIEF OF AMICUS CURIAE AMERICAN CIVIL LIBERTIES UNION IN SUPPORT OF APPELLANT

v.

Private First Class (E-3) **CHELSEA E. MANNING**, United States Army,

Docket No. ARMY 20130739

Tried at Fort Meade, Maryland, on 23 February, 15-16 March, 24-26 April, 6-8, 25 June, 16-

public of information critical to democratic accountability. Until Private First Class ("PFC") Manning was convicted before a general court-martial of six counts of violating the Espionage Act, 18 U.S.C. § 793(e), however, no person in the history of this nation had been sentenced to decades in prison for the crime of disclosing truthful information to the public and press.

The conviction and sentence of PFC Manning under the Espionage Act must be overturned for two reasons. First, the Espionage Act is unconstitutionally vague, because it provides the government a tool that the First Amendment forbids: a criminal statute that allows the government to subject speakers and messages it dislikes to discriminatory prosecution. Second, even if the Act were not unconstitutional in all its applications, the military judge's application of the Act to PFC Manning violated the First Amendment because the military judge did not permit PFC Manning to assert any defense that would allow the court to evaluate the value to public discourse of any of the information she disclosed. The military judge therefore failed to weigh the public interest in the disclosures against the government interest in preventing them, as required by the

EXCERPTS: US v Manning ACLU 2016 Amicus Brief arguing unconstitutionality of Espionage Act:

**"First, the Espionage Act is unconstitutionally vague, because it provides the government a tool that the First Amendment forbids: a criminal statute that allows the government to subject speakers and messages it dislikes to discriminatory prosecution.**

**On its face, the Espionage Act is a content-based restriction on the communication of "information relating to the national defense" that triggers First Amendment scrutiny. See United States v. Stevens, 559 U.S. 460, 468 (2010). The Act's prohibition on the communication or dissemination of information constitutes a regulation of speech within the meaning of the First Amendment.**

**Moreover, the information which the government seeks to restrict, namely that "relating to the national defense," encompasses not only protected speech, but high-value speech about the government that is at the core of the First Amendment's concerns.**

**Without judicial consideration of whether the disclosure of information is of critical public concern, the government is free to use the Espionage Act, aided by a regime of secrecy and over-classification, to restrict the flow of information that is embarrassing to it or that exposes unlawful government acts.**

**Against a backdrop of routine leaking for a variety of motives, this application of the Act furnishes the government with a tool for the selective prosecution that the Constitution forbids."**

First Amendment.<sup>1</sup> For these reasons, PFC Manning's conviction for violating the Espionage Act should be vacated.

ARGUMENT

The Espionage Act, 18 U.S.C. §§ 792 et seq., (the "Act"), as applied by the military judge in PFC Manning's case, violates the First Amendment and the Fifth Amendment to the U.S. Constitution.

It is well established that "speech critical of the exercise of the State's power lies at the very center of the First Amendment." *Gentile v. State Bar of Nev.*, 501 U.S. 1030, 1034 (1991). The Supreme Court has long recognized "the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials." *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964). Laws restricting the ability to disclose "truthful information of public concern" "implicate[] the core purposes of the First Amendment." *Bartnicki v. Vopper*, 532 U.S.

<sup>1</sup> Specifically, the military judge ruled that evidence of PFC Manning's motive (including, necessarily, any motive based on the value to public discourse of the information disclosed) was not relevant to the applicable *mens rea* standard, see App. Ex. 470, and that evidence of actual damage or harm caused by the disclosure of information was irrelevant to the merits of the case, see App. Ex. 470; App. Ex. 221. Evidence of the latter, in particular, would have allowed the military judge to assess whether the government interest in preventing disclosure was carefully constrained to comport with constitutional limits on government regulation of speech. See *infra*.

Without judicial consideration of whether the disclosure of information is of critical public concern, the government is free to use the Espionage Act, aided by a regime of secrecy and over-classification, to restrict the flow of information that is embarrassing to it or that exposes unlawful government acts. Such an outcome would subvert the principles of robust and open debate and government accountability that are protected by the First Amendment, and would leave the American people with only one source of information in the arenas of national security and foreign affairs: what the government wants the public to know.

I. **The Espionage Act, when applied to government whistleblowers and leakers, is unconstitutionally vague and allows for the discriminatory punishment of disfavored speakers.**

The Constitution forbids the government from using vague criminal laws to punish speakers it dislikes or suppress disfavored messages. Yet applying the Espionage Act to government whistleblowers or leakers creates precisely this forbidden result by including within its sweep a prohibition on

# 'The Espionage Act: Could Trump Indictment Lead to Changes to 1917 Law Used to Jail Whistleblowers?'

[https://www.democracynow.org/2023/6/14/trump\\_espionage\\_act\\_chip\\_gibbons](https://www.democracynow.org/2023/6/14/trump_espionage_act_chip_gibbons)



Most charges against former President Donald Trump for mishandling classified documents stem from the Espionage Act. @ChipGibbons89 says the "extremely broad law" has routinely been used to go after whistleblowers, including by Trump himself, and is not a legitimate legal tool.



Chip Gibbons on the Espionage Act

Chip Gibbons is policy director of Defending Rights & Dissent.

**"And then you have Julian Assange, the very first time in U.S. history a journalist has been indicted under the Espionage Act."**

**"So, Donald Trump's administration loved the Espionage Act. They didn't use it against traitors or spies; they used it against whistleblowers, journalists and people accused of giving information to the media."**

**"So there's always been this dual-track system under the Espionage Act: one set of rules for the powerful, one set of rules for those who support and promote U.S. foreign policy and the U.S. national security state, and one set of rules for those public servants whose conscience tells them that the principles [...] in many cases, that led them to government in the first place are being violated by the government, who are subjected to horrible treatment."**—Chip Gibbons, Defending Rights & Dissent

## EXCERPTS:

**CHIP GIBBONS:** "Well, it's very significant, because here we have a man who, when he was president, his administration presided over five different Espionage Act prosecutions. **Trump, in that clip you played, said the Espionage Act applies to traitors and spies. Not one of those prosecutions was of a traitor or a spy. They are of Reality Winner, a whistleblower. They were of Daniel Hale, a whistleblower who gave information about the drone program to the public** because his conscience was so shocked by what — by the civilian casualties in it. You had Terry Albury, a FBI agent who was disturbed by the domestic war on terror and the surveillance of the Muslim community and the evisceration of the Bill of Rights. You had **Joshua Schulte, who was accused and convicted of giving information to WikiLeaks, but he denies it was him.** And then you have **Julian Assange, the very first time in U.S. history a journalist has been indicted under the Espionage Act.** And all of the charges against Assange pertain to 2010 to 2011 revelations about U.S. war crimes in Iraq and Afghanistan, the U.S. policies at Guantánamo, and these really awful, corrupt, backroom deals that the State Department was involved in. **So, Donald Trump's administration loved the Espionage Act. They didn't use it against traitors or spies; they used it against whistleblowers, journalists and people accused of giving information to the media.**

"So, making the government prove actual espionage, allowing whistleblowers or anyone to testify about the purpose of their leaks — right? — because right now juries are barred from hearing what was leaked or why it was leaked. [...]"

So, it's an incredible moment in U.S. history that we had a president who is finally being held accountable under the Espionage Act, as opposed to sort of whistleblowers and journalists who expose the U.S. national security state. And while that is sort of a step away from the dual system of justice we've seen under the Espionage Act, **I have to stress, I don't think the Espionage Act, as drafted, is a legitimate tool. I don't think it should be used to prosecute anyone, even someone as loathsome as Donald Trump.** And Donald Trump is still getting a lot of leeway, right? He was given a chance to return documents, and he wasn't charged for those documents, even though he broke the letter of the law, even though he took them when he shouldn't have had them. **And while a Biden or a Pence might get away with that, a Daniel Hale or a Thomas Drake would not have. So there's always been this dual-track system under the Espionage Act: one set of rules for the powerful, one set of rules for those who support and promote U.S. foreign policy and the U.S. national security state, and one set of rules for those public servants whose conscience tells them that the principles, in many cases, that led them to government in the first place are being violated by the government, who are subjected to horrible treatment."**



<https://www.rightsanddissent.org/news/its-time-to-reform-the-espionage-act/>

## EXCERPTS:

“Whistleblowers indicted under the Espionage Act face an uphill battle with few prospects of a fair trial. In addition to Kafkaesque levels of secrecy and Byzantine classification structures, Espionage Act cases allow for no affirmative defense that a disclosure was in the public interest. Even more challenging, the government is not required to prove an individual indicted under the Espionage Act acted with the intent to harm US national security or aid a foreign power. As a result, judges have barred whistleblowers from testifying about the reason for their actions and have precluded juries from even hearing the words “over-classification,” “whistleblower,” and “First Amendment.”

Pentagon Papers whistleblower Daniel Ellsberg, the first “leaker” indicted under the Espionage Act, has spoken about the immense disadvantage a defendant faces. Ellsberg [took](#) the stand in his defense, hoping to speak directly to the jury about why he made the choice to alert the American people about their government’s deceitful war making in Vietnam. Yet, when his attorney asked him the simple question “why did you copy the Pentagon Papers” the judge intervened to silence Ellsberg. ***Since all the government had to do was prove Ellsberg gave their secret history of the Vietnam War to the press, the explanatory information was not deemed relevant or admissible. This experience has led Ellsberg to correctly assert that Chelsea Manning, Jeffrey Sterling, Edward Snowden, Reality Winner, Daniel Hale, and others prosecuted under the Espionage Act could not receive a fair trial.***

***Espionage Act prosecutions of journalists’ sources were once rare, but [under](#) the Obama Administration they became the go-to weapon against national security whistleblowers.***

And the overly broad and clumsily drafted Espionage Act doesn’t just hang as a sword of Damocles over government employees who wish to work with the media. The way it is written, it could [apply](#) to a whistleblower who gives information to members of Congress or oversight bodies. And it makes no distinction between those with security clearances and journalists or other members of the public who have no obligation to keep classified information secret. While past administrations have toyed with the idea of [indicting](#) reporters such as Seymour Hersh or James Bamford, they ultimately balked at doing so. ***The Obama Administration [concluded](#) that prosecuting WikiLeaks founder Julian Assange would have created dangerous precedent to prosecute the New York Times and myriad other news outlets. The Trump Administration has no such qualms, giving Assange the unenviable distinction of being the first person indicted by the US government under the Espionage Act for publishing truthful information.*** -

**Chip Gibbons** is the Policy Director of Defending Rights & Dissent, an organization that works to protect the right to free expression.

**Jesselyn Radack** heads the Whistleblower and Source Protection Program (WHISPeR) at ExposeFacts and has represented whistleblowers charged under the Espionage Act, including Edward Snowden, Thomas Drake, and John Kirakiou.

# Chip Gibbons' Twitter Thread on 105<sup>th</sup> Anniversary of the Espionage Act, June 15, 2022

<https://twitter.com/ChipGibbons89/status/1537110247952859136?s=20>

**Chip Gibbons**  
@ChipGibbons89

A 105 years ago today, Congress passed one of the worst laws in US in history. The Espionage Act may sound like a law dealing with spies and saboteurs, but for 105 years it has been used to suppress dissent.



[jacobin.com](http://jacobin.com)

### Repressing Radicalism

The Espionage Act was passed today in 1917. It helped destroy the Socialist Party of America and quashes free speech to this day.

12:30 PM · Jun 15, 2022

**Chip Gibbons**  
@ChipGibbons89

The Espionage Act was at the heart of the cruel and exceedingly vindictive court martial of Chelsea Manning. The government also tried to, but failed, to convict her of "aiding the enemy." But the Espionage Act charges stuck.



[jacobin.com](http://jacobin.com)

### Let Chelsea Go

The US government is holding Chelsea Manning in solitary confinement again. It's a vindictive, unconscionable attack on a ...

**Chip Gibbons**  
@ChipGibbons89

The show trial of Daniel Hale illustrates this. Hale could not mention his good intentions in court, challenge the classification of documents, or point out selective prosecution.



[jacobin.com](http://jacobin.com)

### Daniel Hale Went to Prison for Telling the Truth About US Drone Wa...

Daniel Hale's revelations about the brutalities of US drone warfare didn't harm any Americans or make them less safe. But his ...

12:43 PM · Jun 15, 2022

**Chip Gibbons** @ChipGibbons89 · Jun 15, 2022

The early targets of the Espionage Act was the Socialist Party, IWW, and other radicals who opposed US involvement in World War I. The gov't argued mere anti-war speech incited insubordination in the military and obstructed recruitment.

2 12 29

**Chip Gibbons** @ChipGibbons89 · Jun 15, 2022

The Espionage Act predates modern First Amendment jurisprudence, but the radical, popular movement against it helped to create many of today's free speech norms.



[jacobin.com](http://jacobin.com)

### Free Speech Is a Left-Wing Value

Early American socialists like Eugene Debs fought for free speech rights as a bulwark against state tyranny and ...

**Chip Gibbons**  
@ChipGibbons89

The reason why Snowden is in exile is that the courts have interpreted the Espionage Act in such a way as to prevent any whistleblower from ever getting a fair trial.



[jacobin.com](http://jacobin.com)

### Pardon Edward Snowden

Edward Snowden performed an immense act of public service to the American people by blowing the whistle on the National Security ...

**Chip Gibbons**  
@ChipGibbons89

We have moved beyond prosecuting sources, into prosecuting Julian Assange a journalist who exposed US war crimes.

Not only does this threaten press freedom, but it is perverse that war criminals go free while those who expose them languish in jail.



[jacobin.com](http://jacobin.com)

### The US Should Indict American War Criminals, Not Julian Assange

The US is attempting to imprison one of its critics, Julian Assange, by claiming a global right to prosecute any journalist in the world. If th...

12:45 PM · Jun 15, 2022

## **Evidence File #3: WikiLeaks' Responsible Redaction Process**

### **Evidence that refutes the 'Put Lives at Risk' Narrative**

#### **In this Evidence File:**

- P1.** Witness Testimony from John Goetz (former Der Spiegel journalist)
  - Excerpt from 'US v Julian Paul Assange'.
- P2.** 'Former Der Spiegel Journalist Exposes US Government Lies that Assange "Failed to Redact" and "Put Lives at Risk"'
  - *World Socialist Web Site* Sept 2020 article by Laura Tiernan, excerpts.
- P3.** Witness Testimony from John Sloboda (co-founder 'Iraq Body Count')
  - Excerpt from 'US v Julian Paul Assange'.
- P4.** 'WikiLeaks Partners Developed Software to Redact 400,000 Iraq War Logs'
  - Reproduction of *Computer Weekly* Sept 2020 article with highlights.
- P5.** Witness Testimony from Stefania Maurizi (Italian investigative journalist)
  - Excerpt from 'US v Julian Paul Assange'.
- P6.** Communications between WikiLeaks and U.S. State Department, 2010
  - Context provided by Assange Defense.
  - Reproduction of Assange's Nov 26, 2010 letter to State Department.
  - Reproduction of US State Department's Nov 27, 2010 reply to WikiLeaks.
- P7.** 'Bradley Manning Leak Did Not Result in Deaths by Enemy Forces, Court Hears'
  - *The Guardian* July 2013 article excerpt.
- P8.** 'Chelsea Manning Shared Secrets with WikiLeaks. Now She's Telling Her Own Story'
  - *NPR-nhpr* Oct 2022 interview with Chelsea Manning, excerpts.
  - Reproductions of tweets by Paula Iasella highlighting parts of interview.
- P9.** 'The "Put Lives at Risk" Fallacy: Pushing Back on Years of Smears and Lies'
  - Reproduction of *Veterans for Assange* Jan 2023 article by Brian Vickery, excerpts.

## Evidence File 3: WikiLeaks' Responsible Redaction Process – 'Put Lives at Risk' Fallacy

Full witness statements: <https://www.tareqhaddad.com/the-archives/>

**Witness #7: John Goetz** (former Der Spiegel journalist, 2010 WikiLeaks' partner)

Full [\[PDF\]](#)

**"... when the partners published their respective stories on July 25, 2010, ... Wikileaks delayed the release of 15,000 documents as part of what Assange called "the harm minimisation process"."**

US v Julian Paul ASSANGE

Witness Statement #7 (1) John Goetz

NB There are TWO John Goetz Statements

Dated

12 Feb 2020

EXCERPT:

12. Before publication of the Afghan War Diary, together with my colleague Marcel Rosenbach, I discussed in detail with Assange in London how the documents might be vetted to prevent risk of harm to anyone. He was in agreement as to the importance of protecting confidential sources including certain US and ISAF sources. We discussed how harm could be minimised and he explained the approach of WikiLeaks – namely that cases were identified where there might be a reasonable chance of harm occurring to the innocent. Those records, having been identified, were edited accordingly. This approach was understood and agreed to by all of the media partners and I describe below how they were put into effect thereafter.

13. Part of the agreement with Wikileaks was that Assange insisted that we handle communications and the material securely. There were more extreme measures taken than I had ever previously observed as a journalist to secure the data and ensure that it remained only accessible to the members of the journalistic cooperation. It was the first time I was involved when cryptophones were used, we communicated on an encrypted chat system and other means were used to protect the data.

14. The media partners agreed that the New York Times would approach the White House for comment in advance of the release. It was agreed that it made sense to have just one partner approach the White House. If all of the partners contacted the White House independently, there would be chaos. Eric Schmitt from the New York Times was the person within the group who would take on responsibility of liaising with the New York Times Washington DC Bureau about approaching the White House. I remember a conference call with the New York Times as well as talking to Eric Schmitt about their approach to the White House. We were told that Dean Baquet and Mark Mazetti were part of the group that met with the White House.

15. Eric Schmitt wrote an email to me on July 30, 2010 about the attempt of Assange to get help from the US government to vet the materials, "On Saturday night, I passed along WH's request that WL redact the dox of informants' names and then his response that he'd withhold 15,000 dox and entertain suggestions from ISAF for names to remove if they'd provide tech assistance."

16. I am aware that when the partners published their respective stories on July 25, 2010, that Wikileaks delayed the release of 15,000 documents as part of what Assange called "the harm minimisation process".

17. It is interesting to note that Der Spiegel and the Guardian published actually before WikiLeaks. The Guardian published a few hundred documents on their site before WikiLeaks. Wikileaks had some technical delay and their Afghan War Diary website did not go live for a couple of hours after we did.

*Der Spiegel and the Guardian published hundreds of docs \*before\* WikiLeaks.*



# 'Former Spiegel Journalist Exposes US Government Lies that Assange "Failed to Redact" and "Put Lives at Risk"

<https://www.wsws.org/en/articles/2020/09/17/assa-s17.html>

International Committee of the Fourth International (ICFI)

World Socialist Web Site  **WSWS.ORG**

## Former Der Spiegel journalist exposes US government lies that Assange "failed to redact" and "put lives at risk"

Laura Tiernan

© 17 September 2020

Award-winning investigative journalist John Goetz testified at Assange's extradition hearing yesterday morning from Berlin, blowing out of the water US government claims that Assange had failed to redact names from US classified documents, placing the lives of US government informants at risk.



Goetz, Head of Investigations for German public broadcaster NDR, was a journalist at *Der Spiegel* when it partnered with WikiLeaks in 2010. He travelled to London in June of that year where he worked with Assange and senior journalists from the *Guardian* and *New York Times* on what later became known as the Afghan War Diaries.

Goetz had earlier worked on major stories for *Der Spiegel* exposing German war crimes in Afghanistan. These included the bombing in Kunduz ordered by German military officers in September 2009 resulting in civilian deaths. The story received a prestigious Nannen Award for investigative journalism.

EXCERPTS:

***"Goetz's expert witness testimony established that the only "harm to life" came from US war crimes which Assange and WikiLeaks were trying to expose."***

***"Goetz's testimony established the "extreme" efforts Assange made to protect documents and redact names."***

***"Recalling his own time in the Guardian's "bunker," Goetz said, "I remember being very annoyed and very irritated by the constant, unending reminders by Assange that we needed to be secure. That we needed to encrypt things, to use encrypted chats, and it was the first time in my life I had ever seen or used or touched a cryptophone. The amount of precautions around the safety of the material were enormous.""***

***"WikiLeaks' vetting and redaction process for the release of US diplomatic cables was tighter still."***

***"...Goetz, explaining later under cross-examination that the only unredacted documents published by WikiLeaks were those already widely available via the Cryptome site, thanks to the Guardian's own journalists."***

DAY 8 (17 Sept 2020)

Witness #9: **John Sloboda** (Co-founder IBC Iraq Body Count/ WikiLeaks' specialist partner)

***"What we have not stated publicly before today, concerns another crucial matter, the ways in which complex (and innovative) steps were taken to publish the important content of the Iraq War Logs in the most responsible way. ... considerable pressure upon Julian Assange and WikiLeaks to publish as quickly as possible, none of WikiLeaks' media partners were able to suggest a means by which the Logs could be redacted ... a full tranche of 400,000 Logs"***

Full PDF: <https://www.tareqhaddad.com/wp-content/uploads/2020/09/2020.09.17-Assange-Extradition-Hearings-Statement-of-John-Sloboda.pdf>

been documenting civilian deaths since the beginning of the war, we would be well-placed to cross-check the logs against existing reports of civilian casualties, identifying those which were unique to the logs and others which were already derivable from other sources. We were also concerned to ensure that study of the war logs in relation to civilian casualties be conducted with rigour, given that there existed (and still does exist) many instances of extremely poor research and the publication of wild claims which do not stand scrutiny, and tend to throw the whole enterprise into disrepute. While neither we (or, to our knowledge, WL) have ever claimed that any documentation of this sort for Iraq is (or could be) comprehensive and capture all conflict deaths, what we can reasonably work towards is ensuring that those deaths and details we do publish, truly occurred.

JA was receptive to and appreciative of this approach, and we agreed to work together with him, and the various news media that were part of the wider collaboration, with IBC focused on information relating to casualties and in particular, civilian deaths.

Much of what we have stated further above, and our gratitude to JA and WL as well as Chelsea Manning, we have already put on the public record. What we have not stated publicly before today concerns another crucial matter, the ways in which complex (and innovative) steps were taken to publish the important content of the Iraq War Logs in the most responsible way. We were aware that the publication of the Afghan War Logs previously had constituted a very challenging exercise, beyond any previous experience, and that as a result of the steep learning curve for all those concerned, we knew that ways should be found to prevent confusion and provide as many safeguards as possible. Although it was clear that there was considerable pressure upon Julian Assange and WikiLeaks to publish as quickly as possible, none of WikiLeaks' media partners were able to suggest a means by which the Logs

could be redacted in circumstances where there was a full tranche of 400,000 Logs – of which only tiny samples could be redacted and edited by hand. IBC was able to provide a technological solution which allowed a substantial proportion of the content of each log to be published in a redacted form where necessary. This involved the development of specific software by which a painstaking exercise could be progressed automatically, starting with redaction and working back from that towards unredaction of data. This process took enormous amounts of time. It was painstakingly approached by us and by Julian Assange and his WikiLeaks colleagues. It was apparent that they were under multiple pressures to hit the "publish" button sooner, but stood firm by the principle of adhering to the best solution that could be conceived of to ensure that the released information could not cause danger to any persons.

In sum, throughout our pre-release dealings with Julian Assange and his WikiLeaks colleagues, he showed consistent understanding of and commitment to the same principles of rigour and adherence to responsible publication that we as an organisation consider it imperative to adhere to.



Signed ..... 

Signature witnessed by ..... 

Signed ..... 

Signature witnessed by ..... 

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# 'WikiLeaks Partners Developed Software to Redact 400,000 Iraq War Logs'

(Computer Weekly article includes excerpts of John Sloboda's oral testimony in court)



## Stringent redaction

"It was impressed on us from our early encounters with Julian Assange that the aim was a very stringent redaction of the documents," he said, "to ensure no information damaging to individuals was present."

It was not possible to manually redact 400,000 documents, said Sloboda. "That would have taken an army of people," he said. "The call was out to find a method that would be effective and would not take forever."

Sloboda said a colleague came up with the idea of developing a computer program to remove the names of individuals from the documents.

"I have a broad layman's understanding. I am not a programmer. Basically, it was to take a relatively simple English language dictionary and remove every single word that was not in the dictionary," he said.

The program removed the names of people and other identifying characteristics such as their professions. As a result, the documents were "considerably over-redacted".

Sloboda said WikiLeaks had faced pressure from its media partners to speed up the redaction process because they wanted to publish.

"Those pressures were resisted consistently. They could not publish until the redactions were agreed. That was stuck to," he said.

"Some of the media partners had redacted a small sample by hand and were willing and wanted to publish. WikiLeaks' position was it did not want partial publication, it wanted the whole war logs published," he said.

Sloboda said that when the war logs were published, they were over-redacted. "It was probably over-cautious," he said.

## Software delayed publication

It took a number of weeks to develop the redaction software for the Iraq War Logs. "It was a process of writing the software, testing it on logs, finding bugs, and running it again until the process was completed," he said.

"The software was not ready by the original planned publication date, which is why the publication date was put back."

Sloboda said the software removed identifying buildings, such as mosques, and the professions of individuals. "The software was constantly being modified to exclude different categories of information," he said.

## Excerpts:

"John Sloboda, co-founder of the NGO, [Iraq Body Count](#), which monitors civilian casualties in Iraq, told the court that WikiLeaks insisted on a "stringent redaction" of the documents to protect the identity of individuals before the documents were published.

"Sloboda, speaking on the eighth day of extradition proceedings against WikiLeaks founder Julian Assange, told the court it was of the utmost importance to record the names of civilians killed in armed conflicts, for the benefit of their loved ones and because civilian deaths were a war crime.

"We believed, with the information we had about Iraqi civilian deaths, we were in a unique position to say what was new in the logs," he said.

"Assange invited Sloboda to join a consortium of media partners, including, The Guardian, Der Spiegel and The New York Times, to conduct serious analysis on the documents before they were released in October 2010."

DAY 17 (30 Sept 2020)

**Witness #31: Stefania Maurizi (Il Fatto Quotidiano investigative journalist)**

***"I noticed that WikiLeaks was focusing on the importance of a number of protections, including protection for the integrity of the documents, so they could not be misrepresented or distorted, and protections on the encryption, protecting both the documents and sources."***

Full PDF: <https://www.tareqhaddad.com/wp-content/uploads/2020/10/2020.09.30-%E2%80%93-Assange-Extradition-Hearings-%E2%80%93-Tab-69-Statement-of-Stefania-Maurizi-17.07.20-with-exhibits-bookmarked.pdf>

US v Julian Paul ASSANGE

Witness Statement #31 Stefania Maurizi \*

Dated 17 July 2020

EXCERPT:

9. I took note of WikiLeaks' chosen modus operandi – that of making the original data available on its website so that other media and readers could access the original documentation, assess its value, check whether the media reports based on it had been fair and balanced or whether the reports had instead manipulated or somehow distorted the raw information. Mr Assange called this method scientific journalism, which he had based on the evidence standards required by scientific journals. At that time, there was a general problem in the media of journalists filtering pieces of the information they obtained through their own analysis or interpretation, inevitably putting their own spin on it in the process. At the same time, I noted that WikiLeaks was focussing on the importance of a number of protections, including protection for the integrity of the documents, so they could not be misrepresented or distorted, and protections on the encryption, protecting both the documents and sources. This publication strategy of making original documents available to the public empowers entire communities: journalists, scholars, the police, human rights activists, victims of human rights abuses. My collaboration with them on this project and my contact with them thereafter constituted an opportunity for me to learn myself. The combination of methods used by WikiLeaks was extremely innovative. I found it enormously educational from my own perspective.

12. We met on the evening of September 27<sup>th</sup>, 2010, in Berlin, to discuss the question of publication on the part of l'Espresso, with which I was then working, of what are described as the Afghan war logs. Julian Assange arrived at my hotel in Berlin late in the evening, and later that night WikiLeaks journalist Kristinn Hrafnsson joined us. Julian Assange had flown from Stockholm on a direct flight. He arrived at my hotel around 11 pm with no luggage, apart from his laptop and a small plastic bag containing a t-shirt, a toothbrush and a few small bottles of liquid soap. He immediately told me that the plastic bag was all he was given at the Berlin airport when it was clear that his luggage had disappeared under suspicious circumstances. That night we immediately started discussing encryption and passwords, and it was interesting to learn from Julian Assange. He also explained to me that it is important to always keep any passwords he shared private, to never ever make them public, because if you make them public you provide insights on their possible weaknesses to actors who want to attack you. In fact, once passwords are public, a malicious actor can analyse them and devise attacks based on how strong your passwords are, on whether the so-called 'dictionary attack' works, and so on.

(C.J. Act, 1967 s.9; M.C. Act 1980, s.102, M.C. Rules, 1981, r.70)

21. Much of this was time-consuming and stressful, but achieving an understanding of the background and rationale for these procedures was a valuable exercise.

22. It is with this background history and knowledge that I comment upon particular allegations in the prosecution of Mr Assange, i.e. that he dumped unredacted material onto the internet deliberately or carelessly for all to see and in knowledge of the harm that might in consequence have been caused. I note the observations in Mr Kromberg's third supplemental declaration. The security procedures I adopted to work on the secret files included always keeping the files encrypted in an air-gapped computer, which was never left unattended, along with many other important security arrangements. Always keeping the computer protected, so that it is never left unattended, has been a problematic security procedure that has imposed a very burdensome and complex routine on my daily life. I completely understand why my colleagues in the newsroom have never adopted such strict security procedures, not even when working on complex mafia investigations. As a matter of fact, they looked upon me as a rather paranoid professional for insisting on such unprecedented security measures. I am aware that one media partner at the time, John Goetz, a well-respected German investigative journalist, has described it as the most careful handling he has ever experienced; I concur with that description; even the work done by close colleagues on stories regarding the Italian Mafia requiring extreme caution and security never reached these levels. Nevertheless, the procedures those colleagues continue to use are insecure compared to this careful work which was upheld throughout publication with media partners throughout the world on a slow rolling basis for at least a year: systematic use of encryption to protect documents and communication between media partners and WikiLeaks, air gapped computers etc.

23. The objective was to get access to the cables in a protected arrangement, not to the website as seems to be suggested. Although

Signed 

Signature witnessed by 

Context: In November 2010, Assange contacted US Ambassador Susman in the UK to notify US State Department to assist with redaction of Iraq War docs - State Dept refused to engage.

Assange, as a 'publisher', not the 'leaker', was asking for government assistance to redact names before he published the leaked content – publishing is protected under the First Amendment and is NOT illegal. US Government is attempting to set this precedent and criminalize journalism.

Assange's Nov 26, 2010 letter to US Ambassador Susman requesting the US State Dept, excerpt:

**"... nominate any specific instances (record numbers or names) where it considers the publication of information would put individual persons at significant risk or harm ..."**

US State Department's Nov 27, 2010 reply to Assange, excerpt:

**"We will not engage in a negotiation of further release or dissemination of illegally obtained US Government classified materials."**

## Text of State Department Letter to Wikileaks

Julian Assange  
Editor in Chief, WikiLeaks

By Reuters Staff  
3 MIN READ

Ambassador Louis B. Susman  
US Embassy  
24 Grosvenor Square  
London, W1A 1AE  
United Kingdom

26 November 2010

Dear Ambassador Susman,

I refer to recent public statements by United States Government officials expressing concern about the possible publication by WikiLeaks and other media organisations of information allegedly derived from United States Government records. I understand that the United States Government has recently devoted substantial resources to examination of these records over many months.

Subject to the general objective of ensuring maximum disclosure of information in the public interest, WikiLeaks would be grateful for the United States Government to privately nominate any specific instances (record numbers or names) where it considers the publication of information would put individual persons at significant risk of harm that has not already been addressed.

WikiLeaks will respect the confidentiality of advice provided by the United States Government and is prepared to consider any such submissions made without delay.

Yours sincerely,

Julian Assange

WASHINGTON (Reuters) - Text of a letter from the State Department to Julian Assange, the founder of whistleblowing website WikiLeaks, and his lawyer Jennifer Robinson concerning its intended publication of classified State Department documents. The letter, dated November 27, was released by the department.

Dear Ms. Robinson and Mr. Assange:

I am writing in response to your 26 November 2010 letter to U.S. Ambassador Louis B. Susman regarding your intention to again publish on your WikiLeaks site what you claim to be classified U.S. Government documents.

As you know, if any of the materials you intend to publish were provided by any government officials, or any intermediary without proper authorization, they were provided in violation of U.S. law and without regard for the grave consequences of this action. As long as WikiLeaks holds such material, the violation of the law is ongoing.

It is our understanding from conversations with representatives from The New York Times, The Guardian and Der Spiegel, that WikiLeaks also has provided approximately 250,000 documents to each of them for publication, furthering the illegal dissemination of classified documents.

Publication of documents of this nature at a minimum would:

\* Place at risk the lives of countless innocent individuals -- from journalists to human rights activists and bloggers to soldiers to individuals providing information to further peace and security;

\* Place at risk on-going military operations, including operations to stop terrorists, traffickers in human beings and illicit arms, violent criminal enterprises and other actors that threaten global security; and,

\* Place at risk on-going cooperation between countries - partners, allies and common stakeholders -- to confront common challenges from terrorism to pandemic diseases to nuclear proliferation that threaten global stability.

In your letter, you say you want -- consistent with your goal of "maximum disclosure" -- information regarding individuals who may be "at significant risk of harm" because of your actions.

Despite your stated desire to protect those lives, you have done the opposite and endangered the lives of countless individuals. You have undermined your stated objective by disseminating this material widely, without redaction, and without regard to the security and sanctity of the lives your actions endanger. We will not engage in a negotiation regarding the further release or dissemination of illegally obtained U.S. Government classified materials. If you are genuinely interested in seeking to stop the damage from your actions, you should: 1) ensure WikiLeaks ceases publishing any and all such materials; 2) ensure WikiLeaks returns any and all classified U.S. Government material in its possession; and 3) remove and destroy all records of this material from WikiLeaks' databases.

Sincerely,

The letter is signed by Harold Hongju Koh, legal adviser to the State Department  
*Our Standards: The Thomson Reuters Trust Principles.*

# 'Bradley Manning Leak Did Not Result in Deaths by Enemy Forces, Court Hears'

<https://www.theguardian.com/world/2013/jul/31/bradley-manning-sentencing-hearing-pentagon>

**"Counter-intelligence officer who investigated WikiLeaks impact undermines argument that Manning leak put lives at risk"** -The Guardian, July 31, 2013

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## Bradley Manning leak did not result in deaths by enemy forces, court hears

Counter-intelligence officer who investigated WikiLeaks impact undermines argument that Manning leak put lives at risk

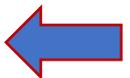
**Ed Pilkington at Fort Meade**  
@edpilkington  
Wed 31 Jul 2013 17:48 EDT  
238

US army private Bradley Manning arrives for the first day of the sentencing phase of his trial at Fort Meade. Photograph: Saul Loeb/AFP/Getty Images

The US counter-intelligence official who led the Pentagon's review into the fallout from the [WikiLeaks](#) disclosures of state secrets told the Bradley Manning sentencing hearing on Wednesday that no instances were ever found of any individual killed by enemy forces as a result of having been named in the releases.

Brigadier general Robert Carr, a senior counter-intelligence officer who headed the Information Review Task Force that investigated the impact of WikiLeaks disclosures on behalf of the Defense Department, told a court at Fort Meade, Maryland, that they had uncovered no specific examples of anyone who had lost his or her life in reprisals that followed the publication of the disclosures on the internet. "I don't have a specific example," he said.

It has been one of the main criticisms of the WikiLeaks publications that they put lives at risk, particularly in Iran and Afghanistan. The admission by the Pentagon's chief investigator into the fallout from WikiLeaks that no such casualties were identified marks a significant undermining of such arguments.



# 'Chelsea Manning Shared Secrets with WikiLeaks. Now She's Telling Her Own Story'

<https://www.npr.org/2022/10/17/1129416671/chelsea-manning-wikileaks-memoir-readme>

Oct 2022, Chelsea Manning README.txt book tour



SIGN IN NPR SI EXCERPTS - 44 min audio interview, at 27:20 minutes:

NEWS NATIONAL WORLD BUSINESS CULTURE BOOKS MUSIC PODCASTS & SHOWS TINY D

NATIONAL SECURITY

## Chelsea Manning shared secrets with WikiLeaks. Now she's telling her own story

October 17, 2022 · 1:58 PM ET

Heard on Fresh Air

By Dave Davies

44-Minute Listen

+ PLAYLIST



Former U.S. Army intelligence analyst Chelsea Manning addresses reporters outside a U.S. federal courthouse in Alexandria, Va., in 2019.



Paula lasella @Plucille54

On her README.txt. book tour, Chelsea Manning talked about the \*allegations\* that "still swirl to this day" that her leaks put lives in danger despite no evidence found by US government during her 2013 court martial.

@nhpr interview @xychelsea  
[nhpr.org/2022-10-17/che...](https://www.nhpr.org/2022-10-17/che...)



Paula lasella @Plucille54

What the govt tried to do in Manning's court martial was "point to" documents Manning had access to, but did not release to WikiLeaks.

So it was a trial about the leaks "could have caused harm."  
[nhpr.org/2022-10-17/che...](https://www.nhpr.org/2022-10-17/che...)



10:39 AM · May 6, 2023 · 154 Views  
[SHOW THIS THREAD](#)

10:07 AM · May 6, 2023 · 678 Views

**Davies:** I want to address the contention of the government and some others that your disclosures harmed the United States and its allies or its sources in Afghanistan and Iraq. ... What's your view of this?

**Manning:** " One of the most confusing things that gets brought up for me...[is this] *allegation that sort of swirls still to this day mostly from journalists who ask questions about this time frame – who ask about redactions and names of sources especially in context of Afghanistan. But we actually went through a court martial [2013] and we went through the process of going through the evidence. We asked the govt for them to back up their claims. It appears that this was a mistake on the Dept of Defense's part...they reviewed larger tranches of information...that I had access to not necessarily things that were actually published that would have had this information [ie harmful to sources] because it's a different category of information ...*

**Davies:** They assumed that everything you had access to was now available and therefore sources would have been exposed, I see...

**Manning:** Right, and *so much of the trial was about "this could have caused harm" "this could have caused damage" "this could have". It was a lot of hypotheticals.* And I don't disagree, if that particular category of information had been released it could have been very damaging. I find it very curious...they released this allegation in 2010 but by the time we got through the evidence review phase of the trial, their claims just went there and they stepped back a little bit on their claims, at least in the court process.

**Davies:** *You wrote that what you did was a 'selective disclosure' that there was a lot you saw and had access to that you would never reveal and still wouldn't.* The file that you provided when you sent this stuff, there was a 'README file that explained the material a bit, and *you wrote "It's already been sanitized of any source identifying information". That was sanitized by the military* – you didn't personally read hundreds of thousands of documents.

**Manning:** *Exactly.*



Paula lasella @Plucille54

"There is this allegation that swirls to this day [...] about redactions and names of sources esp in context to Afghanistan [...] much of the [court martial] trial was about "this could have caused damage" a lot of hypotheticals." @xychelsea

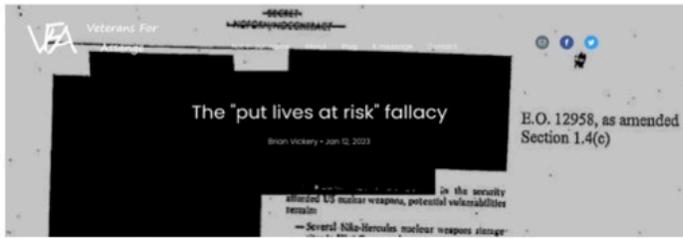
Full interview:

[nhpr.org/2022-10-17/che...](https://www.nhpr.org/2022-10-17/che...)

F3-P8

# 'The "Put Lives at Risk" Fallacy: Pushing Back on Years of Smears and Lies'

<https://www.veteransforassange.com/theXXX-put-lives-at-risk-fallacy>



## Pushing back on years of smears and lies

Brian Vickery  
Jan 12, 2023

### EXCERPTS:

The accusation made by our governments and parroted by much of the media that Wikileaks put lives at risk has been one of the most damaging in the campaign for his freedom and to end the possibility of his extradition to the US to face 175 years in jail. It is natural and right for us to feel concern for those are putting their lives on the line to defend us. Or be concerned for innocent individuals who maybe put in harms way.

It is also very easy to accuse someone of putting lives at risk but not so easy an accusation to defend against. Even if the Department of Justice after more than a decade have not named any individual harmed by the Wikileaks publication.

First we need to be clear we do know that those who put lives at risk are those who lied (and continue to lie) about the true reasons for war. The true effects of war. Tens of thousands of our military personnel and hundreds of thousands of civilians have paid for those lies with their lives.[...] The lies and concealment of the truth is necessary to fool domestic voters into supporting the need for war and to continue funding and sending our young men and women into battle.

## Wikileaks harm reduction process

Wikileaks developed a harm reduction process to ensure that their publication would not endanger innocents or put operational personnel at risk.

American journalist John Goetz testified in court that Wikileaks had a very rigorous redaction process.

"Assange himself was "very concerned with the technical aspect of trying to find the names in this massive collection of documents" so that "we could redact them, so they wouldn't be published, so they wouldn't be harmed." He testified that Assange continually reminded the media partners to use secure communications, encrypted phones and apps, and while he seemed paranoid at the time, this is now standard journalistic practice"

## Wikileaks worked with the State Department to redact names and sensitive information

Goetz also testified about WikiLeaks and the media partners' conversations with the U.S. government ahead of publication.

"The media partners also sent a delegation of New York Times reporters, who already had an office in Washington DC, to the White House to discuss the release ahead of time. [...] they asked the White House for any technical assistance they could provide to assist with redactions. That request, Goetz said, was met with "derision."

## Wikileaks redacted more information than the Defense Department did in Freedom of Information requests

Goetz testified that with future releases, Wikileaks' harm-minimization process developed over time, and he said: "that the organization "overshot" with the Iraq War Logs, and "ended up redacting more than the Defense Department did. Some of the files had been declassified and released under FOIA requests, so one could compare redactions and see that Wikileaks had concealed more names than the U.S. government had"

John Sloboda who founded a prominent London-based NGO testified in court that:

"Julian Assange aimed for 'stringent redactions' and was "insistent" on redacting the names of Iraqi informants and even deployed software to remove Iraqi words from Wikileaks cables" "he was determined to scrub sources' names from the documents before publishing"

## Guardian journalists role in causing unredacted files to be published

The Wikileaks approach to sharing the files with their partners in other news organisations was on a "need to know" basis.

An Italian journalist for example would be shared encrypted files pertaining to Italy. The private key (password) would only be shared with the journalist once both sides were happy they were secure.

This method secures the information in a similar manner to how those who own Bitcoin use a private key to access their money on the public Bitcoin blockchain.

In mid 2010 Julian Assange, under pressure from Guardian journalist David Leigh, gave him the pass phrase for the full files. Leigh and Luke Harding then proceeded to publish the password in full in their book on Wikileaks.

This enabled the full unredacted files to be accessed by others.

## In summary

The biggest risk to our military and innocent civilians is our political class using lies and deceit to take us into war and to sustain those wars.

Wikileaks developed a harm reduction process designed to protect innocent civilians and ensure lives were not lost. Julian Assange was "paranoid" about the security of the information and was prepared to work with the State Department.

It was Guardian journalists who were responsible for the publication of the unredacted files. Files that are still publicly available on US sites without prosecution of the organisations responsible.

Many mainstream news outlets published the Manning disclosures alongside Wikileaks.

## Evidence File #4: Plot to Kill Assange: CIA, UC Global, Spain Investigations & U.S. Lawsuit

### In this Evidence File:

- P1.** Witness Testimony from UC Global Protected Witness 1
- Excerpts from 'US v Julian Paul Assange'.
  - Snapshot of *El Pais* Sept 2019 article 'Spanish security company spied on Julian Assange in London for the United States'.
  - Snapshot of *El Pais* Jan 2020 article "Three protected witnesses accuse Spanish ex-marine of spying on Julian Assange"
- P2.** Witness Testimony from UC Global Protected Witness 2
- Excerpts from 'US v Julian Paul Assange'.
  - Snapshot of *Computer Weekly* article "Former UC Global staff confirm Embassy surveillance operation against Julian Assange" - July 2020.
  - Snapshot of *The Grayzone* May 2020 article "'The American Friends': New court files expose Sheldon Adelson's security team in US spy operation against Julian Assange".
- P3.** Witness Testimony from Aitor Martinez (lawyer at Spanish law firm ILOCAD SL)
- Excerpts from 'US v Julian Paul Assange'.
- P4-6.** 'Kidnapping, assassination, and a London shoot-out: Inside the CIA's secret war plans against WikiLeaks'
- Reproduction of *Yahoo! News* Sept 2021 article. (3 pgs excerpts)
  - Trevor Timm (FPF) and ACLU comment on CIA and *Yahoo! News* report.
  - Discussions over kidnapping or killing Assange occurred "at the highest levels" of the Trump administration, excerpts.
- P7.** 'Three protected witnesses accuse Spanish ex-Marine of spying on Julian Assange'
- Reproduction of *El Pais* Jan 2020 article, excerpts.
  - Snapshot of correlating *El Pais* Sept 2020 article, 'US demands hinder Spanish probe into alleged CIA ties to security firm that spied on Assange', excerpts.
- P8.** 'Police Omitted Folder Called "CIA" from Computer of Spaniard Who Allegedly Spied on Julian Assange'
- Reproduction of *El Pais* article with highlighted excerpts - June 2023
- P9.** 'Spain High Court Demands Pompeo Testify on Alleged Plot to Kidnap or Kill Assange'
- Excerpts from *Common Dreams* article, June 2022.
  - Snapshot WikiLeaks' Tweet: Spanish court summons Mike Pompeo to testify.
- P10.** 'U.S. Stonewalls Probe into Security Firm that Allegedly Spied on Assange for CIA'
- *Yahoo! News* Nov 2021 article, excerpts.
- P11.** 'Julian Assange Lawyers Sue Mike Pompeo, CIA and UC Global Firm Over Alleged Spying'
- *The Guardian* Aug 2022 article, excerpts.

# Evidence File 4: 'Plot to Kill Assange' CIA, UC Global, Spain Investigations & U.S. Lawsuit

Full Witness Statement Archive: <https://www.tareqhaddad.com/the-archives/#WEEK-THREE>

DAY 17 (30 Sept 2020)

Witness #35: UC Global 1 (Witness #1 protected)

**"after Morales's return from Las Vegas and his comments about ... switching to "the dark side" I learned ... that he had [agreed] to supply [the US with] information about Mr. Assange & Rafael Correa"**

PDF: <https://tareqhaddad.com/wp-content/uploads/2020/10/2020.09.30-Assange-Extradition-Hearings-UC-Global-Anonymous-Witness-1.pdf>

US v Julian Paul ASSANGE

Witness Statement #35 UC Global Witness 1

Dated Undated, translated, redacted

EXCERPT:

After his initial travels to the United States, UC Global obtained a flashy contract, personally managed by David Morales, with the company Las Vegas Sands, which was owned by the tycoon Sheldon Adelson, whose proximity to Donald Trump is public knowledge (at the time Trump was the presidential candidate). The contract did not make sense because its purpose was to provide security to the luxury boat that belongs to Sheldon Adelson, the Queen Miri, when the boat entered the Mediterranean Sea. That is to say, the contract was to provide security to the luxury boat during the short period during which it found itself in Mediterranean waters. But the most striking thing about it was that the boat had its own security, which consisted of a sophisticated security detail, and that the contract consisted in adding an additional person, in this case, David Morales, for a very short period of time, through which David Morales would receive an elevated sum.

After returning from one of his trips to the United States, David Morales gathered all the workers in the office in Jerez and told us that "we have moved up and from now on we will be playing in the big league". During a private conversation with David, I asked him what he was referring to when he said we had moved up into "the big league". David replied, without going into further detail, that he had switched over to "the dark side" referring to cooperating with US authorities, and as a result of that collaboration "the Americans will get us contracts all over the world".

In addition to the new contract, after Morales's return from Las Vegas and his comments about "the big league" and switching to "the dark side", I learned through my conversation with David Morales that he had entered into illegal agreements with U.S. authorities to supply them with sensitive information about Mr. Assange and Rafael Correa, given that UC Global was responsible for the embassy security where Mr. Assange was located.

Through my conversation with David Morales - in which Morales admitted to further details about the agreement he had entered into during his trip to the United States - I learned that at the Las Vegas Sands trade fair the Chief of Security of Las Vegas Sands, a Jewish man by the name of Zohar Lahav, had agreed the contract with Mr Morales, and the two had become friends. My understanding is that this person offered to cooperate with U.S. Intelligence authorities by supplying information about Mr. Assange.

This collaboration became more concrete over time. In fact, as the U.S. Elections neared towards the latter half of 2016, and especially once Trump had won the elections, David Morales's cooperation became absolutely clear, this reality was something that employees of U.C. Global openly commented and were fully aware of. Zhaer (Zohar) even travelled to Spain and stayed at David's home for a week.

<https://www.tareqhaddad.com/wp-content/uploads/2020/10/2020.09.30-Assange-Extradition-Hearings-UC-Global-Anonymous-Witness-1.pdf>

EL PAÍS

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## Spanish security company spied on Julian Assange in London for the United States

Spain's High Court is investigating the director of UC Global S. L. and the activities of his company, which had been hired to protect the Ecuadorian embassy in the English capital



JOSÉ MARÍA IRIJO  
Madrid · 26 SEP 2019 · 18:37 EDT

<https://english.elpais.com/elpais/2019/09/25/inenglish/1569384196652151.html>

UC Global Anonymous Witness 1 excerpts:

"After returning from one of his trips to the United States, David Morales gathered all the workers in the office in Jerez and told us that "we have moved up and from now on we will be playing in the big league". During a private conversation with David, I asked him what he was referring to when he said we had moved up into "the big league". David replied, without going into further detail, that he had switched over to "the dark side" referring to cooperating with US authorities, and as a result of that collaboration "the Americans will get us contracts all over the world".

"I learned through my conversation with David Morales that he had entered into illegal agreements with U.S. authorities to supply them with sensitive information about Mr. Assange and Rafael Correa, given that UC Global was responsible for the embassy security where Mr. Assange was located."

At times, when I asked insistently who his "American friends" were, David Morales replied "U.S. intelligence"

EL PAÍS

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## Three protected witnesses accuse Spanish ex-marine of spying on Julian Assange

Former employees of David Morales tell a judge in Spain that his company was making recordings of the cyberactivist and his lawyers for the CIA



[https://english.elpais.com/elpais/2020/01/21/inenglish/157961351\\_198492.html](https://english.elpais.com/elpais/2020/01/21/inenglish/157961351_198492.html)

DAY 17 (30 Sept 2020)

Witness #36: UC Global 2 (Witness #2 protected)

**"I claimed that remote access via streaming ... was not technically achievable. [He insisted] that we ... open the circuit "for the Americans" and soon after Morales emailed me a Powerpoint document."**

PDF: <https://tareqhaddad.com/wp-content/uploads/2020/10/2020.09.30-Assange-Extradition-Hearings-UC-Global-Anonymous-Witness-2.pdf>

US v Julian Paul ASSANGE

Witness Statement #36 UC Global Witness 2

Dated Undated, translated, redacted

EXCERPT:

I remember that Sheldon Adelson himself – who is on the public record as being very close to President Donald Trump—increased his ties with UC Global because at one point David Morales was personally put in charge of the security of the magnate and his children when they visited Europe, in their Summer trips to Nice and Ibiza.

David Morales asked me explicitly – in my role as a member of the task force – to contact providers that sell security cameras with sophisticated audio recording capabilities. He even indicated that insofar as possible, the cameras should not show that they are recording sound, or at least that the appearance of the cameras should not show that they are recording sound. Because of this, and in accordance with the orders of David Morales, who claimed that all of this was necessary to fulfil the contract, I sought providers for these types of cameras, insisting in, to the extent possible, concealing audio-recording capabilities.

In early December 2017, I was instructed by David Morales to travel with a colleague to install the new security cameras. I carried out the new installation over the course of several days. I was instructed by Morales not to share information about the specifications of the recording system, and if asked to deny that the cameras were recording audio. I was told that it was imperative that these instructions be carried out as they came, supposedly, from the highest spheres. In fact, I was asked on several occasions by Mr. Assange and the Political Counsellor Maria Eugenia whether the new cameras recorded sound, to which I replied that they did not, as my boss had instructed me to do. Thus, from that moment on the cameras began to record sound regularly, so every meeting that the asylee held was captured. At our offices in UC Global it was mentioned that the cameras had been paid for twice, by Ecuador and the United States, although I have no documentary evidence to corroborate this assertion.

In addition to this, around January 2018 David Morales asked me to travel to London to install microphones in the embassy. I asked him if it was legal, Morales responded that he was the boss that the responsibility fell on him as he was the one with knowledge of the contract and who was responsible for the security. Morales instructed me to place a microphone in the meeting room, placed in the PVC holder of the fire extinguisher in the meeting room, where it was glued to a magnet and then concealed at the base of the PVC plastic.

<https://www.tareqhaddad.com/wp-content/uploads/2020/10/2020.09.30-Assange-Extradition-Hearings-UC-Global-Anonymous-Witness-2.pdf>

UC Global Anonymous Witness 2 excerpts:

**"...after David Morales [CEO UC Global Security] had returned from the United States, at a meeting with the rest of the staff he affirmed that we were moving into "the premier league". After this I became aware that David Morales was making regular trips to the United States, the context of which my boss, David Morales, repeated to his having "gone to the dark side".**

**"In early December 2017, I was instructed by David Morales to travel with a colleague to install the new security cameras. I carried out the new installation over the course of several days. I was instructed by Morales not to share information about the specifications of the recording system, and if asked to deny that the cameras were recording audio."**

**"December 2017, David said that the Americans were desperate and that they had even suggested that more extreme measures should be employed against the "guest" to put an end to the situation of Assange's permanence in the embassy. Specifically, the suggestion that the door of the embassy could be left open, which would allow the argument that this had been an accidental mistake, which would allow persons to enter from outside the embassy and kidnap the asylee; even the possibility of poisoning."**

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NEWS

### Former UC Global staff confirm Embassy surveillance operation against Julian Assange

Spanish court investigates claims that security company illegally recorded meetings between Julian Assange, politicians, lawyers and celebrities at the Ecuadorian Embassy in London

By Bill Goodwin, Computer Weekly | Ter Garcia Published: 30 Jul 2020 15:00



**'The American friends': New court files expose Sheldon Adelson's security team in US spy operation against Julian Assange**

MAX BLUMENTHAL - MAY 14, 2020

An exclusive investigation by The Grayzone reveals new details on the critical role Sheldon Adelson's Las Vegas Sands played in an apparent CIA spying operation targeting Julian Assange, and exposes the Sands security staff who helped coordinate the malicious campaign.

<https://thegrayzone.com/2020/05/14/american-sheldon-adelsons-us-spy-julian-assange/>

<https://www.computerweekly.com/news/252486923/Former-UC-Global-staff-confirm-Embassy-surveillance-operation-against-Julian-Assange>

**"On July 29, 2019 my firm filed a criminal complaint against the owner of the company UC Global, for crimes against privacy and against the secrecy of communications between attorney-client, [...] a crime of misappropriation, [...] and money laundering, [...]."**

On July 29, 2019 my firm filed a criminal complaint against the owner of the company UC Global, for crimes against privacy and against the secrecy of communications between attorney-client (art. 197 in connection with art 197.4 of the Spanish Criminal Code), a crime of misappropriation (art. 253 CP), bribery (art. 424 and 427 Criminal Code) and money laundering (art. 301 Criminal Code). In addition, the complaint was also directed against the company UC Global as a legal person for committing a crime against privacy and against the secrecy of attorney-client communications (art. 197 CP), bribery (art. 427 CP) and money laundering (art. 302.2 CP).

As a consequence of this criminal complaint, the Central Investigative Court No. 5 of the National Court (Audiencia Nacional) issued an order on August 7, 2019 admitting the criminal action and opening Preliminary Procedures 3291/2019 for the crime against privacy and against the secrecy of communications between attorney-client (art. 197 and 197.4 of the Spanish Criminal Code), bribery (art. 424 and 427 Criminal Code) and money laundering (art. 301 Criminal Code) in relation to the owner of the company, and crime against privacy and against the secrecy of communications between attorney-client (art. 197 Criminal Code), bribery (art. 427 Criminal Code) and money laundering (art. 302.2 Criminal Code), as regards UC Global

On September 17, 2019, a police operation was carried out, ordered by the Central Investigative Court No. 5 of the National Court (Audiencia Nacional), in which the owner of the company was arrested, together with the entry and search of his home and of the headquarters of the company UC Global. In addition the Central Investigative Court No. 5 has agreed a set of proceedings, including the protection of former workers as protected witnesses, and the taking of the statement of Julian Assange as a witness, through a European Order of Investigation sent to the British authorities, as a victim of the alleged crimes being investigated.

According to the witness statements and the material they gave to the court, the owner of the company UC Global took advantage of his position as manager of the company that provided security to the Embassy to develop a sophisticated espionage operation against Mr. Assange and his lawyers and doctors. This consisted in the installation of cameras inside the Embassy that recorded audio, the installation of hidden microphones to record meetings, the digitization of visitors' documents and electronic devices, and even in some cases physical surveillance, all of which were carried out to feed an FTP server (and later a web repository) that gave remote access, directly or through an intermediary, to U.S. intelligence. In addition, according to the documentation provided to the court, the owner of UC Global had been in continuous contact with the authorities of the

#1: <https://www.tareqhaddad.com/wp-content/uploads/2020/10/2020.09.30-%E2%80%93Assange-Extradition-Hearings-%E2%80%93Aitor-statement-1-from-CB1.pdf>

(C.J. Act, 1967 s.9; M.C. Act 1980, s.102, M.C. Rules, 1981, r.70)

bribery (art. 424 and 427 Criminal Code) and money laundering (art. 301 Criminal Code). In addition, the complaint was also directed against the company UC Global as a legal person for committing a crime against privacy and against the secrecy of attorney-client communications (art. 197 CP), bribery (art. 427 CP) and money laundering (art. 302.2 CP).

3. As a consequence of this criminal complaint, and the Spanish prosecutor action, the Central Investigative Court No. 5 of the National Court (Audiencia Nacional) issued an order on August 7, 2019 admitting the criminal action an opening the Criminal Case 3291/2019 for the crime against privacy and against the secrecy of communications between attorney-client (art. 197 and 197.4 of the Spanish Criminal Code), bribery (art. 424 and 427 Criminal Code) and money laundering (art. 301 Criminal Code) in relation to the owner of the company, and crime against privacy and against the secrecy of communications between attorney-client (art. 197 Criminal Code), bribery (art. 427 Criminal Code) and money laundering (art. 302.2 Criminal Code), as regards UC Global.

4. On September 17, 2019, a police operation was carried out, ordered by the Central Investigative Court No. 5 of the National Court (Audiencia Nacional), in which the owner of the company was arrested, and the accounts of the company frozen, together with the entry and search of his home and of the headquarters of the company UC Global. In addition the Central Investigative Court No. 5 has agreed a set of proceedings, including the protection of three (3) former workers as protected witnesses (whom delivered a lot of evidences to the Court), and the taking of the statement of Julian Assange as a witness, through a European Order of Investigation sent to the British authorities, as a victim of the alleged crimes being investigated.

5. I am exhibiting here the following documents related to these proceedings:

- Criminal Complaint with a selection of the attachments filed on 29.07.19.
- The statements of Witnesses 1 and 2 before a public notary.

6. To avoid unnecessary interference with the Article 8 ECHR rights and/or the privacy, confidentiality and Data Protection rights concerning third parties whose confidential or private data appears in the material before the court I have taken a selective approach to what I have included of the attachments but can confirm that all the attachments mentioned in the exhibited Criminal Complaint were filed with the court in Spain.

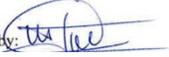
Signed:  Date: 18.12.2019

#2: <https://www.tareqhaddad.com/wp-content/uploads/2020/10/2020.09.30-%E2%80%93Assange-Extradition-Hearings-%E2%80%93Second-statement-of-AM-18.12.2019.pdf>

1. My name is AITOR MARTÍNEZ JIMÉNEZ. I am a lawyer at the law firm "ILOCAD SL - Baltasar Garzón Abogados", which coordinates the defence of Julian Paul Assange. I am fluent in both Spanish and English.

2. On July 29, 2019 my firm filed a criminal complaint against the owner of the company UC Global, David Morales, for crimes against privacy and against the secrecy of communications between attorney-client (art. 19 in connection with art 197.4 of the Spanish Criminal Code), a crime of misappropriation (art. 253 CP), bribery (art. 424 and 427 Criminal Code) and money laundering (art. 301 Criminal Code). In addition, the complaint was also directed against the company UC Global as a legal person for committing a crime against privacy and against the secrecy of attorney-client communications (art. 197 CP), bribery (art. 427 CP) and money laundering (art. 302.2 CP). The complaint at that time was based on

Signed: 

Signature witnessed by: 

#### History leading to Protected Witness Status

4. On May 20, 2019 my firm received an email to which I responded. The author of the email was a former worker for the company UC Global, the company in charge of the security of the Ecuadorian Embassy in London between 2015 and mid 2018. This witness [known as Witness 2 in the UK proceedings and Test-1 in Spanish criminal case] approached the office first without providing his identity. Before he was willing to speak to us he requested reassurance that his identity would be protected. Further, as has been set out in his statement and in the criminal complaint made to the Spanish Court drafted to contain the primary evidence he could give, he was able to provide extensive documentation to support that evidence which showed the commission of unlawful acts towards Julian Assange during his time in the Ecuadorian Embassy.

5. The witness had an appreciation of the serious step he was personally taking by providing that information to anyone else. Having been able to explore the detail that the witness could say it was very clear, if it was to lead to further investigation, that he would be potentially exposed to serious repercussions. He throughout that time expressed his fear of the exact consequences of making statements first to a notary public and thereafter to a court.

6. Later a second witness [known as Witness 1 in the UK proceedings and Test-2 in Spanish criminal case] was subsequently introduced to us by Witness 2. He too was afraid that David Morales could retaliate as a result of his giving information. (The reasons for the witnesses' fear are set out at paragraph 13 below.)

7. When Witness 1 and Witness 2 each gave their statements before the notary public on July 5, 2019 they both requested that they be granted protected status by the court because they feared that by co-operating they would be putting

#3: <https://www.tareqhaddad.com/wp-content/uploads/2020/10/2020.09.30-%E2%80%93Assange-Extradition-Hearings-%E2%80%93Aitor-statement-3-from-Vol-N-1.pdf>

Witness Aitor Martinez excerpts:

**"On May 20, 2019 my firm received an email to which I responded. The author of the email was a former worker for the company UC Global, the company in charge of the security of the Ecuadorian Embassy in London between 2015 and mid 2018. This witness [known as Witness 2 in the UK proceedings ...] approached the office first without providing his identity. Before willing to speak to us he requested reassurance that his identity would be protected. [...] he was able to provide extensive documentation to support that evidence which showed the commission of unlawful acts towards Julian Assange during his time in the Ecuadorian Embassy. [...] Later a second witness [known as Witness 1 in the UK proceedings ...] was subsequently introduced to us by Witness 2. He too was afraid that David Morales could retaliate as a result of his giving information."**

# 'Kidnapping, Assassination and a London shoot-out: Inside the CIA's Secret War Plans Against WikiLeaks'

<https://news.yahoo.com/kidnapping-assassination-and-a-london-shoot-out-inside-the-ci-as-secret-war-plans-against-wiki-leaks-090057786.html>



yahoo/news | Yahoo News

## Kidnapping, assassination and a London shoot-out: Inside the CIA's secret war plans against WikiLeaks

Zach Dorfman, Sean D. Naylor and Michael Isikoff

Sun, 26 September 2021, 5:00 am · 39-min read

Yahoo News article unedited excerpts:

**This Yahoo News investigation**, based on conversations with more than **30 former U.S. officials** — eight of whom described details of the CIA's proposals to abduct Assange — reveals for the first time one of the most contentious intelligence debates of the Trump presidency and exposes new details about the **U.S. government's war on WikiLeaks**.

The CIA assembled a group of analysts known unofficially as **"the WikiLeaks team"** in its Office of Transnational Issues, with a mission to examine the organization.

Discussions over **kidnapping or killing Assange** occurred **"at the highest levels"** of the Trump administration, said a former senior counterintelligence official. **"There seemed to be no boundaries."**

Senior officials inside the CIA and the Trump administration discussed killing Assange, going so far as to request "sketches" or "options" for how to assassinate him.

Pompeo and others at the agency proposed **abducting Assange** from the embassy and surreptitiously **bringing him back to the United States** via a third country — a process known as **rendition**.

One of those officials said he was briefed on a spring 2017 meeting in which the **president asked whether the CIA could assassinate Assange** and provide him "options" for how to do so.

Pompeo asked a small group of senior CIA officers to figure out "the art of the possible" when it came to WikiLeaks, said another former senior CIA official. "He said, **'Nothing's off limits, don't self-censor yourself**. I need operational ideas from you. I'll worry about the lawyers in Washington.'"

**'Kidnapping, assassination and a London shoot-out: Inside the CIA's secret war plans against WikiLeaks'** *Yahoo News Article Excerpts continued, pg. 2:*

<https://news.yahoo.com/kidnapping-assassination-and-a-london-shoot-out-inside-the-ci-as-secret-war-plans-against-wiki-leaks-090057786.html>

**"WikiLeaks was a complete obsession of Pompeo's,"** said a former Trump administration national security official. "After Vault 7, Pompeo and [Deputy CIA Director Gina] Haspel **wanted vengeance on Assange.**"

... at roughly the same time, agency executives requested and received "sketches" of plans for **killing Assange and other Europe-based WikiLeaks members** who had access to Vault 7 materials, said a former intelligence official.

The CIA and top U.S. officials discussed plans to criminalize journalism that exposes U.S. war crimes by redefining WikiLeaks and other journalists as **"information brokers,"** so the U.S. could **spy on, prosecute, and imprison them.**"

Among the journalists some U.S. officials wanted to designate as **"information brokers"** were **Glenn Greenwald**, then a columnist for the Guardian, and **Laura Poitras**, a documentary filmmaker, who had both been **instrumental in publishing documents provided by Snowden.**

"I am not the least bit surprised that the **CIA**, a longtime authoritarian and antidemocratic institution, **plotted to find a way to criminalize journalism** and spy on and commit other acts of aggression against journalists," **Greenwald** told Yahoo News.

"As an American citizen, I find it absolutely outrageous that our government would be contemplating kidnapping or assassinating somebody without any judicial process simply because he had published truthful information," **Barry Pollack, Assange's U.S. lawyer**, told Yahoo News.

Full Yahoo News article:

<https://news.yahoo.com/kidnapping-assassination-and-a-london-shoot-out-inside-the-ci-as-secret-war-plans-against-wiki-leaks-090057786.html>

**Trevor Timm**, executive director of the Freedom of the Press Foundation, commented: **"The CIA is a disgrace.** The fact that it contemplated and **engaged in so many illegal acts against WikiLeaks**, its associates and even other award-winning journalist **is an outright scandal** that **should be investigated by Congress and the Justice Department.** The Biden administration must drop its charges against Assange immediately. The case already threatens the rights of countless reporters. These new revelations which involve **shocking disregard for the law** are truly beyond the pale."

**ACLU** tweeted: This new report highlights that the prosecution of Julian Assange **poses a grave threat to press freedom.** We'll say it again: The **government needs to drop its charges against him.**

## Discussions over kidnapping or killing Assange occurred “at the highest levels” of the Trump administration – expedited drafting of charges against Assange



<https://news.yahoo.com/kidnapping-assassination-and-a-london-shoot-out-inside-the-ci-as-secret-war-plans-against-wiki-leaks-090057786.html>

Yahoo Article Excerpts:

“Some senior officials inside the CIA and the Trump administration even discussed killing Assange, going so far as to request “sketches” or “options” for how to assassinate him. Discussions over kidnapping or killing Assange occurred “at the highest levels” of the Trump administration, said a former senior counterintelligence official. “There seemed to be no boundaries.”

“Some National Security Council officials worried that the CIA’s proposals to kidnap Assange would not only be illegal but also might jeopardize the prosecution of the WikiLeaks founder. Concerned the CIA’s plans would derail a potential criminal case, the Justice Department expedited the drafting of charges against Assange to ensure that they were in place if he were brought to the United States.”

yahoo!news



Julian Assange



Donald Trump

There is no indication that the most extreme measures targeting Assange were ever approved, in part because of objections from White House lawyers, but the agency’s WikiLeaks proposals so worried some administration officials that they quietly reached out to staffers and members of Congress on the House and Senate intelligence committees to alert them to what Pompeo was suggesting. “There were serious intel oversight concerns that were being raised through this escapade,” said a Trump national security official.

Some National Security Council officials worried that the CIA’s proposals to kidnap Assange would not only be illegal but also might jeopardize the prosecution of the WikiLeaks founder. Concerned the CIA’s plans would derail a potential criminal case, the Justice Department expedited the drafting of charges against Assange to ensure that they were in place if he were brought to the United States.

In late 2017, in the midst of the debate over kidnapping and other extreme measures, the agency’s plans were upended when U.S. officials picked up what they viewed as alarming reports that Russian intelligence operatives were preparing to sneak Assange out of the United Kingdom and spirit him away to Moscow.

The intelligence reporting about a possible breakout was viewed as credible

# 'Three Protected Witnesses Accuse a Former Spanish Military of Spying on Assange'

[https://english.elpais.com/elpais/2020/01/21/inenglish/1579611351\\_198492.html](https://english.elpais.com/elpais/2020/01/21/inenglish/1579611351_198492.html)

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## Three protected witnesses accuse Spanish ex-marine of spying on Julian Assange

Former employees of David Morales tell a judge in Spain that his company was making recordings of the cyberactivist and his lawyers for the CIA



Julian Assange in a still from one of the videos recorded inside the Ecuadorian embassy in London. Video: Details of the spying operation against Assange. EPV

Former employees of David Morales tell a judge in Spain that his company was making recordings of the cyberactivist and his lawyers for the CIA

JOSE MARIA IRUJO  
Madrid - 21 JAN 2020

EXCERPTS:

### Three protected witnesses accuse Spanish ex-marine of spying on Julian Assange

Two of the witnesses confirm, as [revealed by EL PAÍS before the judicial investigation began](#), that in December 2017 the owner of UC Global SL ordered his workers to change the video surveillance cameras at the embassy and replace them by others that incorporate audio. And that from then on the conversations of the Wikileaks founder with his lawyers were recorded and each and every visit he received was monitored.

During those meetings, the cyber-activist was preparing his defense against the request for extradition from the US. The US Justice [accuses him of 18 crimes that add up to 175 years in prison](#) for the information that his organization revealed of classified material from [secret military operations in Afghanistan and Iraq](#).

According to the evidence provided by the witnesses to the court, videos, audios and dozens of emails, some [already advanced by this newspaper](#), the espionage was massive. The passports of all the visits were photographed, mobile phones were disassembled, iPad was downloaded, notes were stolen, and reports of each meeting were prepared by express order of Morales.

The ex-marine infant, marked in writing objectives and profiles "of the highest priority" that had to be "controlled at all times": [especially the visits of Americans and Russians](#), as recorded in emails. The lists prepared do not reflect the visit of any Russian citizen, if that of a Serbian person and another Bioelorrussian. "All this must be considered top secret so dissemination will be limited," wrote the owner of UC Global SL to his trusted workers. Ecuadorian diplomats working at the London embassy were also the target of espionage, according to evidence provided by witnesses.

Microphones were installed in the fire extinguishers in the meeting room and ladies' restroom

The testimonies of the witnesses coincide in the phrases that Morales used before his most trusted workers: "we play in the first division", "I have gone to the dark side", "those who control are the friends of the USA", "the American client", "American friends ask me to specify them", "Americans will get us contracts all over the world", "United States intelligence", and so on. The obsession with any Russian visit or trace of Assange's ties with Russia is also reflected by the photographs taken of the visas in the passports of some visitors.

The recordings of the hard drives of the sound cameras installed in the embassy were extracted every 15 days, together with other recordings of microphones placed in the fire extinguishers, and delivered personally to the director at the company's headquarters in Jerez de la Frontera. Always the original recordings, never copies.

Morales traveled to the US once or twice a month supposedly to deliver the material "to the Americans." A microphone was installed on the plastic PVC base of a fire extinguisher in the meeting room where Assange met with his lawyers and in which the cyber activist had installed a white noise machine that he always turned on on suspicion of being spied on. Another was placed in the ladies' room where the Wikileaks founder sometimes met with his lawyers.

UC Global SL had been hired during the government of [Rafael Correa](#) by the Senain, Ecuador's secret service, to provide the embassy's security service. But Morales, according to these testimonies, ordered the spy on the Australian and created computer servers with remote control where all the information obtained illegally and accessed from the United States was dumped.

### Trips to Virginia and Las Vegas

The witnesses affirm that they verified that there were accesses from the US. A study of the emails sent by Morales to several of his employees indicates [that the former military man traveled to Alexandria, a city of about 145,000 inhabitants, on March 1 and 2, 2017](#). The IP addresses of the aforementioned messages, to which this newspaper has had access, indicate that it was in the place that houses the court where Assange's extradition request is processed. [EDVA, Eastern District of Virginia (Brackets for clarification, not in El Pais article)]

According to these testimonies, the channel to deliver the material on Assange to the CIA was a member of the security service of [tycoon Sheldon Adelson](#), owner of Las Vegas Sands, friend of President [Donald Trump](#) and one of the main donors of the Republican Party. Morales had secured a contract with Adelson to reinforce the security of his ship when it docked in the Mediterranean. The main person in charge of the security of the North American businessman is a prominent former CIA chief.

Morales sent his workers an email on December 10, 2017 in which he asked that Ecuador be limited to access to the server, where the information was stored, so that he would not discover that "the American client" could also do so. The IP of that email determines that he wrote it from *The Venetian*, the main hotel of the Adelson chain in Las Vegas (USA).

"They tell me that for Ecuadorians to access the remote system, we must take into account that we must program it so that they only see what interests us... It must seem like they have access," the message said. The technical recommendations that "the client" gave him and that he sent to his employees in Jerez were in English.

In this Spanish video, is the summary of the espionage activities carried out by UC Global. YouTube: [https://www.youtube.com/watch?v=emOinPN\\_4fE&t=2s&ab\\_channel=ElPa%C3%ADs](https://www.youtube.com/watch?v=emOinPN_4fE&t=2s&ab_channel=ElPa%C3%ADs)

**"The witnesses said that they were able to prove that the US was accessing the information. A study of the emails sent by Morales to several of his workers shows that the former marine traveled to Alexandria, a US city in Virginia with around 145,000 residents, on March 1 and 2, 2017. The IP addresses of these messages, to which this newspaper has had access, show that they were from the place [Eastern District of VA] that was processing the extradition order against Assange."**

EL PAÍS

NEWS

WIKILEAKS >

## US demands hinder Spanish probe into alleged CIA ties to security firm that spied on Assange

American prosecutors want to know the judge's sources before cooperating in an investigation into whether UC Global gave intelligence services sensitive material on the cyber-activist

Sept 2020 [https://english.elpais.com/spanish\\_news/2020-09-10/us-demands-hinder-spanish-probe-into-alleged-cia-ties-to-security-firm-that-spied-on-assange.html](https://english.elpais.com/spanish_news/2020-09-10/us-demands-hinder-spanish-probe-into-alleged-cia-ties-to-security-firm-that-spied-on-assange.html)

EXCERPT: **"Judge De la Mata has asked US prosecutors for the IP addresses of the computers or other networked devices that allegedly connected from American soil to a server in southern Spain" [...] "US prosecutors have now sent a letter to María de las Heras, a liaison judge for Spain in the US, asking her to convey their demands to De la Mata. These include showing proof that the requested IP addresses are "relevant and substantial to the investigation." The document requests further details about the Spanish probe, including the sources of information for most of the assertions made in the request for judicial cooperation."**

**Summary:** US stonewalled Spanish court's request for the IP addresses "allegedly connected from American soil to a server in southern Spain" by requesting a long list of demands to Spanish Judge De La Mata.

# 'Police Omitted Folder Called 'CIA' from Computer of Spaniard Who Allegedly Spied on Julian Assange'

<https://english.elpais.com/international/2023-06-04/police-omitted-folder-called-cia-from-the-computer-of-spaniard-who-allegedly-spied-on-julian-assange.html>



## International

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### Police omitted folder called 'CIA' from the computer of Spaniard who allegedly spied on Julian Assange

In a recent document dump delivered to the presiding judge, more than 250 extra gigabytes of files related to the surveillance of the founder of WikiLeaks were included — far more than what was initially presented by police



JOSÉ MARÍA IRUJO

Madrid · 04 JUN 2023 · 10:51 UTC



EXCERPTS:

[David Morales](#) — the owner of the Spanish security company that [spied on Julian Assange](#) during his prolonged stay at the Ecuadorian Embassy in London — kept the work he did for the CIA on his laptop. It was all marked under the initials of the U.S. intelligence agency, according to a new examination of his MacBook, to which EL PAÍS has had access to. The word "CIA" appears several times on a Western Digital-branded external hard drive, on which Morales kept the projects and operations that his company — [UC Global, S.L.](#) — was contracted to deliver.

Morales' personal files, which were previously unknown to investigators, builds on the allegations and evidence that Morales — a former Spanish soldier — spied on the meetings that the [WikiLeaks founder](#) and his lawyers held at the Embassy of Ecuador to the United Kingdom, and [sent that information to the U.S. intelligence agency](#). These files were stored on a number of folders marked with the terms "CIA," "Embassy" and "Videos," along with other labels.

The discovery of these new clues about the CIA's spying on the cyberactivist — who remains imprisoned in a London jail — is no accident. Assange's lawyers found problems when downloading the records uploaded to the cloud. They managed to get Judge Santiago Pedraz — who is overseeing the case — to authorize a second copy of the material seized by the agents. A new digital document dump offered a clear picture that the police had not pieced together. Now, a report by the experts called by Assange's lawyers credits the appearance of "a very relevant volume of material, which was not included in the original [police] copy." Forensic analysis describes the copy of the hard drive as containing "multiple pieces of evidence." In this second dump, the mentioned folders have appeared, including the one that UC Global labelled as "CIA."

### Hidden microphones

The difference in the size or volume of the two copies is substantial. The document dump from Morales' computers, flash drives and electronic devices provided by police was 254.5 GB less than the one recently obtained by Assange's defense — an equivalent of 551.61 files and 973 email files. Among the new files, a folder titled "Operations & Projects" was saved, containing directories organized according to geographical area. Each region or country is specified, along with the details of the services to be provided.

In the area corresponding to North America — within the "USA" directory — there is a file called "CIA." Inside — in a folder marked "Videos" — images of recordings are stored. These were obtained via the hidden cameras and microphones that UC Global installed in the Embassy of Ecuador in London to surveil the WikiLeaks founder. Each recording is dated and titled. Some examples are "Pamela Anderson" — which contains the meetings with the actress, a friend of Assange — "Guest," being the name that Morales' employees used to refer to the Australian; "Ladies toilet," a place where Assange held meetings with his lawyers for fear of being spied on; and "Fidel," the Ecuadorian consul who tried to get Assange out of the U.K. with a diplomatic passport.

The video files were transferred to a commercial format and renamed with references to their contents, in order to make them visible and accessible to the final user. In this case — and according to what appears on Morales' own computer — said user, or client, was the CIA. The new evidence seized from the ex-soldier coincides with the material delivered to the judge by a former UC Global worker, who has been granted the status of protected witness.

Until now, the suspicions that the owner of UC Global sent the material obtained during the [espionage operation at the Ecuadorian Embassy to the CIA](#) was based on the evidence provided by EL PAÍS, as well as on statements made by several former employees of the security company. Also, there were emails from Morales, in which he claimed to be working for "the American client" and that he had "gone over to the dark side" by collaborating with "American intelligence." To his trusted employees, he once wrote that "those in control are the friends of the USA."

The data provided by Morales to the CIA resulted in the plan to remove Assange from the embassy (during Christmas of 2017) to be aborted, as revealed by EL PAÍS. The United States has requested Assange's extradition, and the [United Kingdom has granted it](#). But the case is still pending, as there are several judicial appeals that can be made.

### 'Very relevant' folders that were not copied

The report by Assange's experts — Manuel Huerta and José Manuel Martínez — highlights that "very relevant" folders for the investigation, such as those from Morales' desktop, were not copied in the police dump. The expert analysis highlights the appearance of "deleted folders with information," among which are several marked with the word "hotel" — the name Morales used to refer to the Embassy of Ecuador in London, where Assange took refuge and [where he was spied on](#). "There's an abysmal loss of files and folders," the experts conclude.

## Spain's High Court Demands Pompeo Testify on Alleged Plot to Kidnap or Kill Assange

The former U.S. secretary of state and CIA director was summoned to give testimony related to alleged spying on the jailed WikiLeaks founder by a Spanish security firm.

### EXCERPTS:



by BRETT WILKINS

Jun 06, 2022



A judge on Spain's highest court has summoned former U.S. Secretary of State and Central Intelligence Agency Director Mike Pompeo to testify about an alleged Trump administration plot to kill or kidnap jailed WikiLeaks founder Julian Assange, according to a report published on Friday.

Spain's *ABC* reports National High Court Judge Santiago Pedraz issued the summons, which compels Pompeo to testify as part of an investigation of alleged illicit spying on Assange by Spanish security firm U.C. Global while the Australian was exiled in the Ecuadorean Embassy in London.

Pompeo and former U.S. National Counterintelligence and Security Center Director William Evanina are also being called to testify about an alleged plot revealed last year by *Yahoo! News* to abduct or possibly murder Assange to avenge WikiLeaks' publication of the "Vault 7" documents exposing CIA electronic warfare and surveillance activities.



NEW: Spanish court summons ex-CIA director Mike Pompeo to testify about CIA plans to kidnap, assassinate Julian Assange.



abc.es  
La Audiencia Nacional cita a un exsecretario de Estado de EE.UU.  
El juez Pedraz llama a declarar a Mike Pompeo en la causa sobre el espionaje a Assange

11:46 AM · Jun 3, 2022

1.2K Reply Copy link

According to *Yahoo! News*' Zach Dorfman, Sean D. Naylor, and Michael Isikoff, discussions over kidnapping or killing Assange occurred "at the highest levels" of the Trump administration, with senior officials requesting "sketches" or "options" for assassinating him.

"They were seeing blood," one former Trump national security official told the reporters.

"There seemed to be no barriers," said another.

U.C. Global whistleblowers allege company founder David Morales worked with the CIA to surveil Assange and Ecuadorean diplomats who worked at the London embassy. Former Ecuadorean President Rafael Correa had angered the Obama and Trump administrations by granting Assange asylum as he resisted going to Sweden to face sex crime allegations over fears he would be extradited to the United States.

Assange is charged in the U.S. with violating the 1917 Espionage Act and the Computer Fraud and Abuse Act for conspiring with whistleblower Chelsea Manning to publish classified documents--which revealed U.S. and allied war crimes and other misdeeds in Afghanistan, Iraq, and around the world--on WikiLeaks over a decade ago.

According to the United Nations Working Group on Arbitrary Detention, Assange has been arbitrarily deprived of his freedom since he was first arrested in London on December 7, 2010. Since then, he has been held under house arrest, confined for seven years in the Ecuadorean Embassy, and jailed in London's Belmarsh Prison, where he currently awaits his fate after a judge recently approved a U.S. extradition request.

EXCERPTS: "Spain's ABC reports National High Court Judge Santiago Pedraz issued the summons, which compels Pompeo to testify as part of an investigation of alleged illicit spying on Assange by Spanish security firm U.C. Global while the Australian was exiled in the Ecuadorean Embassy in London. [...] Pompeo and former U.S. National Counterintelligence and Security Center Director William Evanina are also being called to testify about an alleged plot revealed last year by *Yahoo!*"

# 'U.S. Stonewalls Probe into Security Firm that Allegedly Spied on Assange for CIA'

<https://news.yahoo.com/us-stonewalls-probe-into-security-firm-that-allegedly-spied-on-assange-for-cia-says-spanish-judge-191433247.html>

yahoo!news

## U.S. stonewalls probe into security firm that allegedly spied on Assange for CIA, says Spanish judge



Michael Isikoff · Chief Investigative Correspondent  
November 26, 2021 · 14 min read

### EXCERPTS:

MADRID — The Justice Department has failed to respond to multiple requests from Spanish authorities for help in an investigation into a local security firm suspected of being used by the CIA to conduct aggressive — and potentially illegal — surveillance of WikiLeaks founder Julian Assange.

"I am not so pleased about it," said Santiago Pedraz, the investigating judge in charge of the case, in an exclusive interview with Yahoo News, when asked about the failure of officials in Washington so far to cooperate with his probe. "They have absolutely not answered anything."

Since June of last year, Spanish judges have sent three requests for information to the Justice Department primarily seeking information about the ownership of IP addresses believed to be in the United States that had access to files documenting Assange's activities while he was holed up in the Ecuadorian Embassy in London, according to copies of the requests reviewed by Yahoo News.

Despite a mutual legal assistance treaty (MLAT) between the U.S. and Spain pledging to assist each other in criminal investigations, none of the Spanish requests have yet elicited any substantive responses from the United States, the judge said. Instead, Justice Department lawyers have asked Spanish authorities for more information about the basis for the inquiry before taking any action.

Yahoo Article Excerpts:

***"The Justice Department has failed to respond to multiple requests from Spanish authorities for help in an investigation into a local security firm suspected of being used by the CIA to conduct aggressive — and potentially illegal — surveillance of WikiLeaks founder Julian Assange.[..] Spanish judges have sent three requests for information to the Justice Dept primarily seeking information about the ownership of IP addresses believed to be in the United States that had access to files documenting Assange's activities [..]"***

Chief among those puzzle pieces is whether U.S. intelligence officials — as Assange's lawyers have alleged — arranged for the Spanish security firm UC Global to violate Spanish privacy and bribery laws by installing cameras and hidden microphones inside the Ecuadorian Embassy, including in a women's bathroom where Assange would sometimes take meetings. This in turn allowed the company to secretly record or otherwise eavesdrop on conversations that Assange had with his lawyers, doctors, advisers, journalists and others, including in one case a U.S. congressman, according to internal documents from the Spanish case.

"We want to find out what was done with this material," Pedraz said. He pointed to the CIA's potential role as a principal "theory" that "we are trying to investigate." He did not rule out, however, that there could be other explanations for the alleged data transfer.

A DOJ spokeswoman wrote in an email that "as a matter of policy," the department doesn't comment on its correspondence with foreign governments over MLAT requests. Legal experts say that the MLAT process can often be frustratingly slow — especially when it requires, as in this case, federal prosecutors to seek court orders for the information the foreign government is seeking. Still, T. Markus Funk, a former federal prosecutor who wrote a guidebook about the MLAT process for the U.S. court system, said the fact that the Justice Department hasn't responded to the Spanish requests over a 17-month period seems "unusually slow." He added: "This seems to be outside of what would be normal."

The investigation by Spanish police, which has been extensively reported in the Spanish press, has taken on new significance in recent weeks in the aftermath of a Yahoo News report documenting how the CIA, under its then-director Mike Pompeo, launched in 2017 a covert operation to cripple WikiLeaks that included ultimately aborted plans to abduct Assange in a so-called "snatch operation." CIA officials, incensed by WikiLeaks' publication of sensitive agency hacking documents, even discussed — but never implemented — a plot to assassinate Assange, according to former U.S. intelligence officials knowledgeable about the CIA's operation.

While White House lawyers put the brakes on the most extreme measures Pompeo had pushed, the CIA did undertake other aggressive actions, including arranging to obtain audio and visual recordings of Assange inside the embassy as well as spying on some of his associates, according to the Yahoo News report. Pompeo, in his only public comments on the article, acknowledged that "pieces of it are true," and called on the Justice Department to criminally prosecute the sources who spoke to Yahoo News for disclosing classified information. (The CIA has consistently declined to comment on any aspect of its targeting of Assange and WikiLeaks and did so again in response to an inquiry for this article.)

The CIA's targeting of the WikiLeaks founder — and allegedly arranging to eavesdrop on his meetings and conversations inside the Ecuadorian Embassy — may not be surprising, given that Pompeo in his first speech as CIA director had publicly declared WikiLeaks to be a "non-state hostile intelligence service."

# 'Julian Assange Lawyers Sue Mike Pompeo, CIA and UC Global Firm Over Alleged Spying'

<https://www.theguardian.com/media/2022/aug/16/julian-assange-lawyers-sue-cia-over-alleged-spying>

The Guardian

## Julian Assange lawyers sue CIA over alleged spying

**Suit alleges CIA and its ex-director Mike Pompeo violated US constitutional protections for confidential discussions**



Lawyers for WikiLeaks founder Julian Assange have filed a lawsuit against the CIA and its former director Mike Pompeo. Photograph: Justin Tallis/AFP/Getty Images

EXCERPTS:

Agence France-Presse

Mon 15 Aug 2022 22.23 EDT



Lawyers for WikiLeaks founder **Julian Assange** are suing the US Central Intelligence Agency and its former director Mike Pompeo in a suit filed in a New York district court on Monday, alleging the agency recorded their conversations and copied data from their phones and computers.

The attorneys, along with two journalists joining the suit, are Americans and allege that the CIA violated their US constitutional protections for confidential discussions with Assange, who is Australian.

The suit alleges that the CIA worked with a security firm contracted by the Ecuadorian embassy in London, where Assange was living at the time, to spy on the WikiLeaks founder, his lawyers, journalists and others he met.

Assange is **facing extradition from Britain to the US**, where he is charged with violating the US Espionage Act by publishing US military and diplomatic files in 2010 related to the Afghanistan and Iraq wars.

Robert Boyle, a New York attorney representing the plaintiffs in the lawsuit, said the alleged spying on Assange's attorneys means the WikiLeaks founder's right to a fair trial has "now been tainted, if not destroyed".

"There should be sanctions, even up to dismissal of those charges, or withdrawal of an extradition request," Boyle told reporters.

The suit was filed by attorneys Margaret Ratner Kunstler and Deborah Hrbek, and journalists Charles Glass and John Goetz.

They all visited Assange while he was living inside the Ecuadorian embassy in London under political asylum, since withdrawn.

The suit names the CIA, former CIA director and former US secretary of state Pompeo, and the security firm Undercover Global as defendants.

The suit alleges Undercover Global, which had a security contract with the embassy, swept information on their electronic devices, including communications with Assange, and provided it to the CIA.

In addition it placed microphones around the embassy and sent recordings, as well as footage from security cameras, to the CIA, the suit alleges.

This, the attorneys claim, violated privacy protections for US citizens.

Assange is awaiting a ruling on his appeal of the British extradition order to the US.

The charges he faces could bring a sentence of up to 175 years in prison.

The suit alleges that while Undercover Global controlled security at the embassy, each visitor had to leave their electronic devices with a guard before seeing Assange.

"The information contained on the plaintiff's devices was copied and, ultimately, given to the CIA," it reads. "Defendant Pompeo was aware of and approved the copying of information contained on plaintiffs' mobile electronic devices and the surreptitious audio monitoring of their meetings with Assange," the suit claims.

EXCERPTS:

**"Lawyers for WikiLeaks founder Julian Assange are suing the US Central Intelligence Agency and its former director Mike Pompeo in a suit filed in a New York district court on Monday, alleging the agency recorded their conversations and copied data from their phones and computers.**

**The attorneys, along with two journalists joining the suit, are Americans and allege that the CIA violated their US constitutional protections for confidential discussions with Assange, who is Australian.**

**The suit alleges that the CIA worked with a security firm contracted by the Ecuadorian embassy in London, where Assange was living at the time, to spy on the WikiLeaks founder, his lawyers, journalists and others he met."**

## Evidence File #5: Assange Prosecution is a Targeted, Political, ‘Selective Prosecution’

### In this Evidence File:

- P1.** Witness Testimony from John Young (founder, editor of publishing outlet Cryptome)
  - Excerpt from ‘US v Julian Paul Assange’.
- P2.** Witness Testimony from John Goetz (Der Spiegel journalist, 2010 WikiLeaks’ partner)
  - Excerpt from ‘US v Julian Paul Assange’.
- P3.** Witness Testimony from Noam Chomsky (American analytic, political philosopher, a founder of cognitive science field)
  - Excerpt from ‘US v Julian Paul Assange’.
- P4.** Main Media Not Prosecuted for Publishing Leaked Docs – Abandon Assange in US Crosshairs
  - *Harper’s Magazine* March 2023 article, ‘Alternative Facts: How the Media Failed Julian Assange’ by Andrew Cockburn’, excerpts.
  - Snapshot from *iMediaEthics* Nov 2010 article, ‘WikiLeaks Calls 5 News outlets “Partners” in CableGate Leak’ by Sydney Smith, excerpts.
  - Snapshot from *The NYTimes* Nov 2022 article, ‘Major News Outlets Urge U.S. to Drop Its Charges Against Assange’, excerpts.
  - Snapshot from *The NYTimes* Jan 2011 article, ‘Dealing with Assange and WikiLeaks Secrets’.
  - Diagram of Assange and WikiLeaks’ Journalism Awards.
  - Summary by Assange Defense.
- P5.** ‘“I am Assange!” Daniel Ellsberg, Other Allies Ask US to Prosecute Them, Too’
  - Reproduction of *Newsweek* Dec 2022 article by Shaun Waterman, excerpts.
- P6.** ‘I am Guilty of Violating the Espionage Act’
  - Reproduction of *The NYTimes* Dec 2020 article by Laura Poitras, excerpts.
- P7.** ‘Assange Extradition a Dangerous Assault on International Journalism’
  - Reproduction of *MEAA Media Release* June 2022, excerpts.
- P8.** ‘The Selective Prosecution of Julian Assange’
  - Reproduction of *Electronic Frontier Foundation* Oct 2020 article, excerpts.

# Evidence File 5: Assange Prosecution is a Targeted, Political, 'Selective Prosecution'

Full witness statements : <https://www.tareqhaddad.com/the-archives/>

DAY 13 (24 Sept 2020)

Witness #22: **John Young** (founder, editor of publishing outlet Cryptome)

**"Since my publication on <http://Cryptome.org> of the unredacted diplomatic cables, no US law enforcement authority has notified me that this publication of the cables is illegal ..."**

Full PDF: <https://www.tareqhaddad.com/wp-content/uploads/2020/09/2020.09.04-Assange-Extradition-Hearings-Statement-of-John-Young-Cryptome-16.07.20.pdf>

(C.J. Act, 1967 s.9; M.C. Act 1980, s.102, M.C. Rules, 1981, r.70)

## STATEMENT OF WITNESS

(Criminal Justice Act 1967, ss 2,9/M.C. Rules, 1968, r.58)

Statement of : John Young  
Age of witness (if over 18 enter 'over 18') : Over 18  
Occupation of witness : Owner and administrator of Cryptome.org  
Address : 251 West 89th Street, New York, NY 10024

This statement, consisting of 2 pages signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

1. My name is John Young, resident of New York, NY, a citizen of the United States of America, and founder of the website Cryptome.org in 1996 and continuously since that time have been the website owner and administrator to the present.

2. I published on Cryptome.org unredacted diplomatic cables on September 1, 2011 under the URL <https://cryptome.org/z/z.7z> and that publication remains available at the present.

3. I obtained the encrypted file from the following URL:  
<http://193.198.207.6/wiki/file/xyz/z.gpg>

4. For September 1, 2011 publication date of the file see:  
<https://cryptome.org/cryptomb30.htm>

5. Log file of the z.7z file on April 16, 2020:

 z.7z 110901 00:00 368027580

Signed .....

Signature witnessed by .....

Signed .....

Signature witnessed by .....

6. Since my publication on Cryptome.org of the unredacted diplomatic cables, no US law enforcement authority has notified me that this publication of the cables is illegal, consists or contributes to a crime in any way, nor have they asked for them to be removed.

Dated the \_\_\_\_\_ 2020

Signed \_\_\_\_\_

Signature witnessed by \_\_\_\_\_

DAY 7 (16 Sept 2020)

Witness #7: **John Goetz** (Der Spiegel journalist, 2010 WikiLeaks' partner)

**"... when the partners published their respective stories on July 25, 2010 ... "**

**"It is interesting to note that Der Spiegel and the Guardian published actually before WikiLeaks. The Guardian published a few hundred documents on their site before WikiLeaks."**

Full PDF: <https://tareqhaddad.com/wp-content/uploads/2020/09/2020.09.16-Assange-Extradition-Hearings-Statement-of-John-Goetz.pdf> Full [PDF]

**US v Julian Paul ASSANGE**

**Witness Statement #7 (1) John Goetz**

NB There are TWO John Goetz Statements

**Dated**

**12 Feb 2020**

**EXCERPT:**

12. Before publication of the Afghan War Diary, together with my colleague Marcel Rosenbach, I discussed in detail with Assange in London how the documents might be vetted to prevent risk of harm to anyone. He was in agreement as to the importance of protecting confidential sources including certain US and ISAF sources. We discussed how harm could be minimised and he explained the approach of WikiLeaks – namely that cases were identified where there might be a reasonable chance of harm occurring to the innocent. Those records, having been identified, were edited accordingly. This approach was understood and agreed to by all of the media partners and I describe below how they were put into effect thereafter.
13. Part of the agreement with Wikileaks was that Assange insisted that we handle communications and the material securely. There were more extreme measures taken than I had ever previously observed as a journalist to secure the data and ensure that it remained only accessible to the members of the journalistic cooperation. It was the first time I was involved when cryptophones were used, we communicated on an encrypted chat system and other means were used to protect the data.
14. The media partners agreed that the New York Times would approach the White House for comment in advance of the release. It was agreed that it made sense to have just one partner approach the White House. If all of the partners contacted the White House independently, there would be chaos. Eric Schmitt from the New York Times was the person within the group who would take on responsibility of liaising with the New York Times Washington DC Bureau about approaching the White House. I remember a conference call with the New York Times as well as talking to Eric Schmitt about their approach to the White House. We were told that Dean Baquet and Mark Mazetti were part of the group that met with the White House.
15. Eric Schmitt wrote an email to me on July 30, 2010 about the attempt of Assange to get help from the US government to vet the materials, "On Saturday night, I passed along WH's request that WL redact the dox of informants' names and then his response that he'd withhold 15,000 dox and entertain suggestions from ISAF for names to remove if they'd provide tech assistance."
16. I am aware that when the partners published their respective stories on July 25, 2010, that Wikileaks delayed the release of 15,000 documents as part of what Assange called "the harm minimisation process".
17. It is interesting to note that Der Spiegel and the Guardian published actually before WikiLeaks. The Guardian published a few hundred documents on their site before WikiLeaks. Wikileaks had some technical delay and their Afghan War Diary website did not go live for a couple of hours after we did.

DAY 17 (30 Sept 2020)

Witness #38: **Noam Chomsky** (American analytic, political philosopher – a founder of cognitive science field)

**"I have been asked whether Julian Assange's work and actions can be considered as "political" ... .. [his] work and actions should be understood in their relationship to the priorities of government."**

PDF: <https://tareqhaddad.com/wp-content/uploads/2020/10/2020.09.30-%E2%80%93-Assange-Extradition-Hearings-%E2%80%93-Statement-of-Noam-Chomsky.pdf>

US v Julian Paul ASSANGE  
Witness Statement #38 Noam Chomsky  
Dated 12 Feb 2020  
EXCERPT:

6. I have been asked whether Julian Assange's work and actions can be considered as "political", a question I am informed is of significance to the extradition request by the United States for Mr. Assange to be tried for espionage for having played a part in the publication of information that the United States government did not wish to be publically known.

7. I have previously spoken of the subject matter on which I am asked now to comment in relation to Mr. Assange. The following paragraphs constitute my views. I confirm my assessment that Mr. Assange's opinions and actions should be understood in their relationship to the priorities of government.

8. A Professor of the Science of Government at Harvard University, the distinguished liberal political scientist and government adviser, Samuel Huntington, observed that "the architects of power in the United States must create a force that can be felt but not seen. Power remains strong when it remains in the dark. Exposed to the sunlight it begins to evaporate". He gave some telling examples concerning the real nature of the Cold War. He was discussing US military intervention abroad and he observed that "you may have to sell intervention or other military action in such a way as to create the misimpression that it is a Soviet Union that you're fighting. That's what the United States has been doing ever since the Truman Doctrine" and there are many illustrations of that leading principle.

9. Julian Assange's actions, which have been categorized as criminal, are actions that expose power to sunlight -- actions that may cause power to evaporate if the population grasps the opportunity to become independent citizens of a free society rather than subjects of a master who operates in secret. That is a choice and it's long been understood that the public can cause power to evaporate.

14. In my view, Julian Assange, in courageously upholding political beliefs that most of us profess to share, has performed an enormous service to all the people in the world who treasure the values of freedom and democracy and who therefore demand the right to know what their elected representatives are doing. His actions in turn have led him to be pursued in a cruel and intolerable manner.

# Main Media Not Prosecuted for Publishing Leaked Docs – Abandon Assange in U.S. Crosshairs

## ‘Alternative Facts - How the Media Failed Julian Assange’ -Andrew Cockburn, excerpt

“The newspapers that signed the November letter have similarly refused to claim Assange as one of their own. At the same time, other charges and smears have warped the public narrative, obscuring the threats to the First Amendment. Many of the outlets now expressing alarm have ignored or misrepresented key information about his plight along the way. It is crucial to reflect on these misdirections, especially as a blatant assault on press freedom now appears to be on the brink of success.”

[Letter from Washington]

# Alternative Facts

EXCERPTS:

by Andrew Cockburn

## How the media failed Julian Assange

Despite Pompeo’s vehemence, there was a conspicuous lack of media interest in his next moves against Assange. The press largely expressed relief when, in April 2019, the United States finally unveiled an indictment charging Assange with conspiring, alongside Manning, to hack into a computer to obtain classified information; with the charge apparently posing no threat to press freedom, perhaps they considered themselves off the hook. Charlie Savage in the *New York Times* opined that “the case significantly reduces such concerns because it is outside traditional investigative journalism to help sources . . . illegally hack into government computers”—this despite Savage having covered parts of the Manning trial, in which the charge was called into question. Others went so far as to cheer the indictment. *The Economist*, for example, implied that Assange was getting what he deserved: *Harpers Magazine* - Excerpt, pg 5

The United States intends to try Assange in the Eastern District of Virginia, nicknamed the “Espionage Court,” notorious for the likelihood of its jury pool to include citizens linked by employment or other means to the government’s national security apparatus. The press will quite possibly, at last, pay attention to the facts of the case, and examine allegations that, as Melzer put it, “have already been disproved in court.” In his view, the joint newspaper statement released in November was “a tame and bloodless attempt to get on the right side of history . . . simply too little, too late.” *Harpers Magazine* - Excerpt, pg 6

<https://harpers.org/archive/2023/03/alternative-facts-how-the-media-failed-julian-assange/>

Prof Melzer viewed the Nov 2022 Five-Media Open Letter calling for charges to be dropped against Assange “a tame and bloodless attempt to get on the right side of history ... simply too little, too late.”

## ‘Major News Outlets Urge U.S. to Drop Its Charges Against Assange’

In a joint letter, news organizations warned that the indictment of Julian Assange “sets a dangerous precedent” that could chill reporting about matters of national security.

<https://www.nytimes.com/press/an-open-letter-from-editors-and-publishers-publishing-is-not-a-crime/>

Summation: The five major media outlets calling for Assange’s freedom in 2022 are the same outlets who in 2010/2011 partnered with WikiLeaks’ to work on the most consequential publishing in modern history.

Assange is being prosecuted for the same publications that won dozens of international journalism awards plus the Sydney Peace Prize. Other outlets adopted Assange’s digital publishing innovations which revolutionized journalism. As the partners won journalism awards using WikiLeaks’ documents, and adopted the secure Drop Box, they also stated that Julian Assange was not a journalist and distanced themselves – abandoning Assange in the crosshairs of the United States government.

The New York Times, the Guardian, Le Monde, Der Spiegel, El Pais and other media outlets published and won awards using the exact documents that Assange is being prosecuted for. If this case is NOT political why are the other outlets not indicted?

## WikiLeaks Calls 5 News outlets “Partners” in CableGate Leak

by Sydney Smith November 29, 2010 07:40 AM EST

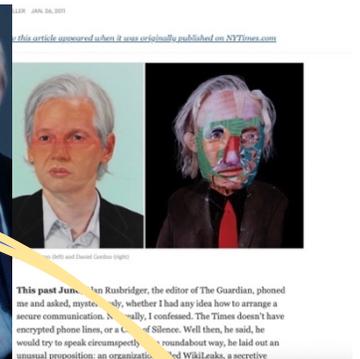
TAGS: CABLEGATE, DER SPIEGEL, EL PAIS (SPAIN), ENGLAND, JULIAN ASSANGE, LE MONDE, LEAKS, NEW YORK TIMES, THE GUARDIAN (UK), U.S., WIKILEAKS

<https://www.imediaethics.org/wikileaks-calls-5-news-outlets-partners-in-cablegate-leak/>



The Nation’s image shows WikiLeaks’ five “media partners” that were given not only an advance look at the latest document dump but actual copies of the illegally published US State Department cables. (Credit: The Nation, screenshot)

Yesterday afternoon, WikiLeaks released its largest document dump yet amidst legal threats, an international manhunt and arrest warrant for its founder Julian Assange, and apparently a cyberattack on its website.



<https://www.nytimes.com/2011/01/30/magazine/30WikiLeaks-t.html>

# "I am Assange!" Daniel Ellsberg, Other Allies Ask US to Prosecute Them, Too

<https://www.newsweek.com/i-am-assange-daniel-ellsberg-other-allies-demand-us-prosecute-them-too-1766616>

NEWS

## "I am Assange!" Daniel Ellsberg, Other Allies Ask US to Prosecute Them, Too

BY SHAWN WATERMAN ON 12/15/22 AT 6:00 AM EST



**J**ulian Assange is having a Spartacus moment.

Veteran [Pentagon](#) whistleblower Daniel Ellsberg and government transparency advocate John Young are challenging the U.S. [Department of Justice](#) to prosecute them alongside the [Wikileaks](#) founder, saying they broke the law just as he did, by publishing or possessing a trove of classified documents.

Their calls underline the concerns of First Amendment advocates that prosecuting Assange could open the door to cases against any news organization that publishes government secrets.

In interviews with *Newsweek*, the two also shed further light on how the complete and unredacted archive of a quarter million classified State Department intelligence reports known as [Cablegate](#), and leaked by junior intelligence analyst [Chelsea Manning](#), came to be published online in September 2011.

Ellsberg told *Newsweek* that Assange had given him a copy of all of the Manning material as "a backup," in case the Australian was arrested. "I never published them," he said, "but just by possessing it, by willfully retaining it, and willfully failing to deliver it to a proper authority, I broke the Espionage Act."

"I invite the Justice Department to indict me because I welcome the chance to challenge the Espionage Act in court," the 91 year old said from his California home. "It is in effect a British-style Official Secrets Act" – a broad prohibition on the communication or possession of sensitive government documents – which is "totally unconstitutional, a clear violation of the First Amendment," he said.

The Department of Justice declined to comment.

"I was the first whistleblower prosecuted under the Espionage Act, and now he [Assange] has become the first [Espionage Act] prosecution for publishing," Ellsberg said.

"For 50 years I have been trying to warn journalists that the plain language of the Espionage Act puts a target on their back," Ellsberg said, stating that the law criminalizes the "transmission" of national defense information to anyone not authorized to receive it, which clearly includes publication by the news media.

Ellsberg said he wanted the five media organizations that worked with WikiLeaks to emulate Young and step forward to be prosecuted alongside Assange – although Young himself said he would issue no such call to arms to the editors.

"Every one of those editors should be doing what John Young is doing," said Ellsberg, "Everyone who published those stories should be saying, 'If he's guilty, we're guilty.'"

Newsweek Excerpt:

**"Ellsberg said he wanted the five media organizations that worked with WikiLeaks to emulate Young and step forward to be prosecuted alongside Assange [...]"**  
**"Every one of those editors should be doing what John Young is doing,"**  
**"Everyone who published those stories should be saying, 'If he's guilty, we're guilty.'"**

## "I am Assange!" Daniel Ellsberg, Other Allies Ask US to Prosecute Them, Too

BY SHAWN WATERMAN ON 12/15/22 AT 6:00 AM EST



**"They attack icons ... They're trying to send a message to others who might choose to emulate what he's done. So it's selective prosecution as a warning to others."**

"I actually published the unredacted documents before Wikileaks did," said Young, an 86-year old New York City-based architect who has [since 1996](#) curated the website [Cryptome.org](#), which publishes classified documents and other intelligence datasets. "If they want to punish someone, they should come at me."

Young said Assange was singled out because of his higher public profile to dissuade others from publishing classified information.

"They attack the icons ... They're trying to send a message to others who might choose to emulate what he's done. So it's selective prosecution as a warning to others," said Young, who helped Assange set up the [Wikileaks.org](#) website in 2006, but parted ways with him shortly after.

Assange has been fighting extradition from a British jail for more than three years. He faces 17 charges under the Espionage Act for obtaining and disclosing national defense information and a single Computer Fraud and Abuse Act charge. If convicted on all charges, he could face a maximum sentence of 175 years in jail.

Young has written to the judge in the case and the Justice Department, asking to be added to the indictment – an echo of the iconic 1960 film *Spartacus*, in which rebel Roman slaves in turn declare "I am Spartacus" as they refuse to renounce their leader. Young's letter to the judge is now part of the official docket of the case.

In [sworn testimony](#) to the extradition proceedings this year in London, Young said he published the [Cablegate](#) archive on September 1, 2011, at least a whole day before WikiLeaks.

"Although I don't think I was aware of it at the time," Young said, "while I was publishing the documents, Assange was trying to reach the State Department" to warn them that the unredacted archive would likely soon be released online.

Young said he had the passphrase to decrypt the archive because it had been published by Guardian journalist David Leigh in his book in February 2011.

Assange placed the archive online in August 2010, encrypted with a strong passphrase, so that Leigh could get access to the material. Once downloaded and unencrypted, Assange told him, the archive was not to be placed on any device connected to the internet.

The Debate

Fighting Climate Change Is Part of Fighting for Climate Justice  
By Gregory S. Jenkins

VS

Climate Activism Climate Change – Real Racist Force  
By Ralph Schoellh

Opinion

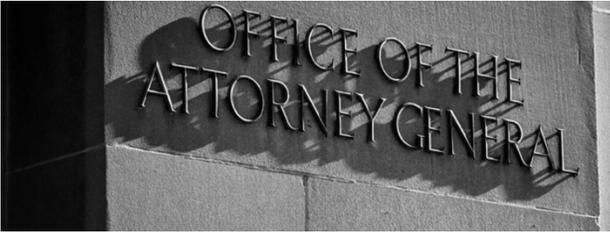
China's Military Is

OPINION

# I Am Guilty of Violating the Espionage Act

The Justice Department is setting a dangerous precedent that threatens reporters — and the truth.

Dec. 21, 2020



By Laura Poitras

Ms. Poitras is a filmmaker and journalist who has reported extensively on national security issues. She shared a Pulitzer Prize for public service with The Guardian and The Washington Post for her reporting on the N.S.A.'s mass surveillance program and is a founding board member of the Freedom of the Press Foundation.

EXCERPTS:

I am guilty of violating the Espionage Act, Title 18, U.S. Code Sections 793 and 798. If charged and convicted, I could spend the rest of my life in prison.

This is not a hypothetical. Right now, the United States government is prosecuting a publisher under the Espionage Act. The case could set a precedent that would put me and countless other journalists in danger.

I confess that I — alongside journalists at The Guardian, The Washington Post and other news organizations — reported on and published highly classified documents from the National Security Agency provided by the whistle-blower Edward Snowden, revealing the government's [global mass surveillance programs](#). This reporting was widely recognized as a [public service](#).

The [Espionage Act](#) defines the unauthorized possession or publication of “national defense” or classified information as a felony. The law was originally enacted during World War I to prosecute “spies and saboteurs.” It does not allow for a public interest defense, which means a jury is barred from taking into account the difference between a whistle-blower exposing government crimes to the press, and a spy selling state secrets to a foreign government.

Before Sept. 11, 2001, the Espionage Act was rarely used in the context of journalism. The most notable exception is the case of Daniel Ellsberg, who in 1971 was charged with violating the Espionage Act for providing news organizations, including [The Times](#), with the Pentagon Papers. The charges against Mr. Ellsberg were dropped when the illegal methods of the government's evidence gathering — breaking into his psychiatrist's office and warrantless wiretapping — were exposed.

Full archived NYT article: <https://archive.is/CasHU>

[Laura Poitras](#) shared a Pulitzer Prize for public service with The Guardian and The Washington Post for her reporting on the N.S.A.'s mass surveillance program. She is a founding board member of the [Freedom of the Press Foundation](#).

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**Since Sept. 11, this country has witnessed an escalating criminalization of whistle-blowing and journalism. If Mr. Assange's case is allowed to go forward, he will be the first, but not the last.”**

**“To reverse this dangerous precedent, the Justice Department should immediately drop these charges and the president should pardon Mr. Assange.” - Laura Poitras**

All this changed after Sept. 11, when the Espionage Act became a tool of the government to selectively prosecute sources and whistle-blowers, and to intimidate journalists and news organizations seeking to publish reports that the government wanted to [suppress](#). During Barack Obama's presidency alone, the Justice Department prosecuted eight journalism-related Espionage Act cases against sources, more leak prosecutions than all previous administrations combined.

Despite this escalation of prosecuting whistle-blowers and sources, the government had never crossed the line to charging journalists or publishers for receiving or releasing classified information — until last year.

That was when the Justice Department indicted [Julian Assange](#), the founder and publisher of WikiLeaks, with 17 counts of violating the Espionage Act, on top of one earlier count of conspiring to violate the Computer Fraud and Abuse Act.

The charges against Mr. Assange date back a decade, to when WikiLeaks, in collaboration with The Guardian, The New York Times, Der Spiegel and others, published [the Iraq and Afghanistan war logs](#), and subsequently partnered with The Guardian to publish [State Department cables](#). The indictment describes many activities conducted by news organizations every day, including obtaining and publishing true information of public interest, communication between a publisher and a source, and using encryption tools.

It is impossible to overstate the dangerous precedent Mr. Assange's indictment under the Espionage Act and possible extradition sets: Every national security journalist who reports on classified information now faces possible Espionage Act charges. It paves the way for the United States government to indict other international journalists and publishers. And it normalizes other countries' prosecution of journalists from the United States as spies.

To reverse this dangerous precedent, the Justice Department should immediately drop these charges and the president should pardon Mr. Assange.

Since Sept. 11, this country has witnessed an escalating criminalization of whistle-blowing and journalism. If Mr. Assange's case is allowed to go forward, he will be the first, but not the last. If President-elect Joe Biden wants to restore the “soul of America,” he should begin with unequivocally safeguarding press freedoms under the First Amendment, and push Congress to overturn the Espionage Act.

# 'Assange Extradition a Dangerous Assault on International Journalism'

<https://www.meaa.org/mediaroom/assange-extradition-a-dangerous-assault-on-international-journalism/>



## MEAA MEDIA RELEASE

### Assange extradition a dangerous assault on international journalism

The UK Government's decision to uphold the application by the US Department of Justice to extradite Australian publisher Julian Assange imperils journalists everywhere, says the union for Australia's journalists.

The Media, Entertainment & Arts Alliance calls on the Australian Government to take urgent steps to lobby the US and UK Governments to drop all charges against Assange and to allow him to be with his wife and children.

Assange, a MEAA member since 2007, may only have a slim chance of challenging extradition to face espionage charges for releasing US government records that revealed the US military committed war crimes against civilians in Afghanistan and Iraq, including the killing of two Reuters journalists.

If found guilty, Assange faces a jail term of up to 175 years.

MEAA Media section Federal President Karen Percy said: "We urge the new Australian government act on Julian Assange's behalf and lobby for his release.

"The actions of the US are a warning sign to journalists and whistleblowers everywhere and undermine the importance of uncovering wrongdoing," Ms Percy said.

"Our thoughts are with Julian and his family at this difficult time," Ms Percy said.

In 2011 WikiLeaks was awarded the Walkley Award for Most Outstanding Contribution to Journalism in recognition of the impact WikiLeaks' actions had on public interest journalism by assisting whistleblowers to tell their stories.

At the time the Walkley judges said WikiLeaks applied new technology to "penetrate the inner workings of government to reveal an avalanche of inconvenient truths in a global publishing coup".

This type of publishing partnership has been repeated by other media outlets since, utilising whistleblowers' leaks to expose global tax avoidance schemes, among other stories. In the WikiLeaks example, only Assange has been charged.

None of WikiLeaks media partners have been cited in any US government legal actions because of their collaboration with Assange.

*"In 2011 WikiLeaks was awarded the Walkley Award for Most Outstanding Contribution to Journalism in recognition of the impact WikiLeaks' actions had on public interest journalism by assisting whistleblowers to tell their stories.*

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*"None of WikiLeaks media partners have been cited in any US government legal actions because of their collaboration with Assange." - MEAA Media Release June 2022 Excerpt*

# The Selective Prosecution of Julian Assange

BY RAINEY REITMAN | OCTOBER 7, 2020

EXCERPTS:

<https://www.eff.org/deeplinks/2020/10/selective-prosecution-julian-assange>

The key evidence in the U.S. government’s cybercrime conspiracy allegations against Assange is a brief conversation between Julian Assange and Chelsea Manning in which the possibility of cracking a password is discussed, Manning allegedly shares a snippet of that password with Assange, and Assange apparently attempts, but fails, to crack it. While breaking into computers and cracking passwords in many contexts is illegal under the Computer Fraud and Abuse Act, few prosecutors would ever bother to bring a case for such an inconsequential activity as a failed attempt to reverse a hash. But the government has doggedly pursued charges against Assange for 10 years, perhaps because they fear that prosecuting Assange for publishing leaked documents is protected by the First Amendment and is a case they are likely to lose.

Furthermore, [recent testimony by Patrick Eller](#), a digital forensics examiner, raises questions about whether the alleged password cracking attempt had anything to do with leaking documents at all, especially since the conversation took place after Manning had already leaked the majority of the files she sent to Wikileaks.

Prosecutors don’t go after every CFAA violation, nor do they have the resources to do so. They can choose to pursue specific CFAA cases that draw their attention. And Assange, having published a wealth of documents that embarrassed the United States government and showed widespread misconduct, has been their target for years.

The lone conspiracy to commit a computer crime allegation has become a major focus of attention in this case, and in fact a computer crime was the [only charge](#) against Assange when he was first arrested. The charge is drawing that attention because it’s the only charge that isn’t directly about receiving and publishing leaks. But as the court assesses these charges against Assange, we urge them to see this case within the context of a repeated, known pattern of governments enforcing computer crime law selectively and purposely in order to punish dissenting voices, including journalists. Journalism is not a crime, and journalism practiced with a computer is not a cyber-crime, no matter how U.S. prosecutors might wish it were.

With this allegation, the government is attempting to dodge around the First Amendment protections by painting Assange as a malicious hacker and charge him for conspiracy to violate computer crime law. This is a pattern we’ve seen before.

Cybercrime laws are a powerful tool used by authoritarian governments to silence dissent, including going after journalists who challenge government authority. The Committee to Protect Journalists has [documented](#) how a computer crime law in Nigeria was used to harass and press charges against five bloggers who criticized politicians and businessmen.

We found these governments selectively enforced anti-terrorism and cybercrime laws in order to punish human rights attorneys, writers, activists, and journalists. The pattern we identified was that authorities would first target an activist or journalist they wanted to silence, and then find a law to use against them. As we [wrote](#), “The system results in a rule by law rather than rule of law: the goal is to arrest, try, and punish the individual—the law is merely a tool used to reach an already predetermined conviction.”

The Intercept’s Micah Lee [described](#) the computer crime charges against Assange as “incredibly flimsy.” The conspiracy charge is rooted in a chat conversation in which Manning and Assange discussed the possibility of cracking a password. Forensic evidence and expert testimony make it clear that not only did Assange not crack this password, but that Manning only ever provided Assange with a piece of a password hash – from which it would have been impossible to derive the original password.

Log Chat between Chelsea Manning and Alleged Julian Assange [Nathaniel Frank]

dawgnetwork@jabber.ccc.de	Nobody	2010-03-08 15:55:28	any good at lm hash cracking?
pressassociation@jabber.ccc.de	Nathaniel Frank	2010-03-08 16:00:28	yes
pressassociation@jabber.ccc.de	Nathaniel Frank	2010-03-08 16:00:44	donations; not sure.
pressassociation@jabber.ccc.de	Nathaniel Frank	2010-03-08 16:00:55	something in order of 5M
pressassociation@jabber.ccc.de	Nathaniel Frank	2010-03-08 16:01:30	but we lost our CC processor, so this is making matters somewhat painful.
pressassociation@jabber.ccc.de	Nathaniel Frank	2010-03-08 16:02:23	we have rainbow tables for lm
dawgnetwork@jabber.ccc.de	Nobody	2010-03-08 16:04:14	80c11049faebf441d524fb3c4cd5351c
dawgnetwork@jabber.ccc.de	Nobody	2010-03-08 16:05:07	i think its lm + lmrnt
dawgnetwork@jabber.ccc.de	Nobody	2010-03-08 16:05:38	anyway...
dawgnetwork@jabber.ccc.de	Nobody	2010-03-08 16:08:08	need sleep &gt;yawn&gt;
dawgnetwork@jabber.ccc.de	Nobody	2010-03-08 16:09:06	not even sure if thats the hash... i had to hexdump a SAM file, since i dont have the system file...
pressassociation@jabber.ccc.de	Nathaniel Frank	2010-03-08 16:10:06	what makes you think it&apos;s lm?
pressassociation@jabber.ccc.de	Nathaniel Frank	2010-03-08 16:10:19	its from a SAM?
dawgnetwork@jabber.ccc.de	Nobody	2010-03-08 16:10:24	yeah
pressassociation@jabber.ccc.de	Nathaniel Frank	2010-03-08 16:11:26	passed it onto our lm guy
dawgnetwork@jabber.ccc.de	Nobody	2010-03-08 16:11:40	thx

**“Prosecutors don’t go after every CFAA violation, nor do they have the resources to do so. They can choose to pursue specific CFAA [Computer Fraud and Abuse Act] cases that draw their attention. And Assange, having published a wealth of documents that embarrassed the United States government and showed widespread misconduct, has been their target for years.”**

**“...the government is attempting to dodge around the First Amendment protections by painting Assange as a malicious hacker and charge him for conspiracy to violate computer crime law. This is a pattern we’ve seen before. Cybercrime laws are a powerful tool used by authoritarian governments to silence dissent, including going after journalists who challenge government authority.”** -EFF Excerpts

## Evidence File #6: Collateral Murder Video/War Crimes - Indict War Criminals Not Assange

### In this Evidence File:

- P1.** Witness Testimony from Nicholas Hagar (investigative journalist partnered with WikiLeaks redacting leaks)
  - Excerpt from 'US v Julian Paul Assange'.
- P2.** Witness Testimony from Dean Yates (former Reuters' Bureau Chief Baghdad)
  - Excerpt from 'US v Julian Paul Assange'.
- P3.** Witness Testimony from Daniel Ellsberg (former military analyst, Vietnam whistleblower, 'Pentagon Papers')
  - Excerpt from 'US v Julian Paul Assange'.
- P4.** U.S. Military Dept of Army Investigation 2007 Apache Attack (Collateral Murder)
  - PDF of military investigation: '1st Air Cavalry Brigade' court documents, excerpts and link.
  - *WIRED* Apr 2010 article, 'U.S. Military Releases Redacted Records on 2007 Apache Attack, Questions Linger' by Nathan Hodge, excerpts.
  - Screenshot redacted court document (page 1) Sworn Statement Helicopter Pilots – '1<sup>st</sup> Air Cavalry Brigade' pdf link.
- P5.** *WIRED* on Released 2007 Apache Attack Redacted Military Court Documents (Collateral Murder)
  - Reproduction of *WIRED* Apr 2010 article, 'U.S. Military Releases Redacted Records on 2007 Apache Attack, Questions Linger' by Nathan Hodges, excerpts.
- P6-7.** "All Lies": How the US Military Covered Up Gunning Down Two Journalists in Iraq' (Collateral Murder)
  - Reproduction of *The Guardian* June 2020 article by Paul Daly, excerpts.
- P8.** 'The US Should Indict American War Criminals, Not Julian Assange'
  - Reproduction of *Jacobin* Oct 2020 article by Chip Gibbons, excerpts.
- P9.** 'The Unprecedented and Illegal Campaign to Eliminate Julian Assange'
  - Excerpt from *The Intercept* Oct 2020 article by Charles Glass.
  - Excerpt from *WikiLeaks Release* March 2010, 'U.S. Intelligence planned to destroy WikiLeaks'
- P10.** Overclassification is a Fundamental Problem for our Democratic Society
  - Reproduction of *Freedom of the Press Foundation* May 2023 article, 'In honor of whistleblowing legend: Announcing the Daniel Ellsberg Chair on Government Secrecy' by Trevor Timm, excerpts.
  - Snapshot from *U.S News* Jan 2023 article, 'Explainer: The What, Why, How Much and How Often Behind Classified Information in the U.S.' by Paul Shinkman, excerpt.

# Evidence File 6: Collateral Murder Video/War Crimes - Indict War Criminals Not Julian Assange

Full witness statements: <https://www.tareqhaddad.com/the-archives/>

DAY 9 (18 Sept 2020)

**Witness #11: Nicky Hagar** (investigative journalist worked with WikiLeaks redacting leaks)

**"The [War Logs & "Collateral Murder"] publications demonstrated that the actions were unlawful both under international law and the US military's own Rules of Engagement."**

Full PDF: <https://www.tareqhaddad.com/wp-content/uploads/2020/09/2020.09.18-Assange-Extradition-Hearings-Statement-of-Nicky-Hager.pdf>

US v Julian Paul ASSANGE  
Witness Statement #11 Nicholas Hagar  
Dated 18 July 2020  
EXCERPT:

## The importance of the war log and embassy cable information

19. I frequently receive leaked materials in my work and I am accustomed to making judgements about whether the public interest justifies using the materials. In the case of the embassy cables and the war logs, it was exactly the sort of information that citizens need and news organisations willingly publish to inform citizens about what their governments are doing. These archives are of the highest public interest; some of the most important material I have ever used.

20. The war diary and embassy cables gave an extraordinary insight into the conduct of modern war, showing things that are usually never seen. For me, this information would probably lead on to further research and corroboration.

21. The issues that emerged most strongly from the Afghan and Iraq war logs were: a previously unknown US programme of kill-capture operations using drones, bombs and night-time raids, targeting individuals on a secret kill-capture list (the "JPEL" lists); and reports showing large numbers of civilian deaths and injuries that had never been officially revealed.

22. The single most influential revelation about civilian deaths and injuries was a piece of US Apache helicopter video released by Wikileaks on 5 April 2010, understood together with supporting documentation (the Iraq Rules of Engagement. The pilots asked for and received "permission to engage" from their superiors. Whether permission was granted or not to attack and use lethal force is defined by the rules of engagement). The video showed two Apaches firing on a group of men in Baghdad, including a Reuters photographer and driver. Many people were killed and two children seriously injured. The cockpit talk between the pilot and gunner records one of them saying "Look at those dead bastards," and the other replying "Nice".

23. The publication of this "Collateral Murder" video was the equivalent of the death of George Floyd and his words "I can't breathe" for world opinion about the misuse of state power. It would be hard to overstate how important it was for public awareness of the problem of civilian casualties. Until that time, repeated civilian casualty incidents in Afghanistan and Iraq had been distressing families and severely undermining efforts to achieve peace, but they had been largely invisible to the rest of the world. The publications demonstrated that the actions were unlawful both under international law and the US military's own Rules of Engagement. The video put the issue of civilian death and injuries at the forefront of discussion about those wars. It undoubtedly contributed to the changes made shortly after to the rules of engagement in Afghanistan and Iraq.



**Witness #14: Dean Yates** (former Reuters' Bureau Chief Baghdad)

After 'Collateral Murder': "***I immediately realised the US Military had lied to us. When I think back to that meeting with the two generals in Baghdad, I feel cheated. They were not being honest.***"

Full PDF: <https://tareqhaddad.com/wp-content/uploads/2020/09/2020.09.18-Assange-Extradition-Hearings-Statement-of-Dean-Yates.pdf>

US v Julian Paul ASSANGE  
Witness Statement #14 Dean Yates (read into the record)  
Dated 13 July 2020  
EXCERPT:

3. I make this statement in respect of those events in 2007, at which time I was the Bureau Chief in Baghdad, Iraq. I was diagnosed later with post traumatic stress disorder and it was not long after that I became head of mental health strategy for nearly three years until January 2020. I am currently writing a book about the journey I and my family have travelled through trauma.

4. Early on 12<sup>th</sup> July 2007 I was at my desk in the Reuters office in Baghdad's red zone. It was quieter than usual. Suddenly loud wailing broke out near the back of our office. I still remember the anguished face of the Iraqi colleague who burst through the door. Another colleague translated: *'Namir and Saeed have been killed.'* Reuters staff drove to the al-Amin neighbourhood; Namir had told colleagues he was going to check out a possible US dawn airstrike. Witnesses said Namir, a photographer, and Saeed, a driver/fixer, had been killed by US forces, possibly in an airstrike during a clash with militants. It was my task at the same time as trying to discover what had happened, to file a news story about the deaths. I emailed Vice Admiral Mark Fox, spokesman for the U.S. military in Iraq. Fox, a navy combat pilot during the First Gulf War, was based in the Green Zone. As a one-star general, I figured Fox could get me information quickly. I'd met Fox several times and liked him. He was intelligent and easy-going. I said we had reliable reports that Namir and Saeed had been killed by U.S. forces, possibly in an air strike. Fox replied, saying he would check.

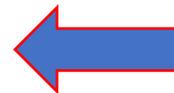
Then follows a description of what Yates was told by the US military, and the 3 minutes of video he was permitted to view - while still in shock himself. All further access to the video (which is much longer) was blocked.

After the Collateral Murder video was released by WikiLeaks 5 April 2020, Yates saw a situation that differed greatly from what he had been told by the military:

23. I immediately realised that the US Military had lied to us. When I think back to that meeting with the two generals in Baghdad, I feel cheated, they were not being honest. I have wondered for many years how much of that meeting was choreographed so we would go away with a certain impression of what happened. The day after Collateral Murder was released, a spokesman for US Central Command said an investigation of the incident shortly after it occurred found that US forces were not aware of the presence of the news staffers and thought they were engaging armed insurgents. *"We regret the loss of innocent life, but this incident was promptly investigated and there was never any attempt to cover up any aspect of this engagement."*

25. (When I had first been shown a part of the video in 2007 by the US military it had been burnt into my mind that the reason the helicopter opened fire was because Namir was peering around the corner. I came to blame Namir, thinking that the helicopter fired because he had made himself look suspicious and it just erased from my memory the fact that the order to open fire had already been given. The one person who picked this up was Assange. On the day he released the tape he said the helicopter opened fire because it sought permission and was given permission. He said something like *"If that's based on the Rules of Engagement then the Rules of Engagement are wrong"*.)

26. I found it impossible to grapple with the moral injury – I had in my mind unfairly blamed Namir for the Crazy Horse 1-8 attack. I was devastated at having failed to protect my staff by uncovering the Rules of Engagement in the US military before they were shot – and for not disclosing earlier my understanding of the extent to which the US had lied. I was profoundly affected.



DAY 7 (16 Sept 2020)

**Witness #8: Daniel Ellsberg** (former military analyst, Vietnam whistleblower, 'Pentagon Papers') RE "Collateral Murder":

**"The American public needed urgently to know what was being done routinely in their name, and there was no other way for them to learn it than by unauthorized disclosure."**

Full PDF: <https://tareqhaddad.com/wp-content/uploads/2020/09/2020.09.16-Assange-Extradition-Hearings-Statement-of-Daniel-Ellsberg.pdf>

US v Julian Paul ASSANGE  
Witness Statement #8 Daniel Ellsberg  
Dated Undated  
EXCERPT:

WikiLeaks' Publication of the Afghan War Logs

26. When stories based on the Afghan war logs began to be published, I felt that the comparison between those publications and the Pentagon Papers was inevitable in one major respect: in terms of volume, there had been nothing like it since the Pentagon Papers. It was the first unauthorised disclosure of such magnitude in nearly 40 years. Moreover, it had the advantage of being more current; the most recent of the Pentagon Papers were dated three years before their release but some of the documents in the Afghan war diaries were dated six months earlier than their release.

27. There were also some differences which I noted. The Pentagon Papers were high-level, top-secret documents on internal estimates, alternatives being debated, presidential directives, and so forth. The Afghanistan documents are lower-level field reports, of the kind that I was reading and writing when I was a foreign-service officer in Vietnam. In fact, I could have written a number of them - they were very like the ones I wrote, with the place names changed. Which confirmed my view held for a number of years that I saw the war in Afghanistan as 'Vietnamistan' in that it was a replay of the stalemate the USA had been in 40 years ago. My further observation is that the civilian victims of the population ceased to be seen as human beings whose lives had the same worth as those involved in the bringing of war to their respective countries; in those circumstances, crimes against humanity of the worst kind, and mass atrocities could and did become the norm.

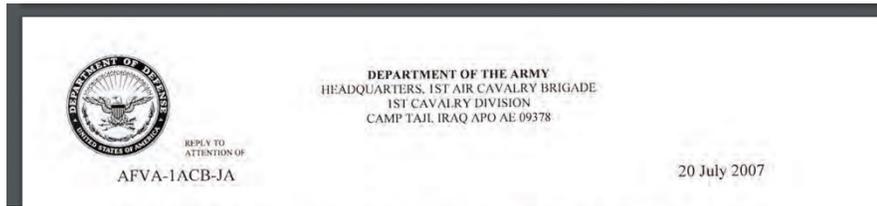
28. My attention, as with the rest of the world was first caught by the video of the Apache helicopter assault in Iraq, which became known as 'Collateral Murder'. That title, given by Assange, was often criticised as overly accusatory. On the contrary, as a former battalion training officer (Third Battalion, Second Marines) and rifle company commander, I was acutely aware that what was depicted in that video deserved the term murder, a war crime. (In fact, deliberate as the killing of civilians was, it was the word "collateral" that was questionable.) The American public needed urgently to know what was being done routinely in their name, and there was no other way for them to learn it than by unauthorized disclosure.



29. I came to appreciate, in relation to the publication of subsequent material, the ways in which Assange had developed and was continuing to develop technology which enabled whistleblowers to bring evidence of such criminality into the public domain. I understood at the time that Assange planned to offer this same technology to newspapers at the time and I note that since 2010, most major media outlets, and even the CIA, have developed secure technology to allow whistleblowers to share information in a secure and anonymous way. Indeed, the Freedom of the Press Foundation—of which I was a co-founder and am a current board member—has developed and widely made available to media just such a software system, "Secure Drop."

<https://www.tareqhaddad.com/wp-content/uploads/2020/09/2020.09.16-Assange-Extradition-Hearings-Statement-of-Daniel-Ellsberg.pdf>

# U.S. Military Dept of Army Investigation 2007 Apache Attack (Collateral Murder)



## PDF of military investigation: '1st Air Cavalry Brigade' court documents:

[https://www.wired.com/images\\_blogs/dangerroom/2010/04/5-1st-air-cavalry-brigade-ar-15-6-investigation.pdf](https://www.wired.com/images_blogs/dangerroom/2010/04/5-1st-air-cavalry-brigade-ar-15-6-investigation.pdf)

## 'U.S. Military Releases Redacted Records on 2007 Apache Attack, Questions Linger'

WIRED Apr. 2010 Article: <https://archive.ph/4BsoN>

Excerpts WIRED article – ('1st Air Cavalry Brigade' court documents):

**"The conclusions? According to an investigation by the 1st Air Cavalry Brigade (.pdf), the aircrew "accurately assessed that the criteria to find and terminate the threat to friendly forces were met in accordance with the law of armed conflict and rules of engagement." The report concluded that the attack helicopters positively identified the threat, established hostile intent, conducted appropriate collateral damage assessment and received clearance to fire." [...] "The Apache attack helicopters involved in the incident are identified as Crazy Horse 18 and 19, of the 1st Battalion, 227th Aviation Regiment. The names of pilots, as well as those of investigating officials, were redacted in the Central Command report. Brig. Gen. Vincent Brooks, who reviewed the findings, ordered that "members of the press be encouraged to wear identifying vests or distinctive body armor..."**

## Excerpt Sworn Statements Helicopter Pilots, '1st Air Cavalry Brigade' court documents, page 1:

[https://www.wired.com/images\\_blogs/dangerroom/2010/04/5-1st-air-cavalry-brigade-ar-15-6-investigation.pdf](https://www.wired.com/images_blogs/dangerroom/2010/04/5-1st-air-cavalry-brigade-ar-15-6-investigation.pdf)



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 1ST AIR CAVALRY BRIGADE  
MULTI-NATIONAL DIVISION (BAGHDAD)  
CAMP TAJI, IRAQ, APO AE 09378

AFVA-1ACB-DBC

19 July 2007

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DA Form 1574 – Report of Proceedings by Investigating Officer/Board of Officers

Exhibit A – Sworn Statements

I. CW3 (b)(6), (b)(3) (b)(6) CZ 18/Air Mission Commander/Instructor Pilot)

II. Transcript of interview with CW3 (b)(6), (b)(3) (b)(6) CZ 18/Air Mission Commander/Instructor Pilot)

III. CW2 (b)(6), (b)(3) (b)(6) CZ 18/Co-Pilot Gunner)

IV. CW4 (b)(6), (b)(3) (b)(6) CZ 19/Pilot in Command)

V. Transcript of interview with (b)(6), (b)(3) (b)(6) CZ 19/Maintenance Test Pilot/Pilot in Command)

VI. CPT (b)(6), (b)(3) (b)(6) CZ 19/Co-Pilot Gunner)

VII. Transcript of interview with CPT (b)(6), (b)(3) (b)(6) CZ 19/Co-Pilot Gunner)

Exhibit B – Aviator Personal Data Sheets

Exhibit C – MND-B OPORD 07-02 ROE Index

Exhibit D – MND-B G3 Aviation Attack Mission Request; dated 10 July 2007

Exhibit E – CZ 18/19 Mission Debrief; dated 12 July 2007

Exhibit F – DA Form 1594 (Daily Staff Journal or Duty Officer's Log) 1-227 AVN BN; dated 12 July 2007

MEMORANDUM FOR Commander, 1<sup>st</sup> Air Cavalry Brigade, 1<sup>st</sup> Cavalry Division (Multi-National Division – Baghdad), Camp Taji, Iraq, APO AE 09378

SUBJECT: Findings and Recommendations Pursuant to AR 15-6 Investigation into Conditions Surrounding the Possible Death of Two Reuters Reporters during an Engagement on 12 July 2007 by Crazyhorse 18 and 19 in the New Baghdad District of Baghdad, Iraq (Zone 30)

1. Purpose. The purpose of this memorandum is to outline findings and recommendations pursuant to the aforementioned investigation with emphasis on decision making between aircrew members and communications between the attack weapons team (AWT) and the 2-2 ID (Strike) unit in contact.

2. Summary.

3. Findings.

a. *The AWT was on a directed mission; conducted the appropriate check-in with ground elements in contact; and received an adequate situation report describing the current status and disposition of forces on the ground.* At this point, the AWT began to develop the situation in concert with the ground element in contact and maintained positive identification of friendly locations throughout the supported period. As the situation developed, the AWT exercised sound judgment and discrimination during attempts to acquire insurgents, or moreover, to identify personnel engaged in hostile or threatening activities against our brothers on the ground.

b. *The AWT accurately assessed that the criteria to find and terminate the threat to friendly forces were met in accordance with the law of armed conflict and rules of engagement.* Fundamental to all engagements is the principle of military necessity. This was clearly established and supported by the friendly forces inherent right to self defense and the ground commander's obligation to ensure all necessary means were employed to defend or protect his Soldiers from hostile acts. In this case, the AWT was employed to destroy insurgents attempting to kill friendly forces. The attack weapons team:

## Excerpt '1st Air Cavalry Brigade' court documents, page 8:

[https://www.wired.com/images\\_blogs/dangerroom/2010/04/5-1st-air-cavalry-brigade-ar-15-6-investigation.pdf](https://www.wired.com/images_blogs/dangerroom/2010/04/5-1st-air-cavalry-brigade-ar-15-6-investigation.pdf)

# U.S. Military Releases Redacted Records on 2007 Apache Attack, Questions Linger

On Monday, whistleblower website WikiLeaks released a report based on gun-camera video of a 2007 U.S. helicopter attack in Baghdad that claimed the lives of two Reuters employees. Now U.S. Central Command has made public a redacted series of records on the case, including investigations by the air cavalry and infantry units that were involved [...]



On Monday, whistleblower website WikiLeaks released a [report based on gun-camera video](#) of a 2007 U.S. helicopter attack in Baghdad that [claimed the lives of two Reuters employees](#). Now U.S. Central Command has [made public a redacted series of records](#) on the case, including investigations by the air cavalry and infantry units that were involved in the incident.

The conclusions? According to an [investigation by the 1st Air Cavalry Brigade](#) (pdf), the aircrew "accurately assessed that the criteria to find and terminate the threat to friendly forces were met in accordance with the law of armed conflict and rules of engagement." The report concluded that the attack helicopters positively identified the threat, established hostile intent, conducted appropriate collateral damage assessment and received clearance to fire.

What's more, the military indirectly blamed the reporters for being in the company of "armed insurgents" and making no effort to identify themselves as journalists. An investigating officer with the 2nd Brigade Combat Team (BCT), 2nd Infantry Division, concluded that "the [cameramen made no effort to visibly display their status as press](#) (pdf) or media representatives" and added that "their familiar behavior with, and close proximity to, the armed insurgents and their furtive attempts to photograph the Coalition Ground Forces made them appear as hostile combatants to the Apaches that engaged them." A long telephoto lens, the officer says, could have been mistaken for a rocket-propelled grenade.

It's also clear, however, that the military quickly figured out that they had inadvertently killed two Reuters employees, and that two children had been seriously wounded in the incident. During "sensitive site exploitation," members of the ground unit recovered cameras and media cards from the scene, and were able to identify pictures shot by a Reuters employee at a coalition news conference.

This is hardly the end of the controversy. WikiLeaks has forwarded its own interpretation of the [decrypted video footage](#), based in part by an on-the-ground investigation that two volunteers conducted

This is hardly the end of the controversy. WikiLeaks has forwarded its own interpretation of the [decrypted video footage](#), based in part by an on-the-ground investigation that two volunteers conducted in Baghdad. And the reports do not explain the military's lag in releasing information to Reuters, which had filed a [Freedom of Information Act request to obtain gunsight video](#) shot by the Apache attack helicopters and other incident reports.

Other questions remain about the rules of engagement, and the remedial action the military might have taken to prevent such incidents in the future. A section on "recommendations" in the air cavalry investigation is blacked out. And the 2nd BCT's investigating officer -- who reviewed a copy of the gun camera footage -- said that the video viewed in real time by the pilots is not the same as that scrutinized later by investigators. "It must be noted that details which are readily apparent when viewed on a large video monitor are not necessarily apparent to the Apache pilots during a live-fire engagement," the officer writes. "First of all, the pilots are viewing the scene on a much smaller screen than I had for my review. Secondly, a pilot's primary concern is with flying his helicopter and the safety of his aircraft."

The Apache attack helicopters involved in the incident are identified as Crazy Horse 18 and 19, of the 1st Battalion, 227th Aviation Regiment. The names of pilots, as well as those of investigating officials, were redacted in the Central Command report. Brig. Gen. Vincent Brooks, who reviewed the findings, ordered that "members of the press be encouraged to wear identifying vests or distinctive body armor within the MND-B AOR," or Multi-National Division-Baghdad area of responsibility, although he directed that such action be "passed to PAO [public affairs office] for coordination through CPIC [Coalition Press Information Center]."

A recommendation was also made for a condolence payment to the families of the two children injured in the attack. According to WikiLeaks, no such payment was ever made.

*Summation: The military personnel who were responsible for the deaths of a dozen innocent Iraqi civilians, including two Reuters journalists, were found not guilty in a military court – a military crime tried in a military judicial system. The soldiers' names were not made public and identities were protected by redacted court documents (see above screenshot) which are embedded in the WIRED 2010 article.*



# 'All Lies': How the US Military Covered Up Gunning Down Two Journalists in Iraq (Collateral Murder)

<https://www.theguardian.com/us-news/2020/jun/15/all-lies-how-the-us-military-covered-up-gunning-down-two-journalists-in-iraq>

**"Assange, brought the truth of the killings to the world and exposed the lie that he and others had not."  
"What he did was 100% an act of truth-telling, exposing to the world what the war in Iraq looks like and how the US military lied." -Dean Yates**



Dean Yates, a former Reuters employee now based in northern Tasmania. Dean was bureau chief in Baghdad when two of his colleagues, Saeed Chmagh and Namir Noor-Eldeen, were killed by the US military. Photograph: Matthew Newton/The Guardian

## 'All lies': how the US military covered up gunning down two journalists in Iraq

Former Reuters journalist Dean Yates was in charge of the bureau in Baghdad when his Iraqi colleagues Namir Noor-Eldeen and Saeed Chmagh were killed. A WikiLeaks video called Collateral Murder later revealed details of their death

by [Paul Daley](#)

### EXCERPTS:

**F**or all the countless words from the United States military about its killing of the Iraqi Reuters journalists Namir Noor-Eldeen and Saeed Chmagh, their colleague Dean Yates has two of his own: "All lies."

The former Reuters Baghdad bureau chief has also inked some on his arm - a permanent declaration of how those lies "fucked me up", while he blamed first Namir - unfairly - and then himself for the killings.

The tattoo on his left shoulder features a looped green ribbon bearing the words *Iraq, Bali and Aceh*. At opposite points of the ribbon is etched *PTSD* and *Fight Back, Moral injury and July 12 2007*.

They included a video WikiLeaks titled *Collateral Murder*, filmed from a US military Apache helicopter as it blasted to pieces Namir, 22, and Saeed, 40, and nine other men, while seriously wounding two children.

The US continues its legal efforts to extradite Assange from a British prison, where he is remanded in failing health, to face espionage allegations. Instructively, the detailed, 37-page US indictment against him makes no mention of Collateral Murder - the video that caused the US government and military more reputational damage than all the other secret documents combined, and that launched WikiLeaks and Assange as the foremost global enemy of state secrecy.



Dean Yates' framed photos of his colleagues. 'The words that kept forming on my lips were "cold-blooded murder"': Photograph: Dean Yates

Is the US concerned that referring to the video will give rise to war crimes charges against the military personnel involved in the attack? Certainly, bringing the video into the prosecution case against Assange could only vindicate his role in exposing the US military's lies about the ghastly killings.

### 'Loud wailing broke out'

Early on 12 July 2007 Yates sat in the "slot desk" in the Reuters office in Baghdad's red zone. He was ready for the usual: a car bomb attack while Iraqis headed to work, a militant strike on a market, the police or the Iraqi military. It was quieter than usual.

Yates recalls: "Loud wailing broke out near the back of our office ... I still remember the anguished face of the Iraqi colleague who burst through the door. Another colleague translated: 'Namir and Saeed have been killed.'"

Reuters staff drove to the al-Amin neighbourhood where Namir had told colleagues he was going to check out a possible US dawn airstrike. Witnesses said Namir, a photographer, and Saeed, a driver/fixer, had been killed by US forces, possibly in an airstrike during a clash with militants.

On 5 April 2010, when WikiLeaks released *Collateral Murder* at the National Press Club in Washington, rendering himself and WikiLeaks household names (and exposing how the US prosecuted the Iraq war on the ground), Yates was off the grid, walking in Cradle Mountain national park on a Tasmanian holiday with his wife, Mary, and their children.

Namir and Saeed would have remained forgotten statistics in a war that killed countless Iraqi combatants, hundreds of thousands of civilians and 4,400-plus US soldiers had it not been for Chelsea Manning, a US military intelligence analyst in Baghdad. In February 2010 Manning, then 23, discovered the Crazy Horse 1-8 video and leaked it to WikiLeaks. The previous month Manning had leaked 700,000 classified US military documents about the wars in Iraq and Afghanistan to WikiLeaks. Assange unveiled the Crazy Horse 1-8 footage (a 17-minute edited version and the full 38-minute version remain on WikiLeaks' Collateral Murder site). The video was picked up by thousands of news organisations worldwide, sparking global outrage and condemnation of US military tactics in Iraq - and launching WikiLeaks as a controversial truth-teller, publisher and critical enemy of state secrecy. WikiLeaks later made public the cache of 700,000 documents.



EXCERPTS:

‘Look at those dead bastards’  
 Collateral Murder is distressing viewing. The carnage wrought by the 30mm cannon fire from the Apache helicopter is devastating. The video shows the gunner tracking Namir as he stumbles and tries to hide behind garbage before his body explodes as the rounds strike home.

The words of the crew are sickening.

There is this, after Namir and others are blown apart:

“Look at those dead bastards.”

“Nice.”

And this:

“Good shoot’n.”

“Thank you.”

Saeed survives the first shots. The chopper circles, Saeed in its sights, as he crawls, badly injured and desperate to live.

“Come on buddy ... all you got to do is pick up a weapon,” the gunner says, eager to finish Saeed off.

A van pulls up. Two men, including the driver (whose children are in the back), help the dying Saeed get in.

There is more urgent banter in the air about engaging the van. Crazy Horse 1-8 promptly attacks it.

“Oh yeah, look at that. Right through the windshield.”

Two days after Assange released the video, Yates emerged from Cradle Mountain. It was hours before he turned on his phone and checked emails, finally learning of Collateral Murder in a local newspaper.

“I thought, ‘No, this can’t be the same attack ... that leads on to all this other stuff that we never knew about’ ... This was the full horror - Saeed had been trying to get up for roughly three minutes when this good Samaritan pulls over in this minivan and the Apache just opens fire again and just obliterates them - it was totally traumatising.”

Yates immediately thought: “They [the US military] fucked us. They just fucked us. They lied to us. It was all lies.”

The day Collateral Murder was released, a spokesman for US Central Command said an investigation of the incident shortly after it occurred found that US forces were not aware of the presence of the news staffers and thought they were engaging armed insurgents.

“We regret the loss of innocent life, but this incident was promptly investigated and there was never any attempt to cover up any aspect of this engagement.”

**How shameful it is to the military - they know that there’s potential war crimes on that tape Dean Yates**

He moved to **Tasmania**, endured PTSD and eventually, after three inpatient stays at Austin Health’s Ward 17 in Melbourne (a specialist unit for PTSD) grappled with his emotional pain - the “moral injury” now articulated in his shoulder tattoo - over the deaths of Namir and Saeed. Reuters paid for his treatment in Ward 17 and agreed to create the role of head of mental health and wellbeing strategy for him when he could no longer work as a journalist (he has now left the company).

It was in Ward 17, in 2016 and 2017, that he came to understand the moral injury he was enduring by unfairly blaming Namir for making Crazy Horse 1-8 open fire. The other element of his moral injury related to his shame at failing to protect his staff by uncovering the lax rules of engagement in the US military before they were shot - and for not disclosing earlier his understanding of the extent to which the US had lied. Yates **made peace with Namir and Saeed - and himself.**

It was in Ward 17, in 2016 and 2017, that he came to understand the moral injury he was enduring by unfairly blaming Namir for making Crazy Horse 1-8 open fire. The other element of his moral injury related to his shame at failing to protect his staff by uncovering the lax rules of engagement in the US military before they were shot - and for not disclosing earlier his understanding of the extent to which the US had lied. Yates **made peace with Namir and Saeed - and himself.**

Assange, he says, brought the truth of the killings to the world and exposed the lie that he and others had not.

“What he did was 100% an act of truth-telling, exposing to the world what the war in Iraq looks like and how the US military lied.”

Of the US indictment against Assange, Yates says: “The US knows how embarrassing Collateral Murder is, how shameful it is to the military - they know that there’s potential war crimes on that tape, especially when it comes to the shooting up of the van ...They know that the banter between the pilots echoes the sort of language that kids would use on video games.”

*Fight Back*, read the words inked on to Yates’s left shoulder.

Amid the continuing attempt to extradite Assange to the US, many more words are likely to be spoken about the events of 12 July 2007, the lies of the US military - and their exposure through Collateral Murder.

# 'The US Should Indict American War Criminals, Not Julian Assange'

<https://jacobin.com/2020/10/julian-assange-wikileaks-espionage-act-war-crimes>

10.16.2020

United States

War and Imperialism / Law / Media

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## The US Should Indict American War Criminals, Not Julian Assange

BY  
CHIP GIBBONS

The US is attempting to imprison one of its critics, Julian Assange, by claiming a global right to prosecute any journalist in the world. If that prosecution succeeds, it would be a severe blow not just to press freedom, but to our very right to oppose imperialism and empire.



Julian Assange on May 19, 2017 in London, England. (Jack Taylor / Getty Images)

Chip Gibbons, Jacobin *Excerpts*:

**"From 2010 to 2011, WikiLeaks showed us what *"the world according to US empire"* looks like. Thanks to a cache of cables, including the Iraq and Afghan War Logs, State Department Cables, and Guantanamo Bay prisoner files, released by whistleblower *Chelsea Manning*, the world was given an unprecedented look into American abuses of power around the world. Using the US government's own documents, WikiLeaks produced a *searing indictment* of the US national security state.**

**But it is not the US national security state that today finds itself indicted, but WikiLeaks founder Julian Assange.** The United States has charged Assange under the *Espionage Act* and the Computer Fraud and Abuse Act. **While the Espionage Act has become the go-to weapon against whistleblowers, this is the first time a publisher or journalist has ever been indicted under the Espionage Act.** If convicted, Assange faces over 170 years in prison, likely to be served in solitary confinement in a US supermax prison.

**Assange is an Australian national who operates outside the United States. In a sweeping move, the United States is claiming the right to apply the Espionage Act to anyone anywhere in the world who has the audacity to publish truthful information about its own crimes.** As part of their attempts to apply the Espionage Act extraterritorially, they have requested that the UK extradite him to the United States.

For eighteen days in September and October, [2020] a UK court heard arguments from British prosecutors representing the US government and Assange's own defense. [...]

**It's jarring to hear testimony about the United States' war crimes, then realize it is Assange who is in the docket".**

# 'The Unprecedented and Illegal Campaign to Eliminate Julian Assange'

<https://theintercept.com/2020/10/06/julian-assange-trial-extrition/>



## THE UNPRECEDENTED AND ILLEGAL CAMPAIGN TO ELIMINATE JULIAN ASSANGE

Assange would never receive a fair trial in the U.S., but he's not receiving one in Britain either.

Charles Glass Oct 6, 2020

**"OVER THE 17 DAYS of Julian Assange's extradition hearing in London, prosecutors succeeded in proving both crimes and conspiracy. The culprit, however, was not Assange. Instead, the lawbreakers and conspirators turned out to be the British and American governments.**

Witness after witness detailed illegal measures to violate Assange's right to a fair trial, destroy his health, assassinate his character, and imprison him in solitary confinement for the rest of his life.

**The deck was clearly stacked. Assange's antagonists were marking the cards as early as February 2008, when the U.S. Army Counterintelligence Center set out, in its words, to "damage or destroy this center of gravity" that was WikiLeaks.** WikiLeaks, from the time Assange and his friends created it in 2006, was attracting sources around the world to entrust them, securely and anonymously, with documents exposing state crimes."

"This document is a classified (SECRET/NOFORN) 32 page U.S. counterintelligence investigation into WikiLeaks. "The possibility that current employees or moles within DoD or elsewhere in the U.S. government are providing sensitive or classified information to Wikileaks.org cannot be ruled out. **It concocts a plan to fatally marginalize the organization. Since WikiLeaks uses "trust as a center of gravity by protecting the anonymity and identity of the insiders, leakers or whistleblowers", the report recommends "The identification, exposure, termination of employment, criminal prosecution, legal action against current or former insiders, leakers, or whistleblowers could potentially damage or destroy this center of gravity and deter others considering similar actions from using the Wikileaks.org Web site."** WikiLeaks release March 15, 2010: "U.S. Intelligence Planned to Destroy WikiLeaks"

<https://file.wikileaks.org/file/us-intel-wikileaks.pdf>

### U.S. Intelligence planned to destroy WikiLeaks

WikiLeaks release: March 15, 2010

**keywords:** WikiLeaks, U.S. intelligence, U.S. Army, National Ground Intelligence Center, NGIC, classified, SECRET, NOFORN  
**restraint:** Classified SECRET/NOFORN (US)  
**title:** Wikileaks.org - An Online Reference to Foreign Intelligence Services, Insurgents, Or Terrorist Groups?  
**date:** March 18, 2008  
**group:** United States Army Counterintelligence Center, Cyber Counterintelligence Assessments Branch; Department of Defence Intelligence Analysis Program  
**author:** Michael D. Horvath  
**link:** <http://wikileaks.org/file/us-intel-wikileaks.pdf>  
**pages:** 32

#### Description

By Julian Assange ([julian@wikileaks.org](mailto:julian@wikileaks.org))

This document is a classified (SECRET/NOFORN) 32 page U.S. counterintelligence investigation into WikiLeaks. "The possibility that current employees or moles within DoD or elsewhere in the U.S. government are providing sensitive or classified information to Wikileaks.org cannot be ruled out". It concocts a plan to fatally marginalize the organization. Since WikiLeaks uses "trust as a center of gravity by protecting the anonymity and identity of the insiders, leakers or whistleblowers", the report recommends "The identification, exposure, termination of employment, criminal prosecution, legal action against current or former insiders, leakers, or whistleblowers could potentially damage or destroy this center of gravity and deter others considering similar actions from using the Wikileaks.org Web site". [As two years have passed since the date of the report, with no WikiLeaks source exposed, it appears that this plan was ineffective]. As an odd justification for the plan, the report claims that "Several foreign countries including China, Israel, North Korea, Russia, Vietnam, and Zimbabwe have denounced or blocked access to the Wikileaks.org website". The report provides further justification by enumerating embarrassing stories broken by WikiLeaks—U.S. equipment expenditure in Iraq, probable U.S. violations of the Chemical Warfare Convention Treaty in Iraq, the battle over the Iraqi town of Fallujah and human rights violations at Guantanamo Bay. Note that the report contains a number of inaccuracies, for instance, the claim that WikiLeaks has no editorial control. The report concludes with 13 items of intelligence to be answered about WikiLeaks.

(S//NF) Wikileaks.org uses trust as a center of gravity by assuring insiders, leakers, and whistleblowers who pass information to Wikileaks.org personnel or who post information to the Web site that they will remain anonymous. The identification, exposure, or termination of employment of or legal actions against current or former insiders, leakers, or whistleblowers could damage or destroy this center of gravity and deter others from using Wikileaks.org to make such information public.

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### (U) Key Judgments

- (S//NF) Wikileaks.org represents a potential force protection, counterintelligence, OPSEC, and INFOSEC threat to the US Army.
- (S//NF) Recent unauthorized release of DoD sensitive and classified documents provide FISS, foreign terrorist groups, insurgents, and other foreign adversaries with potentially actionable information for targeting US forces.
- (S//NF) The possibility that current employees or moles within DoD or elsewhere in the US government are providing sensitive or classified information to Wikileaks.org cannot

SECRET//NOFORN

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US Intelligence Plan to Destroy WikiLeaks:

**"Damage or Destroy WikiLeaks' Center Of Gravity"**

<https://file.wikileaks.org/file/us-intel-wikileaks.pdf>



# Overclassification is a Fundamental Problem for our Democratic Society

## 'In Honor of a Whistleblowing Legend: Announcing the Daniel Ellsberg Chair on Government Secrecy'

<https://freedom.press/news/in-honor-of-a-whistleblowing-legend-announcing-the-daniel-ellsberg-chair-on-government-secrecy/>

### In honor of a whistleblowing legend: Announcing the Daniel Ellsberg Chair on Government Secrecy



Trevor Timm  
Executive Director  
May 25, 2023



Wally Fong / AP

In one of his last public talks, to a room full of more than 200 journalists, [Daniel Ellsberg](#) was asked [what the media](#) could do to better support whistleblowers. In a passionate speech, Ellsberg implored the crowd, and the press in general, to investigate the U.S. government's classification system. As he explained, our democratic society is making a serious mistake "in not investigating the secrecy system, covering how it acts, how it works, and how it keeps secrets and what secrets it keeps."

Freedom of the Press Foundation will soon launch the "Daniel Ellsberg Chair on Government Secrecy." This full-time staff position will be dedicated to what Ellsberg has spent a large portion of his life highlighting the need for: massive reform of the secrecy infrastructure in the United States. In the coming months, we'll seek funds to fully endow this chair position so that it can live in perpetuity, and be free from changes in any fiscal or political climate.

Ellsberg has spent the last five decades drawing attention to the fact that overclassification is a fundamental problem for our democratic society. When so much information is classified, it becomes impossible for citizens, journalists, and oversight bodies to access vital facts about government activities. This lack of transparency undermines public trust in government institutions and hinders the ability of the public to hold officials accountable for their actions.

The United States government [has nearly 3 million people](#) with security clearances and classifies billions of pages of documents per year — including virtually everything in the foreign policy and national security realms. It constantly violates its obligations under the Freedom of Information Act and delays releases for years, uses the pernicious "state secrets privilege" to stop accountability in courts, layers on various restrictions to prevent Congress from learning what they need to know, and abuses the Espionage Act to threaten reporters and prosecute whistleblowers who go to the press with information of vital public interest.

Further, declassification and FOIA offices are severely underfunded. Add to this the fact that officials face no consequences for over-classifying information, but severe consequences for not classifying or for "leaking" improperly classified information. You're left with a government with little reason to be transparent. And the tone set by the federal government inspires state and local governments to be equally secretive and misuse open records laws. Struggling media outlets often lack the resources to fight these abuses.



## EXPLAINER: The What, Why, How Much and How Often Behind Classified Information in the U.S.

Revelations that two presidents improperly possessed sensitive materials has Americans asking why, how and for how long is information classified.

By [Paul D. Shinkman](#) | Jan. 24, 2023, at 1:27 p.m.

### 'EXPLAINER: The What, Why, How Much & How Often Behind Classified Information in the US' Excerpt:

"Though the classification system is designed to protect information that upon release is known to harm American national security, in practice that is not always the case ... One estimate in 2010 — at a time the Obama administration attempted to follow through on pledges of transparency — assessed that as much as 90 percent of classified information did not need to be so at that time, or ever. The proliferation of digitally produced classified information in the time since then leads experts to believe that number now could be in excess of 95 or even 99 percent." — Paul D. Shinkman

<https://www.usnews.com/news/national-news/articles/2023-01-24/explainer-the-what-why-how-much-and-how-often-behind-classified-information-in-the-u-s>

## Evidence File #7: 2020 UK Extradition Hearing - Witness Testimonies (partial archive)

Note: screenshots of these witness statements are best viewed on a device for higher quality readability.

### In this Evidence File:

- P1.** Witness statement excerpts in 'US v Julian Paul Assange' - 2020 UK High Court extradition hearing
- Context from *AssangeDefense.org*
  - Clive Stafford Smith, Human Rights lawyer (Guantanamo prisoners), co-founder 'Reprieve' a legal action NGO.
  - Trevor Tim, co-founder and executive director of the 'Freedom of the Press Foundation'.
  - Paul Rogers, Emeritus Professor of Peace Studies at Bradford University.
  - John Goetz, investigative journalist for *Der Spiegel* until 2011.
- P2.** Witness statement excerpts
- Daniel Ellsberg, former military analyst, Vietnam war whistleblower, 'Pentagon Papers'.
  - Nicholas Hagar, *NYT* data scientist, PhD candidate researching digital media (Meta, Patreon).
  - John Sloboda, professor, co-founder of [Iraq Body Count](#), an independent NGO devoted to continuously counting civilian casualties in Iraq.
  - Khaled El-Masri, German citizen kidnapped and tortured by CIA in 2004. El-Masri exposed CIA rendition programme.
- P3.** Witness statement excerpts
- Dean Yates, former *Reuters'* reporter of the Middle East - two of Yates' staff were murdered by US soldiers (Collateral Murder) during his time as *Reuters'* Baghdad Bureau Chief.
  - John Young, founder/host of [Cryptome.org](#) - blished unredacted Diplomatic Cables before WikiLeaks.
  - Christopher Butler, Office Manager at the Internet Archive [Wayback Machine].
  - Patrick Eller, forensic computer expert, former criminal investigator in the US Army.
- P4.** Witness statement excerpts:
- Patrick Cockburn, investigative reporter/correspondent in Middle East for *The Independent* since 1990.
  - Stefania Maurizi, Italian investigative journalist, worked with WikiLeaks on State Department cables.
  - Iain Cobain, investigative journalist with *The Guardian* in 2010-11 during WikiLeaks' releases.
  - Guy Goodwin-Gill, Deputy Director of Kaldor Centre for Int'l Refugee Law, London barrister 2001-2018, specializing in int'l law in human rights, refugee and asylum law.
- P5.** Witness statement excerpts:
- Bridget Prince, investigator and researcher, One World Research-OWR.
  - UC Global Protected Witness 2, anonymous witness testifying against employer UC Global Security.
  - UC Global Protected Witness 1, anonymous witness testifying against employer UC Global Security.
  - Aitor Martinez Jimenez, lawyer at Spanish law firm ILOCAD SL – coordinates with Assange defense.
- P6.** Witness statement excerpts:
- Noam Chomsky, American analytic, political philosopher – a founder of cognitive science field.
  - Jameel Jaffer, Executive Director Knight First Amendment Institute.
  - Andy Worthington, investigative journalist, author, campaigner, commentator. Worthington is recognized as an authority on Guantánamo and the "war on terror."
  - Full Witness Testimony Archive link.
  - Witness Testimony Twitter Thread link.

# Evidence File 7: 2020 UK Extradition Hearing - Witness Testimonies (partial archive)

Full Archive: <https://www.tareqhaddad.com/the-archives/#%5BJulian-Assange-U-S-extradition-proceedings-%5D>

**"These experts testified about using WikiLeaks' releases in their own work, in crucial legal cases, and in informing the public about what their government was doing in secret.**

## **Why this matters**

**The U.S. government is attempting to portray Julian Assange as a 'hacker' and as someone who wanted to harm the United States, rather than a journalist performing a public service. These experts debunk that smear and show how Julian Assange's work carries out his ideals, using transparency to achieve justice."**

<https://assangedefense.org/hearing-coverage/the-importance-of-wikileaks-releases/>

**US v Julian Paul ASSANGE**  
**Witness Statement #2 Clive Stafford Smith**  
**Dated 14 July 2020**  
**EXCERPT:**

83. The various high profile examples of U.S. government attacks on journalists, leakers and those journalists who worked with them, has since the earliest days of the Afghan conflict, appeared to have had a strong chilling effect, with one key effect being that there has always been a dearth of individuals from inside government, willing to go "on the record" to evidence U.S. violations. For this reason, documentary evidence such as the Wikileaks disclosures, have become of key importance in our work to evidence war crimes and human rights violations by the US and its allies.

### **Drone Killings**

84. An example of the way that Wikileaks documents have enabled us at Reprieve to evidence grave violations that we may otherwise have struggled with, involves our work on drone killings in Pakistan. Wikileaks cables have contributed to court findings that US drone strikes are criminal offences and that criminal proceedings should be initiated against senior US officials involved in such strikes. We have worked closely with our colleagues at the Islamabad-based Foundation for Fundamental Rights on these cases, as well as with Imran Khan (now Pakistan Prime Minister) who made a major issue out of these human rights violations over several years.

<https://www.tareqhaddad.com/wp-content/uploads/2020/09/2020.09.08-Assange-Extradition-Hearings-Statement-of-Clive-Stafford-Smith.pdf>

**US v Julian Paul ASSANGE**  
**Witness Statement #4 Trevor Timm**  
**Dated Undated copy**  
**EXCERPT:**

### **Journalistic Activities**

7. The decision to indict Julian Assange on allegations of a "conspiracy" between a publisher and his source or potential sources, and for the publication of truthful information, encroaches on fundamental press freedoms. The routine and protected activities of journalists to interact with their sources are cast as criminal. Encryption tools and cloud storage are deemed suspicious even though journalists frequently conduct their relationships with their sources through digital means. That does not make those activities any less deserving of constitutional protection through the First Amendment.

### **Secure Submission Systems such as SecureDrop**

8. Wikileaks pioneered a secure submission system for journalistic sources prior to 2010. They developed a platform for secure communication between sources and media organizations that was unique at that time and allowed journalists to receive communications from their sources in a way that attempted to ensure that the sources' safety and security were protected (Exhibit 1).
12. Wikileaks is not unique in asking for leaked documents of public importance. The idea that every single story since the dawn of time has come from documents being dropped on the doorsteps of journalists, without those journalists asking for information, or returning to the source for more information, borders on fantasy. Journalists have to develop relationships with their sources. When a claim is made, it cannot simply be printed immediately. A journalist will ask for clarification, evidence or documentation to substantiate a claim. Where there is incomplete information, making a request to a source for more is a common practice for journalists in the US and around the world. If this is a crime, thousands of journalists would be committing crimes on a daily basis.

<https://www.tareqhaddad.com/wp-content/uploads/2020/09/2020.09.09-Assange-Extradition-Hearings-Statement-of-Trevor-Timm.pdf>

**US v Julian Paul ASSANGE**  
**Witness Statement #3 Paul Rogers**  
**Dated 11 February 2020**  
**EXCERPT:**

30. It is a matter of public knowledge, that the vast amount of Iraq-related data revealed by the Wikileaks publications which are the subject matter of this indictment, allowed for the first time, the above proper appreciation of the numbers of civilians who had been killed in the Iraq conflict. Any true assessment of government claims had been impossible before that data was revealed. I am aware that it has been further reported that the Wikileaks publications played a part in bringing a formal end to US military involvement in Iraq, bringing to light in an irrefutable way, particular criminal acts on the part of US military previously deliberately covered up.

31. The three historic reports in the mainstream media I cite above in relation to Afghanistan and Iraq had constituted the very few that gave a radically different account of the US government view of supposedly successful wars, a misleading presentation that has persisted for nearly two decades. It was most sustained in the first decade and did much to constrain debate and accountability, with the great majority of the media coverage in the United States persistently more positive to the conduct of the wars throughout. The shift in public knowledge has been brought about in significant part only by unauthorised exposures of which whistleblowers and publications, in particular of the "Manning" disclosures, have played an exceptionally important part.

<https://www.tareqhaddad.com/wp-content/uploads/2020/09/2020.09.09-Assange-Extradition-Hearings-Statement-of-Professor-Paul-Rogers.pdf>

**US v Julian Paul ASSANGE**  
**Witness Statement #7 (1) John Goetz** NB There are TWO John Goetz Statements  
**Dated 12 Feb 2020**  
**EXCERPT:**

12. Before publication of the Afghan War Diary, together with my colleague Marcel Rosenbach, I discussed in detail with Assange in London how the documents might be vetted to prevent risk of harm to anyone. He was in agreement as to the importance of protecting confidential sources including certain US and ISAF sources. We discussed how harm could be minimised and he explained the approach of Wikileaks – namely that cases were identified where there might be a reasonable chance of harm occurring to the innocent. Those records, having been identified, were edited accordingly. This approach was understood and agreed to by all of the media partners and I describe below how they were put into effect thereafter.

13. Part of the agreement with Wikileaks was that Assange insisted that we handle communications and the material securely. There were more extreme measures taken than I had ever previously observed as a journalist to secure the data and ensure that it remained only accessible to the members of the journalistic cooperation. It was the first time I was involved when cryptophones were used, we communicated on an encrypted chat system and other means were used to protect the data.

14. The media partners agreed that the New York Times would approach the White House for comment in advance of the release. It was agreed that it made sense to have just one partner approach the White House. If all of the partners contacted the White House independently, there would be chaos. Eric Schmitt from the New York Times was the person within the group who would take on responsibility of liaising with the New York Times Washington DC Bureau about approaching the White House. I remember a conference call with the New York Times as well as talking to Eric Schmitt about their approach to the White House. We were told that Dean Baquet and Mark Mazetti were part of the group that met with the White House.

15. Eric Schmitt wrote an email to me on July 30, 2010 about the attempt of Assange to get help from the US government to vet the materials, "On Saturday night, I passed along WH's request that WL redact the dox of informants' names and then his response that he'd withhold 15,000 dox and entertain suggestions from ISAF for names to remove if they'd provide tech assistance."

16. I am aware that when the partners published their respective stories on July 25, 2010, that Wikileaks delayed the release of 15,000 documents as part of what Assange called "the harm minimisation process".

17. It is interesting to note that Der Spiegel and the Guardian published actually before Wikileaks. The Guardian published a few hundred documents on their site before Wikileaks. Wikileaks had some technical delay and their Afghan War Diary website did not go live for a couple of hours after we did.

<https://www.tareqhaddad.com/wp-content/uploads/2020/09/2020.09.16-Assange-Extradition-Hearings-Statement-of-John-Goetz.pdf>

WikiLeaks' Publication of the Afghan War Logs

26. When stories based on the Afghan war logs began to be published, I felt that the comparison between those publications and the Pentagon Papers was inevitable in one major respect: in terms of volume, there had been nothing like it since the Pentagon Papers. It was the first unauthorised disclosure of such magnitude in nearly 40 years. Moreover, it had the advantage of being more current; the most recent of the Pentagon Papers were dated three years before their release but some of the documents in the Afghan war diaries were dated six months earlier than their release.
27. There were also some differences which I noted. The Pentagon Papers were high-level, top-secret documents on internal estimates, alternatives being debated, presidential directives, and so forth. The Afghanistan documents are lower-level field reports, of the kind that I was reading and writing when I was a foreign-service officer in Vietnam. In fact, I could have written a number of them - they were very like the ones I wrote, with the place names changed. Which confirmed my view held for a number of years that I saw the war in Afghanistan as 'Vietnamistan' in that it was a replay of the stalemate the USA had been in 40 years ago. My further observation is that the civilian victims of the population ceased to be seen as human beings whose lives had the same worth as those involved in the bringing of war to their respective countries; in those circumstances, crimes against humanity of the worst kind, and mass atrocities could and did become the norm.
28. My attention, as with the rest of the world was first caught by the video of the Apache helicopter assault in Iraq, which became known as 'Collateral Murder'. That title, given by Assange, was often criticised as overly accusatory. On the contrary, as a former battalion training officer (Third Battalion, Second Marines) and rifle company commander, I was acutely aware that what was depicted in that video deserved the term murder, a war crime. (In fact, deliberate as the killing of civilians was, it was the word "collateral" that was questionable.) The American public needed urgently to know what was being done routinely in their name, and there was no other way for them to learn it than by unauthorised disclosure.
29. I came to appreciate, in relation to the publication of subsequent material, the ways in which Assange had developed and was continuing to develop technology which enabled whistleblowers to bring evidence of such criminality into the public domain. I understood at the time that Assange planned to offer this same technology to newspapers at the time and I note that since 2010, most major media outlets, and even the CIA, have developed secure technology to allow whistleblowers to share information in a secure and anonymous way. Indeed, the Freedom of the Press Foundation—of which I was a co-founder and am a current board member—has developed and widely made available to media just such a software system, "Secure Drop."

<https://www.tareqhaddad.com/wp-content/uploads/2020/09/2020.09.16-Assange-Extradition-Hearings-Statement-of-Daniel-Ellsberg.pdf>

The importance of the war log and embassy cable information

19. I frequently receive leaked materials in my work and I am accustomed to making judgements about whether the public interest justifies using the materials. In the case of the embassy cables and the war logs, it was exactly the sort of information that citizens need and news organisations willingly publish to inform citizens about what their governments are doing. These archives are of the highest public interest; some of the most important material I have ever used.
20. The war diary and embassy cables gave an extraordinary insight into the conduct of modern war, showing things that are usually never seen. For me, this information would probably lead on to further research and corroboration.
21. The issues that emerged most strongly from the Afghan and Iraq war logs were: a previously unknown US programme of kill-capture operations using drones, bombs and night-time raids, targeting individuals on a secret kill-capture list (the "JPEL" lists); and reports showing large numbers of civilian deaths and injuries that had never been officially revealed.
22. The single most influential revelation about civilian deaths and injuries was a piece of US Apache helicopter video released by Wikileaks on 5 April 2010, understood together with supporting documentation (the Iraq Rules of Engagement. The pilots asked for and received "permission to engage" from their superiors. Whether permission was granted or not to attack and use lethal force is defined by the rules of engagement). The video showed two Apaches firing on a group of men in Baghdad, including a Reuters photographer and driver. Many people were killed and two children seriously injured. The cockpit talk between the pilot and gunner records one of them saying "Look at those dead bastards," and the other replying "Nice".
23. The publication of this "Collateral Murder" video was the equivalent of the death of George Floyd and his words "I can't breathe" for world opinion about the misuse of state power. It would be hard to overstate how important it was for public awareness of the problem of civilian casualties. Until that time, repeated civilian casualty incidents in Afghanistan and Iraq had been distressing families and severely undermining efforts to achieve peace, but they had been largely invisible to the rest of the world. The publications demonstrated that the actions were unlawful both under international law and the US military's own Rules of Engagement. The video put the issue of civilian death and injuries at the forefront of discussion about those wars. It undoubtedly contributed to the changes made shortly after to the rules of engagement in Afghanistan and Iraq.

<https://www.tareqhaddad.com/wp-content/uploads/2020/09/2020.09.18-Assange-Extradition-Hearings-Statement-of-Nicky-Hagar.pdf>

3. THE NEED FOR THE RELEASE OF THE IRAQ WAR LOGS

We cannot comment on the intentions of the US Government, however we can attest that, in relation to the new information contained within the Iraq War Logs, almost no subsequent information has emerged from either official or unofficial sources to add to (or even corroborate) the hitherto unknown information provided within the War Logs. Thus, 10 years on, the War Logs remain the only source of information regarding many thousands of violent civilian deaths in Iraq between 2004 and 2009.

If there are other sources of information or analyses being held within the US government regarding the deaths of the civilians in Iraq that were revealed in the Iraq War Logs, they are certainly still being withheld from the public.

It has always been IBC's position that civilian casualty data should always be made public; the way in which this is achieved must be approached carefully and responsibly. The natural justice seen by many in this position may be one reason why the US government's failure to release this data itself has attracted such attention and controversy.

An often-repeated charge of the US government regarding the release of the Iraq War Logs is that this could have endangered lives, including of Iraqi as well as US citizens, by exposing their identities or role. However, according to reliable reporting on the matter, the US government has never been able to demonstrate that a single individual has been significantly harmed by the release of these data. This is not least because the War Logs were highly redacted prior to their release by Wikileaks, ensuring that information that could identify and possibly endanger the living was not available in the version publicly released alongside IBC's analysis in October 2010.

It could well be argued, therefore, that by making this information public Manning and Assange were carrying out a duty on behalf of the victims and the public at large that the US government was failing to carry out.

<https://www.tareqhaddad.com/wp-content/uploads/2020/09/2020.09.17-Assange-Extradition-Hearings-Statement-of-John-Sloboda.pdf>

The El-Masri testimony sets out details of his capture in Macedonia and torture in Afghanistan after a case of "mistaken identity" and the events that followed after he was dumped in Algeria five months later, and subsequently returned to Germany (where he is a citizen).

It also describes the part the WikiLeaks publications played in unravelling what had happened in his case.

38. No one has ever been held accountable for what happened to me beyond "Oral admonishing" given to three CIA attorneys. The CIA's Inspector General, I learned, referred my case to the Department of Justice for prosecution but in May 2007 the Office of the US Attorney for the Eastern District of Virginia declined to pursue the case.

[2014]  
39. When in 2014, the US Senate Select Committee on Intelligence published its study of the Central Intelligence Agency's Detention and Interrogation Program; it noted that the CIA argued against punitive detention because "The Director strongly believes that mistakes should be expected in a business filled with uncertainty and that, when they result from performance that meets reasonable standards, CIA leadership must stand behind the officers who make them."<sup>3</sup>

40. Findings of essential factual detail have never been made public, however, and there have still been no consequences for those who made the mistakes.

41. It was when my case against the CIA in the US was aborted as a result of the US asserting state secret privilege, that I realised the extent of the lawlessness that I was up against. I had brought my case, told my story, and the American government knew I was speaking the truth. Yet I never even received an acknowledgment and my life was and remains in tatters.

42. I see that the CIA Inspector General recommended that the matter be referred to the Department of Justice for consideration. I observe that prosecutors in the Eastern District of Virginia made a decision not to bring any prosecution.

43. The American Civil Liberties Union initiated a case on my behalf against the US before both the Inter American Commission on Human Rights and the International Criminal Court. My complaint included the Grand Chamber judgment and therefore, in the body of its evidence, the Wikileaks publications. I have learned that in March 2020, when the International Criminal Court (which I am told is the court of last resort when governments cannot or will not investigate grave crimes) US Secretary of State Pompeo has stated, his statement followed by the authority of an Executive Order, that extreme measures will be taken against the International Criminal Court, its prosecutor and her family, and against any involved in bringing cases to the court which would cause the US to be the subject of investigation.

44. I record here my belief that without dedicated and brave exposure of the state secrets in question, what happened to me would never have been acknowledged and understood. I nevertheless observe, with fear of what is to come, that threats and intimidation are not diminishing, but expanding for all concerned.

[https://bridgesforfreedom.media/wp-content/uploads/2020/09/Tab-06-Statement-of-Khaled-El-Masri-16.07.20\\_Redacted.pdf](https://bridgesforfreedom.media/wp-content/uploads/2020/09/Tab-06-Statement-of-Khaled-El-Masri-16.07.20_Redacted.pdf)

3. I make this statement in respect of those events in 2007, at which time I was the Bureau Chief in Baghdad, Iraq. I was diagnosed later with post traumatic stress disorder and it was not long after that I became head of mental health strategy for nearly three years until January 2020. I am currently writing a book about the journey I and my family have travelled through trauma.
4. Early on 12<sup>th</sup> July 2007 I was at my desk in the Reuters office in Baghdad's red zone. It was quieter than usual. Suddenly loud wailing broke out near the back of our office. I still remember the anguished face of the Iraqi colleague who burst through the door. Another colleague translated: *'Namir and Saeed have been killed.'* Reuters staff drove to the al-Amin neighbourhood; Namir had told colleagues he was going to check out a possible US dawn airstrike. Witnesses said Namir, a photographer, and Saeed, a driver/fixer, had been killed by US forces, possibly in an airstrike during a clash with militants. It was my task at the same time as trying to discover what had happened, to file a news story about the deaths. I emailed Vice Admiral Mark Fox, spokesman for the U.S. military in Iraq. Fox, a navy combat pilot during the First Gulf War, was based in the Green Zone. As a one-star general, I figured Fox could get me information quickly. I'd met Fox several times and liked him. He was intelligent and easy-going. I said we had reliable reports that Namir and Saeed had been killed by U.S. forces, possibly in an air strike. Fox replied, saying he would check.

Then follows a description of what Yates was told by the US military, and the 3 minutes of video he was permitted to view - while still in shock himself. All further access to the video (which is much longer) was blocked.

After the Collateral Murder video was released by WikiLeaks 5 April 2020, Yates saw a situation that differed greatly from what he had been told by the military:

23. I immediately realised that the US Military had lied to us. When I think back to that meeting with the two generals in Baghdad, I feel cheated, they were not being honest. I have wondered for many years how much of that meeting was choreographed so we would go away with a certain impression of what happened. The day after Collateral Murder was released, a spokesman for US Central Command said an investigation of the incident shortly after it occurred found that US forces were not aware of the presence of the news staffers and thought they were engaging armed insurgents. *"We regret the loss of innocent life, but this incident was promptly investigated, and there was never any attempt to cover up any aspect of this engagement."*

25. (When I had first been shown a part of the video in 2007 by the US military it had been burnt into my mind that the reason the helicopter opened fire was because Namir was peering around the corner. I came to blame Namir, thinking that the helicopter fired because he had made himself look suspicious and it just erased from my memory the fact that the order to open fire had already been given. The one person who picked this up was Assange. On the day he released the tape he said the helicopter opened fire because it sought permission and was given permission. He said something like *"If that's based on the Rules of Engagement then the Rules of Engagement are wrong"*.)

26. I found it impossible to grapple with the moral injury – I had in my mind unfairly blamed Namir for the Crazy Horse 1-8 attack. I was devastated at having failed to protect my staff by uncovering the Rules of Engagement in the US military before they were shot – and for not disclosing earlier my understanding of the extent to which the US had lied. I was profoundly affected.

<https://www.tareqhaddad.com/wp-content/uploads/2020/09/2020.09.18-Assange-Extradition-Hearings-Statement-of-Dean-Yates.pdf>

1. My name is John Young, resident of New York, NY, a citizen of the United States of America, and founder of the website Cryptome.org in 1996 and continuously since that time have been the website owner and administrator to the present.
2. I published on Cryptome.org unredacted diplomatic cables on September 1, 2011 under the URL <https://cryptome.org/z/z.7z> and that publication remains available at the present.
3. I obtained the encrypted file from the following URL:  
<http://193.198.207.6/wikileaks/vyz/z.gpg>
4. For September 1, 2011 publication date of the file see:  
<https://cryptome.org/cryptomb30.htm>
5. Log file of the z.7z file on April 16, 2020:

z.7z 110901 00:00 3\*6027580

6. Since my publication on Cryptome.org of the unredacted diplomatic cables, no US law enforcement authority has notified me that this publication of the cables is illegal, consists or contributes to a crime in any way, nor have they asked for them to be removed.

<https://www.tareqhaddad.com/wp-content/uploads/2020/09/2020.09.04-Assange-Extradition-Hearings-Statement-of-John-Young-Cryptome-16.07.20.pdf>

2. We have been requested by Birnberg Peirce to answer the following questions; each answer is given in italics below each question.

#### Question 1

archive.org hosts many historical versions of the WikiLeaks website and publications. This includes both website snapshots on the Wayback Machine (collected by archive.org and potentially others) as well as user-uploaded items indicated by the uploading users as copies of WikiLeaks publications. The following examples are given of the above. Can you confirm this?

<https://archive.org/details/wikileaksarchive>  
<https://archive.org/details/wikileaks-cables-csv>  
<https://archive.org/details/wikileaks-qrchive>  
<https://archive.org/details/Archivelt-Collection-2017> (companion to collection on Internet Archive sister site archive-it.org: <https://archive-it.org/collections/2017>)

#### Answer 1

*I confirm the above, that as described, historical versions including website snapshots and copies of WikiLeaks publications and user-posted items indicated as copies of Wikileaks publications are held including the examples given.*

#### Question 2

Can you confirm that the US Government has not attempted to have this data taken down?

#### Answer 2

*After a check of readily available records I find no instance of our having received such a request.*

#### Question 3

Can you confirm that archive.org is a US based institution?

#### Answer 3

*As is clear from the address above, this is confirmed.*

[https://www.tareqhaddad.com/wp-content/uploads/2020/09/2020.09.24-Assange-Extradition-Hearings-Statement-of-Christopher-Butler\\_Archive.org-16.07.20.pdf](https://www.tareqhaddad.com/wp-content/uploads/2020/09/2020.09.24-Assange-Extradition-Hearings-Statement-of-Christopher-Butler_Archive.org-16.07.20.pdf)

#### Manning's colleagues regularly asked her to install programs on their computers

79. While Manning may have been interested in password hash cracking for academic or business purposes, learning how to crack passwords would also have been of practical use for her daily work. This was because her colleagues often asked her to install programs, sometimes as part of the unauthorized usage of the computers in the T-SCIF. For example, Madaras, the soldier who shared computers with Manning for several months, testified that Manning helped him setup a chat program:

*"Q. So do you recall having PFC Manning set up mIRC chat on your computer?"*

*A. Yes, sir.*

*Q. And do you recall him doing that for others?"*

*A. Yes, sir.*

*Q. And mIRC chat, when you did that, it was put on your computer basically as something that you would double click to start on the desktop?"*

*A. Yes, sir.*

*Q. And you're sure PFC Manning did this and not Mr. Milliman?"*

*A. Yes, sir.*

*Q. And when PFC Manning did this for you and others, did anyone step in, to your memory, and say, hey, that's not permitted?"*

*A. No, sir." (Exhibit 9, p.8028)*

80. This was a common occurrence, with those in charge of Manning also asking her to install programs for them. For example, Fulton, one of Manning's direct supervisors, also testified that she asked Manning for help adding programs to her computer (Exhibit 19, p.139-145).
81. During an interview, one of Manning's other supervisors noted that Private Manning was one of the most technically proficient soldiers in his unit, so he and others would turn to Private Manning when they had computer issues when Mr. Milliman was not working. He stated that he and others would ask Manning to install programs on their laptops when Mr. Milliman was not available or when Mr. Milliman would most likely not approve of the program that they wanted installed on the secret laptops. He said that he did not know how Private Manning accomplished having the programs installed but the programs got installed.
82. While some programs could be run by simply setting up a shortcut on the computer, others required an administrator password to install (Exhibit 8, p.8691-8695). Having the ability to install programs from an administrator account would have helped Manning fulfill the requests of her colleagues and supervisors to install certain programs.

<https://www.tareqhaddad.com/wp-content/uploads/2020/09/2020.09.25-Assange-Extradition-Hearings-Statement-of-Patrick-Eller.pdf>

"Collateral Murder"

9. Aside from the episode with the helicopter in 2007, there were many less well-known incidents of shootings by US soldiers at civilians. In 2006, a senior pro-American minister in the Iraqi government told me that he had warned his driver that the greatest danger to him as a politician at risk was not assassination by insurgents but being accidentally shot by US troops. By then US soldiers in Iraq tended to see all Iraqis, particularly those driving vehicles, who got close to them as being potential insurgents, and possible suicide bombers. No Iraqi was safe from this suspicion: the Iraqi police general in charge of the serious crime squad was shot through the head by an American soldier who mistook him for a suicide bomber. The head of protocol of the Iraqi President Jalal Talebani was in hospital with a broken arm and leg because his car had been forced off the road by a US Humvee.
10. Many of the victims were little known outside their own neighbourhoods. I wrote a story about how, in September 2006, a brain surgeon called Basil Abbas Hassan had left his house in the al-Khudat district of Baghdad at 7.15 am to drive to his hospital. As he drove out of a side street onto the main airport road, he accidentally got close to a US convoy and was promptly shot dead. One Iraqi political leader, Dr Mahmoud Othman, told me that he believed that it would be in the interests of the US to modify or remove the legal immunity protecting its soldiers because this might make them less trigger-happy and reduce the number of such undisclosed incidents - well known to the Iraqi if not the US public - that were damaging the reputation of the US.
14. WikiLeaks did what all journalists should do, which is to make important information available to the public, enabling people to make evidence-based judgments about the world around them and, in particular, about the actions of their governments, and, of those actions more than any other those that reveal the gravest of state crimes. In my view steps taken against Assange for publishing information of such great importance betrays the true motivation behind the unprecedented steps being taken to criminalise his actions. In 2010 WikiLeaks won a great victory for freedom of expression and against state secrecy and the US government is now making every effort to reverse it.
15. Assange and WikiLeaks have more than fulfilled the prime purpose of newsgathering. 'The first duty of the press,' Robert Lowe wrote in the *Times* in 1852, 'is to obtain the earliest and most correct intelligence of the events of the time and instantly, by disclosing them, to make them the common property of the nation. The statesman collects his information secretly and by secret means; he keeps back even the current intelligence of the day with ludicrous precautions.' The press, by contrast, 'lives by disclosures'. Assange's disclosures in 2010 followed this prescription exactly.

[https://www.tareqahaddad.com/wp-content/uploads/2020/10/2020.09.30-%E2%80%93Assange-Extradition-Hearings-%E2%80%93Statement-of-Patrick-Cockburn-15.07.20\\_Redacted.pdf](https://www.tareqahaddad.com/wp-content/uploads/2020/10/2020.09.30-%E2%80%93Assange-Extradition-Hearings-%E2%80%93Statement-of-Patrick-Cockburn-15.07.20_Redacted.pdf)

9. I took note of WikiLeaks' chosen modus operandi - that of making the original data available on its website so that other media and readers could access the original documentation, assess its value, check whether the media reports based on it had been fair and balanced or whether the reports had instead manipulated or somehow distorted the raw information. Mr Assange called this method scientific journalism, which he had based on the evidence standards required by scientific journals. At that time, there was a general problem in the media of journalists filtering pieces of the information they obtained through their own analysis or interpretation, inevitably putting their own spin on it in the process. At the same time, I noted that WikiLeaks was focussing on the importance of a number of protections, including protection for the integrity of the documents, so they could not be misrepresented or distorted, and protections on the encryption, protecting both the documents and sources. This publication strategy of making original documents available to the public empowers entire communities: journalists, scholars, the police, human rights activists, victims of human rights abuses. My collaboration with them on this project and my contact with them thereafter constituted an opportunity for me to learn myself. The combination of methods used by WikiLeaks was extremely innovative. I found it enormously educational from my own perspective.
12. We met on the evening of September 27<sup>th</sup>, 2010, in Berlin, to discuss the question of publication on the part of *l'Espresso*, with which I was then working, of what are described as the Afghan war logs. Julian Assange arrived at my hotel in Berlin late in the evening, and later that night WikiLeaks journalist Kristinn Hrafnsson joined us. Julian Assange had flown from Stockholm on a direct flight. He arrived at my hotel around 11 pm with no luggage, apart from his laptop and a small plastic bag containing a t-shirt, a toothbrush and a few small bottles of liquid soap. He immediately told me that the plastic bag was all he was given at the Berlin airport when it was clear that his luggage had disappeared under suspicious circumstances. That night we immediately started discussing encryption and passwords, and it was interesting to learn from Julian Assange. He also explained to me that it is important to always keep any passwords he shared private, to never ever make them public, because if you make them public you provide insights on their possible weaknesses to actors who want to attack you. In fact, once passwords are public, a malicious actor can analyse them and devise attacks based on how strong your passwords are, on whether the so-called 'dictionary attack' works, and so on.

[https://www.tareqahaddad.com/wp-content/uploads/2020/10/2020.09.30-%E2%80%93Assange-Extradition-Hearings-%E2%80%93Tab-69-Statement-of-Stefania-Maurizi-17.07.20\\_with-exhibits-bookmarked.pdf](https://www.tareqahaddad.com/wp-content/uploads/2020/10/2020.09.30-%E2%80%93Assange-Extradition-Hearings-%E2%80%93Tab-69-Statement-of-Stefania-Maurizi-17.07.20_with-exhibits-bookmarked.pdf)

7. I would like to point out that whilst my focus, as a British journalist, has always been on UK actions, the overarching scenario as regards War on Terror related abuses is of course that the UK has been complicit in, and sometimes a partner in, US activities.
8. I do not know Mr Assange, and whilst I was at the Guardian in 2010 and 2011, I was not engaged in the joint publication of any of the material listed above. I did a small amount of reporting on the contents of the Guantanamo files, for the Guardian, after they had been placed in the public domain. I attach these as exhibit IC2.
9. I have been asked to comment, on the basis of my own experience as an investigative journalist, on matters relating to the content and the significance of publications in 2010 and 2011 by Wikileaks and other media partners - the Afghan/Iraq war logs, the Guantanamo files, and the US diplomatic cables.
10. In particular, I have been asked to comment on the following matters:
- The near impossibility of ever uncovering evidence of such criminality.
  - The importance of reliable, documentary information relating to state criminality in respect of torture/crimes against humanity/war crimes/rendition.
  - The ways in which investigators, having uncovered even strong clues or evidence, find that the state shuts down further public exploration.

The near impossibility of ever uncovering evidence of such criminality, especially via human sources with direct knowledge.

11. There is always the understanding - one that is so clear that it need not be spoken - that anyone who has knowledge of state crimes, and who comes forward to corroborate allegations about those crimes, may face prosecution.
12. Evidence that would support such allegations is extraordinarily difficult to obtain from within governments with disciplined intelligence agencies and civil services, and where the penalties for unauthorised disclosure can include intrusion into family life, prosecution and imprisonment, loss of livelihood and loss of pension rights.
- This testimony goes on to discuss some of the ways such information has been discovered by investigators, before or after it has made its way into the public domain.
44. Under these circumstances, it could be argued that media scrutiny is more important than ever, and that leaks and whistle-blowers remain a vital means by which state crimes can be exposed.

[https://www.tareqahaddad.com/wp-content/uploads/2020/10/2020.09.30-%E2%80%93Assange-Extradition-Hearings-%E2%80%93Tab-63-Statement-of-Iain-Cobain-17.07.20\\_Redacted.pdf](https://www.tareqahaddad.com/wp-content/uploads/2020/10/2020.09.30-%E2%80%93Assange-Extradition-Hearings-%E2%80%93Tab-63-Statement-of-Iain-Cobain-17.07.20_Redacted.pdf)

3. **Background**
7. On 16 June 2016, I attended a meeting at the Ecuadorian Embassy in London to discuss the international legal aspects of the asylum accorded to Mr Julian Assange. Those attending included the Foreign Minister of Ecuador, senior Ecuadorian officials, and members of Mr Assange's legal team. Before entering the ground floor meeting room, I left my passport, phone and tablet 'at the door', together with unlocked luggage (I was en route to give lectures in Italy).
8. I naturally assumed that, given the precautions taken before entry, such a legal conference would be secure and confidential. I was therefore somewhat shocked, to say the least, to learn in late 2019 that my name featured in papers lodged in connection with legal proceedings in Spain concerning the disclosure of confidential information, that the occasion of my visit and participation had been shared with various parties, and that my 'electronic equipment' may have been copied and the contents also shared.
9. Further to these events and taking account of the context in which asylum had been granted by Ecuador to Mr Assange, I have now been asked for my opinion on (1) the international law aspects of the reported surveillance, documentation and sharing of confidential information gathered from the Ecuadorian Embassy in London, so far as the gathering of such information may have been initiated, continued, encouraged or exploited by another State; and (2) the legal impact of such activities and other contemporaneous and continuing activities on proceedings (the extradition request) in which Mr Assange's liberty and security are in issue.
- [Timor Leste case]
18. This particular case involved one State's unlawful interference - spying - in the sovereign affairs of another, with a view to advancing its own national and commercial interests.<sup>18</sup> In my view, the same legal restraints apply by analogy, and in principle, no less a wrong would be done, were the target instead to be an individual within the embassy of a State, whom the interfering State hoped and intended to prosecute. The violation of one State's sovereignty would then be joined by the likely violation of the individual's fundamental rights to due process and equality of arms, if confidential, privileged information were to be used in trial.
19. What is less clear from the preliminary outline provided to me is whether the change of circumstances in 2016 and various events and activities thereafter are sufficient to indicate either, (a) that one State has coerced another to act contrary to international law, including those obligations *erga omnes* which protect human rights; or (b) that two or more States, acting together, are responsible for one or more violations of international law.

<https://www.tareqahaddad.com/wp-content/uploads/2020/10/2020.09.30-Assange-Extradition-Hearings-Opinion-of-Guy-Goodwin-Gill.pdf>

Re Jury Selection

5. I have been asked by Mr Assange's solicitors, Birnberg Peirce Ltd, to carry out research with regards to government agencies and contractors who are located in, and hence potential employers of, individuals in the geographical area from which Mr. Assange's jury pool will be selected.
6. The U.S. District Court for the Eastern District of Virginia consists of four divisions<sup>1</sup>. In each division there are a set number of counties and cities from which a jury pool is selected. Mr. Assange has been indicted in the Alexandria Division of the Eastern District of Virginia.
8. I have carried out research in each of these counties and identified a large concentration of government agencies that have offices and are headquartered in this area. The headquarters of government agencies which are based in the Alexandria Division include:
  - Central Intelligence Agency (CIA) (Fairfax)
  - Federal Bureau of Investigations Academy (Stafford)
  - National Cybersecurity & Communications Integration Center - Department of Homeland Security NCCIC (Arlington)
  - U.S. Department of Defense (The Pentagon - Arlington)
  - United States Army Intelligence and Security Command INSCOM (Fairfax)
9. According to reports by the Virginia Employment Commission a number of government agencies are in the list of the top 50 largest employers in these countries as follows [Exhibit 2]:
  - City of Alexandria – U.S. Department of Defense (second largest employer), Institute for Defense Analysis and Department of Homeland Defense
  - Arlington – U.S. Department of Defense (largest employer), Department of Homeland Defense (third largest employer) and United States Department of Justice
  - Fairfax – U.S. Department of Defense (fourth largest employer), Department of Homeland Defense
  - Loudoun – U.S. Department of Homeland Defense (fourth largest employer)
  - Prince William – U.S. Department of Defense (third largest employer)
  - Stafford – U.S. Federal Bureau of Investigation (third largest employer, U.S. Department of Defense (fourth largest employer)
11. Examples of military and intelligence contractors who are major employers in the relevant counties from which the jury pool will be selected are [Exhibit 5]:
  - Alexandria – Institute for Defense Analyses
  - Arlington – Booz Allen Hamilton
  - Fairfax - Northrup Grumman
  - Loudoun – MC Dean Inc

<https://www.tareqhaddad.com/wp-content/uploads/2020/10/2020.09.30-Assange-Extradition-Hearings-%E2%80%93-Bridget-Prince-First-Statement.pdf>

US v Julian Paul ASSANGE  
Witness Statement #36 UC Global Witness 2  
Dated Undated, translated, redacted  
EXCERPT:

I remember that Sheldon Adelson himself – who is on the public record as being very close to President Donald Trump—increased his ties with UC Global because at one point David Morales was personally put in charge of the security of the magnate and his children when they visited Europe, in their Summer trips to Nice and Ibiza.

David Morales asked me explicitly – in my role as a member of the task force – to contact providers that sell security cameras with sophisticated audio recording capabilities. He even indicated that insofar as possible, the cameras should not show that they are recording sound, or at least that the appearance of the cameras should not show that they are recording sound. Because of this, and in accordance with the orders of David Morales, who claimed that all of this was necessary to fulfil the contract, I sought providers for these types of cameras, insisting in, to the extent possible, concealing audio-recording capabilities.

In early December 2017, I was instructed by David Morales to travel with a colleague to install the new security cameras. I carried out the new installation over the course of several days. I was instructed by Morales not to share information about the specifications of the recording system, and if asked to deny that the cameras were recording audio. I was told that it was imperative that these instructions be carried out as they came, supposedly, from the highest spheres. In fact, I was asked on several occasions by Mr. Assange, and the Political Counsellor Maria Eugenia whether the new cameras recorded sound, to which I replied that they did not, as my boss had instructed me to do. Thus, from that moment on the cameras began to record sound regularly, so every meeting that the asylee held was captured. At our offices in UC Global it was mentioned that the cameras had been paid for twice, by Ecuador and the United States, although I have no documentary evidence to corroborate this assertion.

In addition to this, around January 2018 David Morales asked me to travel to London to install microphones in the embassy. I asked him if it was legal, Morales responded that he was the boss that the responsibility fell on him as he was the one with knowledge of the contract and who was responsible for the security. Morales instructed me to place a microphone in the meeting room, placed in the PVC holder of the fire extinguisher in the meeting room, where it was glued to a magnet and then concealed at the base of the PVC plastic.

<https://www.tareqhaddad.com/wp-content/uploads/2020/10/2020.09.30-Assange-Extradition-Hearings-UC-Global-Anonymous-Witness-2.pdf>

US v Julian Paul ASSANGE  
Witness Statement #35 UC Global Witness 1  
Dated Undated, translated, redacted  
EXCERPT:

After his initial travels to the United States, UC Global obtained a flashy contract, personally managed by David Morales, with the company Las Vegas Sands, which was owned by the tycoon Sheldon Adelson, whose proximity to Donald Trump is public knowledge (at the time Trump was the presidential candidate). The contract did not make sense because its purpose was to provide security to the luxury boat that belongs to Sheldon Adelson, the Queen Miri, when the boat entered the Mediterranean Sea. That is to say, the contract was to provide security to the luxury boat during the short period during which it found itself in Mediterranean waters. But the most striking thing about it was that the boat had its own security, which consisted of a sophisticated security detail, and that the contract consisted in adding an additional person, in this case, David Morales, for a very short period of time, through which David Morales would receive an elevated sum.

After returning from one of his trips to the United States, David Morales gathered all the workers in the office in Jerez and told us that "we have moved up and from now on we will be playing in the big league". During a private conversation with David, I asked him what he was referring to when he said we had moved up into "the big league". David replied, without going into further detail, that he had switched over to "the dark side" referring to cooperating with US authorities, and as a result of that collaboration "the Americans will get us contracts all over the world".

In addition to the new contract, after Morales's return from Las Vegas and his comments about "the big league" and switching to "the dark side", I learned through my conversation with David Morales that he had entered into illegal agreements with U.S. authorities to supply them with sensitive information about Mr. Assange and Rafael Correa, given that UC Global was responsible for the embassy security where Mr. Assange was located.

Through my conversation with David Morales - in which Morales admitted to further details about the agreement he had entered into during his trip to the United States - I learned that at the Las Vegas Sands trade fair the Chief of Security of Las Vegas Sands, a Jewish man by the name of Zohar Lahav, had agreed the contract with Mr Morales, and the two had become friends. My understanding is that this person offered to cooperate with U.S. Intelligence authorities by supplying information about Mr. Assange.

This collaboration became more concrete over time. In fact, as the U.S. Elections neared towards the latter half of 2016, and especially once Trump had won the elections, David Morales's cooperation became absolutely clear, this reality was something that employees of U.C. Global openly commented and were fully aware of. Zhaer (Zohar) even travelled to Spain and stayed at David's home for a week.

<https://www.tareqhaddad.com/wp-content/uploads/2020/10/2020.09.30-Assange-Extradition-Hearings-UC-Global-Anonymous-Witness-1.pdf>

US v Julian Paul ASSANGE  
Witness Statement #37 Aitor Martínez Jiménez (3)  
Dated 21 Feb 2020  
EXCERPT:

1. My name is AITOR MARTÍNEZ JIMÉNEZ. I am a lawyer at the law firm "ILOCAD SL - Baltasar Garzón Abogados", which coordinates the defence of Julian Paul Assange. I am fluent in both Spanish and English.
2. On July 29, 2019 my firm filed a criminal complaint against the owner of the company UC Global, David Morales, for crimes against privacy and against the secrecy of communications between attorney-client (art. 19 in connection with art 197.4 of the Spanish Criminal Code), a crime of misappropriation (art. 253 CP), bribery (art. 424 and 427 Criminal Code) and money laundering (art. 301 Criminal Code). In addition, the complaint was also directed against the company UC Global as a legal person for committing a crime against privacy and against the secrecy of attorney-client communications (art. 197 CP), bribery (art. 427 CP) and money laundering (art. 302.2 CP). The complaint at that time was based on evidence given by two witnesses who were permitted anonymity by the court in Spain as detailed below.
3. On September 17, 2019, a police operation was carried out, ordered by the Central Investigative Court No. 5 of the National Court (Audiencia Nacional), in which the owner of the company was arrested, and the accounts of the company frozen, together with the entry and search of his home and of the headquarters of the company UC Global. In addition the Central Investigative Court No. 5 agreed a set of proceedings, including the protection of three (3) former workers as protected witnesses who provided evidence to the court. Two of these witnesses have provided evidence in the current extradition proceedings USA vs. Julian Assange under identities Witness 1 and Witness 2.
14. On September 17, 2019 the police carried out a search of David Morales' home and found guns with the serial numbers rubbed off as well as ammunition. A police report dated September 19, 2019 [Exhibit 7] by the Central Unit of Specialised and Violent Crime - Kidnapping and Extortion Section Investigation Group was submitted to Central Court of Instruction Number 5. The report states:

"During the procedure...in the matrimonial room (male wardrobe area) a metal box was found containing 2 firearms with their corresponding cartridges and one more loose (sic). One of the guns was loaded with 6 bullets, the other gun together with the other cartridge were unloaded. Both have had their brand and serial number erased, and David Morales does not have an ownership license for the arms in question. In light of these facts, and given that the judicial warrant under which the procedure is being carried out does not contemplate the illegal possession of arms, the procedure is halted in order to communicate the discovery, via the Kidnapping and Extortion Section Investigation Group, to the Central Court of Instruction Number 5, which proceeds to broaden the remit in order to include the crime of illegal possession of weapons" [pg. 18].

<https://www.tareqhaddad.com/wp-content/uploads/2020/10/2020.09.30-%E2%80%93Assange-Extradition-Hearings-%E2%80%93Aitor-statement-3-from-Vol-N-1.pdf>

6. I have been asked whether Julian Assange's work and actions can be considered as "political", a question I am informed is of significance to the extradition request by the United States for Mr. Assange to be tried for espionage for having played a part in the publication of information that the United States government did not wish to be publically known.
  7. I have previously spoken of the subject matter on which I am asked now to comment in relation to Mr. Assange. The following paragraphs constitute my views. I confirm my assessment that Mr. Assange's opinions and actions should be understood in their relationship to the priorities of government.
  8. A Professor of the Science of Government at Harvard University, the distinguished liberal political scientist and government adviser, Samuel Huntington, observed that "the architects of power in the United States must create a force that can be felt but not seen. Power remains strong when it remains in the dark. Exposed to the sunlight it begins to evaporate." He gave some telling examples concerning the real nature of the Cold War. He was discussing US military intervention abroad and he observed that "you may have to sell intervention or other military action in such a way as to create the misimpression that it is a Soviet Union that you're fighting. That's what the United States has been doing ever since the Truman Doctrine" and there are many illustrations of that leading principle.
  9. Julian Assange's actions, which have been categorized as criminal, are actions that expose power to sunlight -- actions that may cause power to evaporate if the population grasps the opportunity to become independent citizens of a free society rather than subjects of a master who operates in secret. That is a choice and it's long been understood that the public can cause power to evaporate.
- 
14. In my view, Julian Assange, in courageously upholding political beliefs that most of us profess to share, has performed an enormous service to all the people in the world who treasure the values of freedom and democracy and who therefore demand the right to know what their elected representatives are doing. His actions in turn have led him to be pursued in a cruel and intolerable manner.

<https://www.tareqhaddad.com/wp-content/uploads/2020/10/2020.09.30-%E2%80%93Assange-Extradition-Hearings-Statement-of-Noam-Chomsky.pdf>

1. I am the Executive Director of the Knight First Amendment Institute at Columbia University in New York City. I have held this position since September 2016. For the preceding fourteen years, I served on the staff of the American Civil Liberties Union, including as Director of its National Security Project and then as a Deputy Legal Director, in which capacity I oversaw the organization's work relating to free speech, privacy, technology, national security, and international human rights. I have litigated and argued cases at all levels of the U.S. judicial system, including in the U.S. Supreme Court; testified before Congress and other government bodies; and written scholarly and popular articles, as well as two books, on topics relating to national security and civil liberties. [...]
2. At the request of attorneys for Julian Paul Assange, I am providing this report about the implications for press freedom of the U.S. government's indictment of Mr. Assange under the 1917 Espionage Act.<sup>1</sup>
3. The indictment of Mr. Assange poses a grave threat to press freedom in the United States. This case is the first in which the U.S. government has relied on the 1917 Espionage Act as the basis for the prosecution of a publisher. The indictment focuses almost entirely on the kinds of activities that national security journalists engage in routinely and as a necessary part of their work—cultivating sources, communicating with them confidentially, soliciting information from them, protecting their identities from disclosure, and publishing classified information.

The indictment's implicit but unmistakable claim is that activities integral to national security journalism are unprotected by the U.S. Constitution and even criminal.

<https://www.tareqhaddad.com/wp-content/uploads/2020/10/2020.09.30-Assange-Extradition-Hearings-Statement-of-Jameel-Jaffer.pdf>

3. In the years preceding that specific contact I had been responsible for a significant amount of published research on Guantanamo Bay including "The Guantanamo Files: The Stories of the 774 Detainees in America's Illegal Prison" published by Pluto Press in 2007. I was approached by WikiLeaks in March 2011 on the basis that I was an expert on the history and the detail (as much as was publicly known) of the detentions at Guantanamo Bay and that WikiLeaks being in possession of files on that subject, wished to ensure that such publication as took place, was entered into in the best way, and was understood and interpreted by those who would be involved in its publication. (I should say WikiLeaks had earlier published Guantanamo leaks in the years before). I was in consequence asked to join what was publicly known to be an ongoing partnership between a number of well established news organisations. The understanding between WikiLeaks in particular in the person of Julian Assange and myself, was that the confidentiality of the files would be maintained unless and until it was understood and agreed what could and should be published as fully as possible, but without risking damage to persons who could not be protected.

5. The evidence that the files revealed was of extraordinary potential importance, the full implications of which are continuing to be properly understood even in 2020. In essence, an analysis of "detainee files" of almost all the 779 prisoners who had been held in Guantanamo compiled by the Joint Task Force responsible for running the prison (known as "detainee assessment briefs").
6. The Memoranda contained recommendations about whether the prisoners in question should continue to be held or should be released and contained a wealth of important and previously undisclosed information including health assessments for example and in the cases of the majority of the 172 prisoners still held in early 2011 photographs (the majority for the first time). Information on the first 201 prisoners released between 2002 and 2004 — unlike information on the rest of the prisoners (summaries of evidence and tribunal transcripts released as the result of a law suit filed by media groups in 2006 without the sources ever having been named) — had never been made public before. The majority of the new documents revealed accounts of incompetence, with innocent men detained by mistake, or because the US was offering substantial bounties to its allies for "Al Qaeda" or "Taliban" suspects.
7. The Memoranda, signed by the Commander of Guantanamo at the time, represented not only the opinions of the Joint Task Force at Guantanamo Bay, but also the Criminal Investigation Task Force created by the Department of Defence to conduct interrogations in the "War on Terror" and the behavioural science teams' reports — consisting of psychiatrists who had a major say in the "exploitation" of prisoners' interrogations.

<https://www.tareqhaddad.com/wp-content/uploads/2020/09/2020.09.18-Assange-Extradition-Hearings-Statement-of-Andy-Worthington.pdf>

Full Archive:

<https://www.tareqhaddad.com/the-archives/#%5BJulian-Assange-U-S-extradition-proceedings-%5D>

Witness Testimony Twitter Thread:

<https://twitter.com/i/events/1314023490962456576>

## **Evidence File #8: US/UK Political Pursuit of Julian Assange and Mishandling of the “Deplorable” Swedish Investigation**

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  - Snapshots of tweets from 2019 and 2020 which include screenshots and excerpts from 2012 asylum application: Katya’s Compass, Hanna Jonasson, Bella Magnani tweeting that Assange sought asylum to avoid onward extradition to the United States. Media falsely deflected the news onto the Swedish case to avoid the “elephant in the room” which was UK extradition of Assange to US over *WikiLeaks* publications.

# Evidence File 8: US/UK Political Pursuit of Julian Assange - Swedish 'Rape' Investigation

'We are Women Against Rape but we do not want Julian Assange extradited'

<https://www.theguardian.com/commentisfree/2012/aug/23/women-against-rape-julian-assange>

The Guardian

## We are Women Against Rape but we do not want Julian Assange extradited

*Katrin Axelsson and Lisa Longstaff*

Thu 23 Aug 2012 04:00 EDT



1,550

For decades we have campaigned to get rapists caught, charged and convicted. But the pursuit of Assange is political



Julian Assange has made it clear that he is available for questioning by the Swedish authorities, in Britain or via Skype. Photograph: Carl Court/AFP/Getty Images

When Julian Assange was first arrested, we were struck by the **unusual zeal** with which he was being pursued for rape allegations.

It seems even clearer now, that the allegations against him are a smokescreen behind which a number of governments are trying to clamp down on **WikiLeaks** for having audaciously revealed to the public their secret planning of wars and occupations with their attendant rape, murder and destruction.

Justice for an accused rapist does not deny justice for his accusers. But in this case justice is being denied both to accusers and accused.

The judicial process has been corrupted. On the one hand, the names of the women have been circulated on the internet; they have been trashed, accused of setting a "honey trap", and seen their allegations dismissed as "not real rape". On the other hand, Assange is dealt with by much of the media as if he were guilty, though he has not even been charged. It is not for us to decide whether or not the allegations are true and whether what happened amounts to rape or sexual violence - we don't have all the facts and what has been said so far has not been tested. But we do know that rape victims' right to anonymity and defendants' right to be presumed innocent until proven guilty are both crucial to a just judicial process.

Swedish and British courts are responsible for how the women's allegations have been handled. As with every rape case, the women are not in charge of the case, the state is.

Whether or not Assange is guilty of sexual violence, we do not believe that is why he is being pursued. Once again women's fury and frustration at the prevalence of rape and other violence, is being used by politicians to advance their own purposes. The authorities care so little about violence against women that they manipulate rape allegations at will, usually to increase their powers, this time to facilitate Assange's extradition or even rendition to the US. That the US has not presented a demand for his extradition at this stage is no guarantee that they won't do so once he is in **Sweden**, and that he will not be tortured as Bradley Manning and many others, women and men, have. Women Against Rape cannot ignore this threat.

Assange has made it clear for months that he is available for questioning by the Swedish authorities, in Britain or via Skype. Why are they refusing this essential step to their investigation? What are they afraid of?

In 1998 Chilean dictator Augusto Pinochet was arrested in London following an extradition request from Spain. His responsibility for the murder and disappearance of at least 3,000 people, and the torture of 30,000 people, including the rape and sexual abuse of more than 3,000 women often with the use of dogs, was never in doubt. Despite a lengthy legal action and a daily picket outside parliament called by Chilean refugees, including women who had been tortured under Pinochet, the British government reneged on its obligation to Spain's criminal justice system and Pinochet was allowed to return to Chile. Assange has not even been charged; yet the determination to have him extradited is much greater than ever it was with Pinochet. (Baltasar Garzón, whose request for extradition of Pinochet was denied, is representing Assange.) And there is a **history** of Sweden (and Britain) rendering asylum seekers at risk of torture at the behest of the US.

Like women in Sweden and everywhere, we want rapists caught, charged and convicted. We have campaigned for that for more than 35 years, with limited success. We are even having to campaign to prevent rape victims being accused of making false allegations and imprisoned for it. Two women who reported visibly violent attacks by strangers were given **two and three year** prison sentences.

But does anyone really believe that extraditing **Julian Assange** will strengthen women against rape? And do those supporting his extradition to Sweden care if he is then extradited to the US and tortured for telling the public what we need to know about those who govern us?

## 2016 UNWGAD Deems the Deprivation of Liberty of Mr. Julian Assange as Arbitrary

<https://www.ohchr.org/en/statements/2016/02/working-group-arbitrary-detention-deems-deprivation-liberty-mr-julian-assange>



STATEMENTS | SPECIAL PROCEDURES

# The Working Group on Arbitrary Detention Deems the deprivation of liberty of Mr. Julian Assange as arbitrary

05 February 2016

On 4 December 2015, the Working Group on Arbitrary Detention (WGAD) adopted Opinion No. 54/2015, in which it considered that Mr. Julian Assange was arbitrarily detained by the Governments of Sweden and the United Kingdom of Great Britain and Northern Ireland. In that opinion, the Working Group recognized that Mr. Assange is entitled to his freedom of movement and to compensation. The application was filed with the Working Group in September 2014. The Opinion 54/2015 was sent to the Governments of Sweden and the United Kingdom of Great Britain and Northern Ireland on 22 January 2016 in accordance with the Working Group's Methods of Work.

Given that Mr. Assange is an Australian citizen, one of the members of the Working Group who shares his nationality recused herself from participating in the deliberations. Another member of the Working Group disagreed with the position of the majority and considered that the situation of Mr. Assange is not one of detention and therefore falls outside the mandate of the Working Group.

In mid-2010, a Swedish Prosecutor commenced an investigation against Mr. Assange based on allegations of sexual misconduct. On 7 December 2010, pursuant to an international arrest warrant issued at the request of the Swedish Prosecutor, Mr. Assange was detained in Wandsworth Prison for 10 days in isolation. Thereafter, he was subjected to house arrest for 550 days. While under house arrest in the United Kingdom, Mr. Assange requested the Republic of Ecuador to grant him refugee status at its Embassy in London. The Republic of Ecuador granted asylum because of Mr. Assange's fear that if he was extradited to Sweden, he would be further extradited to the United States where he would face serious criminal charges for the peaceful exercise of his freedoms. Since August 2012, Mr. Assange has not been able to leave the Ecuadorian Embassy and is subject to extensive surveillance by the British police.

The Working Group considered that Mr. Assange has been subjected to different forms of deprivation of liberty: initial detention in Wandsworth prison which was followed by house arrest and his confinement at the Ecuadorian Embassy. Having concluded that there was a continuous deprivation of liberty, the Working Group also found that the detention was arbitrary because he was held in isolation during the first stage of detention and because of the lack of diligence by the Swedish Prosecutor in its investigations, which resulted in the lengthy detention of Mr. Assange. The Working Group found that this detention is in violation of Articles 9 and 10 of the UDHR and Articles 7, 9(1), 9(3), 9(4), 10 and 14 of the ICCPR, and falls within category III as defined in its Methods of Work.

The Working Group therefore requested Sweden and the United Kingdom to assess the situation of Mr. Assange to ensure his safety and physical integrity, to facilitate the exercise of his right to freedom of movement in an expedient manner, and to ensure the full enjoyment of his rights guaranteed by the international norms on detention. The Working Group also considered that the detention should be brought to an end and that Mr. Assange should be afforded the right to compensation.

5 February 2016

Check the Working Group's Opinion on Julian Assange's case (No. 54/2015), adopted in December:

<http://www.ohchr.org/Documents/Issues/Detention/A.HRC.WGAD.2015.docx>

See press release by the Working Group on Arbitrary Detention:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17013&LangID=E>

**"Having concluded that there was a continuous deprivation of liberty, the Working Group also found that the *detention was arbitrary because he was held in isolation during the first stage of detention and because of the lack of diligence by the Swedish Prosecutor in its investigations, which resulted in the lengthy detention of Mr. Assange.*"**

**"The Working Group therefore requested Sweden and the United Kingdom to assess the situation of Mr. Assange to ensure his safety and physical integrity, to facilitate the exercise of his right to freedom of movement in an expedient manner, and to ensure the full enjoyment of his rights guaranteed by the international norms on detention. *The Working Group also considered that the detention should be brought to an end and that Mr. Assange should be afforded the right to compensation.*" - 2016 UNWGAD**

## 'UK Prosecutors Admit Destroying Key Emails in Julian Assange Case'

<https://www.theguardian.com/media/2017/nov/10/uk-prosecutors-admit-destroying-key-emails-from-julian-assange-case>

# UK prosecutors admit destroying key emails in Julian Assange case

Correspondence between CPS and its Swedish counterparts about WikiLeaks founder deleted after lawyer retired in 2014

Ewen MacAskill and Owen Bowcott

Fri 10 Nov 2017 05.00 EST



Julian Assange sought refuge in the Ecuadorian embassy in 2012. Photograph: Dominic Lipinski/PA

The Crown Prosecution Service is facing embarrassment after admitting it destroyed key emails relating to the WikiLeaks founder **Julian Assange**, who is holed up in Ecuador's London embassy fighting extradition.

Email exchanges between the CPS and its Swedish counterparts over the high-profile case were deleted after the lawyer at the UK end retired in 2014.

The destruction of potentially sensitive and revealing information comes ahead of a tribunal hearing in London next week.

Adding to the intrigue, it emerged the CPS lawyer involved had, unaccountably, advised the Swedes in 2010 or 2011 not to visit London to interview Assange. An interview at that time could have prevented the long-running embassy standoff.

The CPS data destruction was disclosed in a freedom of information (FOI) case being pursued by the Italian journalist Stefania Maurizi.

Maurizi, a reporter on La Repubblica who has covered **WikiLeaks** since 2009, has been pressing both the CPS and its Swedish counterpart for information relating to Assange and extradition.

Unhappy over the limited material released so far, she is taking her case against the CPS to an information tribunal on Monday and Tuesday.

"It is incredible to me these records about an ongoing and high-profile case have been destroyed. I think they have something to hide," Maurizi said.

**Julian Assange's 2017 sarcastic tweet: Swedish Prosecutor Marianne NY deleted FBI emails relating to case.**



The ever credible Swedish prosecutor Marianne Ny:

Received an email from the FBI about me. Totally can't remember what it contained. Deleted all copies.

Video in English and Swedish:



<https://threadreaderapp.com/thread/961324850458619909.html>  
Video: <https://www.youtube.com/watch?v=fDR43OS2lgs&t=55s>

She is keen to establish how much influence the UK had in the decision of the Swedish authorities at the time not to travel to London to interview Assange. She is also looking for evidence of US involvement in extradition moves.

She unearthed two years ago, through an FOI request to the Swedish prosecutors, an email from a lawyer in the CPS extradition unit on 25 January 2011 saying: "My earlier advice remains, that in my view it would not be prudent for the Swedish authorities to try to interview the defendant in the UK."

The sentence was redacted in the email obtained by Maurizi from the CPS under an FOI request but not when it was released under an FOI request from the Swedish prosecutors.

Jennifer Robinson, a Doughty Street chambers barrister, and Estelle Dehon, who specialises in freedom of information, will be representing Maurizi at the tribunal.

Robinson, who has also represented Assange, said: "The missing information raises concerns about the Crown Prosecution Service's data retention policy and what internal mechanisms are in place to review their conduct of this case in light of the fact the UK has been found to have breached its international obligations."

She added: "Serious questions must be asked about the role of the CPS. Had the Swedes interviewed Assange back in 2010 one wonders whether this case would have continued for such a long time."

The Swedes had interviewed many other people in the UK in relation to other cases, Robinson said. "We had been offering the Swedish prosecutors Assange's testimony since October 2010. We didn't know at the time that the CPS was advising them not to take up the offer."

## 'Judge Orders CPS to Come Clean About the Destruction of Key Documents on Julian Assange'

<https://www.ilfattoquotidiano.it/in-edicola/articoli/2023/06/01/judge-orders-the-crown-prosecution-service-to-come-clean-about-the-destruction-of-key-documents-on-julian-assange/7179642/>

*"The documentation on which the closed ruling is based includes, among other documents, over 552 pages of correspondence between the CPS and the U.S. Department of Justice and between the CPS and the State Department between 2010 and 2019"* -Stefania Maurizi

il Fatto  
Quotidiano



## Judge orders the Crown Prosecution Service to come clean about the destruction of key documents on Julian Assange

**WIKILEAKS** - After years of running up against a brick wall, the first crack has appeared with the latest ruling on our FOIA case issued by Judge O'Connor. In addition to the ruling, British Labour MP John McDonnell has just obtained new information from the Crown Prosecution Service. McDonnell is calling for an independent inquiry into the CPS's role in the Assange case.

EXCERPTS:

DI STEFANIA MAURIZI

31 MAGGIO 2023



For the last six years, they have rejected all of our attempts to shed light on the destruction of key documents in the Julian Assange case, even though the emails were deleted when the high-profile, controversial case was still ongoing.

But now the British authorities at the Crown Prosecution Service have to come clean: they must declare whether they hold any information as to when, how and why that documentation was deleted, and if they do hold it, they must either release it to us or clarify the grounds for their refusal.

This order was just issued by the London First-tier Tribunal, chaired by Judge O'Connor, in response to our litigation based on the UK Freedom of Information Act (FOIA), in which we are represented by top-notch FOIA specialist Estelle Dehon, of Cornerstone Barristers in London.

The Crown Prosecution Service must comply with this judicial order by June 23, and any failure on their part to do so could lead to contempt proceedings.

Ever since 2017, when we first discovered that documents had been destroyed, we have consistently run up against a brick wall: the Crown Prosecution Service (CPS) has always maintained that deletion of those documents was in conformity with their standard operating procedure. A previous ruling issued in 2017 by the London First-tier Tribunal – chaired by a different judge, Andrew Bartlett – averred that there was “nothing untoward” about their deletion, and the British body instituted to uphold information rights, the Information Commissioner (ICO), has always been pleased with the decision that there was “nothing untoward” about it.

This new ruling by judge O'Connor is the first crack in the brick wall.

Judge O'Connor has also confirmed that “WikiLeaks is a media organization”, though he rejected all of our requests to access the full correspondence between the Crown Prosecution Service and the U.S. State Department, the U.S. Department of Justice, the Swedish Prosecution Authority and the Ecuadorian authorities on the Julian Assange case from 2010 to 2019.

Relative to the correspondence between the CPS and Ecuador, the judge ruled in favour of the Crown Prosecution Service, maintaining an exemption to “neither confirm nor deny” that the British and the Ecuadorian authorities exchanged emails on the case.

As for the case of all other correspondence between the CPS and the Swedish authorities, between the CPS and the U.S. Department of Justice, and between the CPS and the U.S. State Department, Judge O'Connor ruled that if released, the documentation would risk damaging the relationship of trust and confidence that underlies information sharing between prosecuting authorities, and that it would be likely to have a chilling effect on the relationship with both the Swedish and US authorities, as well as with other foreign authorities.

This correspondence is part of the documentation which we have been requesting under FOIA for years, and which has always been denied to us. And yet accessing it would be crucial, as the British authorities are assisting the U.S. government in extraditing a journalist for revealing war crimes and torture, as if he was a mafia boss or drug dealer. From Amnesty International to the International Federation of Journalists (IFJ), all major organizations for the defense of human rights and freedom of the press have called for the extradition case to be dropped and Assange freed.

Judge O'Connor's Ruling PDF: <https://st.ilfattoquotidiano.it/wp-content/uploads/2023/06/01/RULING.pdf>



Anne Ramberg

POSTED BY: EDITOR 26 APRIL 2019

## Head of Swedish Bar Association condemns the handling of the Assange case in the UK and Sweden as deplorable

This article was written by Anne Ramberg, who happens to be the Secretary General of the Swedish Bar Association, the professional body of lawyers in that country. The article has been translated by Marcello Ferrada de Noli, Swedish professor emeritus of epidemiology and doctor of psychiatry. Anne Ramberg reveals her concern over the breach of legal principles, the treatment of Assange in general and the moral obligation to reveal wrongdoing, just as Julian Assange has done.

My knowledge about this matter, now an almost unique one, is not entirely in-depth. It is a matter featured by everything from prodigal conspiracy theories deprived of any reality support, to a deplorable legal handling from both Swedish and British side.

The right to a fair trial within a reasonable time is established both in the Swedish legal system [Regeringsformen, 2 kap. 11 § andra stycket 1) and in the European Convention (Article 6). This legal right also applies during the preliminary investigation stage.

To this has to be added the so-labelled presumption of innocence.

It may well be questioned whether the result of the Swedish managing [of the case] was done in accordance with the principle of proportionality. I have previously stated that I find it remarkable that the Prosecutor did not implement the preliminary investigation forward at the pace and with the care one could have demanded.

In this context, the courts have a very great responsibility. They could have put tougher demands on the prosecutor, to move the preliminary investigation forward. The conclusions that the prosecutor had as ground to dismiss the case [the pre-investigation], should also have been communicated considerably earlier than what happened. This leads to the conclusion that Sweden has a great responsibility for the situation that has arisen.

Now the question is whether Sweden should resume the preliminary investigation that prompted Assange's asylum request to Ecuador –and his subsequent involuntary lock-in and demand his extradition to Sweden.

I fear that the treatment of Assange has damaged the reputation of the Swedish judicial system, even though Assange did not actively contribute to participate to any significant extent.

That being said, I have sympathy for Assange's concern that Sweden would acquiesce with the United States in the event of a request for his extradition. One can only speculate on this. I am of the personal opinion that the Supreme Court would not extradite Assange to the United States. If my assumption is correct, a Supreme Court review [of the extradition case] would result in that Assange could not be extradited, even if the government so wished.

Let us not forget that whatever we may think of Assange or the deeds he is suspected of, this is about much more. It is about freedom of speech and the rule of law principles.

It is ultimately about the right and the moral obligation to expose war crimes. Assange and Wikileaks did it. The revelations about US abuse were necessary and particularly important.

Should we extradite to Germany's Hitler someone who has revealed the existence of concentration camps and genocide, regardless to how that information was obtained? I don't think so."

**"The right to a fair trial within a reasonable time is established both in the Swedish legal system [...] and in the European Convention (Article 6). This legal right also applies during the preliminary investigation stage.**

**To this has to be added the so-labelled presumption of innocence.**

**I find it remarkable that the Prosecutor did not implement the preliminary investigation forward at the pace and with the care one could have demanded.**

**In this context, the courts have a very great responsibility. They could have put tougher demands on the prosecutor, to move the preliminary investigation forward.**

**I fear that the treatment of Assange has damaged the reputation of the Swedish judicial system...**

**I have sympathy for Assange's concern that Sweden would acquiesce with the United States in the event of a request for his extradition." - Anne Ramberg, Head of Swedish Bar Association**

# UN Experts Urge UK to Honour Rights Obligations & Let Assange Leave Ecuador Embassy Freely'

<https://www.ohchr.org/en/press-releases/2018/12/un-experts-urge-uk-honour-rights-obligations-and-let-mr-julian-assange-leave>



PRESS RELEASES | SPECIAL PROCEDURES

## UN experts urge UK to honour rights obligations and let Mr. Julian Assange leave Ecuador embassy in London freely

Let Assange leave embassy, UK urged

21 December 2018

GENEVA (21 December 2018) – UN human rights experts today repeated a demand that the UK abides by its international obligations and immediately allows Wikileaks founder Julian Assange to walk free from the Ecuadorian embassy in London where he has been for over 6 years, fearing arrest by British authorities if he leaves, and extradition to the US.

“States that are based upon and promote the rule of law do not like to be confronted with their own violations of the law, that is understandable. But when they honestly admit these violations, they do honour the very spirit of the rule of law, earn enhanced respect for doing so, and set worldwide commendable examples,” the United Nations Working Group on Arbitrary Detention (WGAD) said.

In December 2015, the Working Group concluded in its [opinion No. 54/2015](#) that Mr. Assange – who at the time had a European arrest warrant issued against him for an allegation of crimes committed in Sweden - was being arbitrarily deprived of his freedom and demanded that he be released.

“Under international law, pre-trial detention must be only imposed in limited instances. Detention during investigations must be even more limited, especially in the absence of any charge” said the experts. “The Swedish investigations have been closed for over 18 months now, and the only ground remaining for Mr. Assange’s continued deprivation of liberty is a bail violation in the UK, which is, objectively, a minor offense that cannot post facto justify the more than 6 years confinement that he has been subjected to since he sought asylum in the Embassy of Ecuador. Mr. Assange should be able to exercise his right to freedom of movement in an unhindered manner, in accordance with the human rights conventions the UK has ratified,” the experts further said

The WGAD is further concerned that the modalities of the continued arbitrary deprivation of liberty of Mr. Assange is undermining his health, and may possible endanger his life given the disproportionate amount of anxiety and stress that such prolonged deprivation of liberty entails.

“The United Kingdom has ratified the International Covenant on Civil and Political Rights (ICCPR) and has a responsibility to honour its commitment, by respecting its provisions in all cases,” the experts said.

“As the High Commissioner for human rights said several years ago, human rights treaty law is binding law, it is not discretionary law. It is not some passing fancy that a state can apply sometimes and not in the other,” the experts recalled.

“In addition, the recommendations of the WGAD Opinions are expected to be implemented by all States, including those which have not been a party in the case concerning Mr. Assange,” said the experts.

“On 10 December, the world celebrated International Human Rights Day. Seventy years ago, on that very day, the United Nations proclaimed the Universal Declaration of Human Rights, the mother of all rights contained in subsequent conventions, including the ICCPR.

“It is time that Mr. Assange, who has already paid a high price for peacefully exercising his rights to freedom of opinion, expression and information, and to promote the right to truth in the public interest, recovers his freedom,” the experts concluded.

*This statement by the United Nations Working Group on [Arbitrary Detention](#) is endorsed by the United Nations Special Rapporteur on the situation of human rights defenders, Mr. Michel Forst.*

### EXCERPTS:

“Under international law, pre-trial detention must be only imposed in limited instances. **Detention during investigations must be even more limited, especially in the absence of any charge**”.

**“The Swedish investigations have been closed for over 18 months now, and the only ground remaining for Mr. Assange’s continued deprivation of liberty is a bail violation in the UK**, which is, objectively, a minor offense that cannot post facto justify the more than 6 years confinement that he has been subjected to since he sought asylum in the Embassy of Ecuador.

**Mr. Assange should be able to exercise his right to freedom of movement in an unhindered manner, in accordance with the human rights conventions the UK has ratified.**”

“As the High Commissioner for human rights said several years ago, **human rights treaty law is binding law, it is not discretionary law. It is not some passing fancy that a state can apply sometimes and not in the other,**” the experts recalled.

# UN Special Torture Rapporteur Nils Melzer: A made-up rape allegation, fabricated

## 'A murderous system is being created before our very eyes'

Full article: <https://cdn.repub.ch/pdf/2020/01/31/nils-melzer-about-wikileaks-founder-julian-assange.pdf>

### REPUBLIK



«I have never seen a comparable case» – Nils Melzer, the UN Special Rapporteur on Torture.

#### Let's start at the beginning: What led you to take up the case?

In December 2018, I was asked by his lawyers to intervene. I initially declined. I was overloaded with other petitions and wasn't really familiar with the case. My impression, largely influenced by the media, was also colored by the prejudice that Julian Assange was somehow guilty and that he wanted to manipulate me. In March 2019, his lawyers approached me for a second time because indications were mounting that Assange would soon be expelled from the Ecuadorian Embassy. They sent me a few key documents and a summary of the case and I figured that my professional integrity demanded that I at least take a look at the material.

#### And then?

It quickly became clear to me that something was wrong. That there was a contradiction that made no sense to me with my extensive legal experience: Why would a person be subject to nine years of a preliminary investigation for rape without charges ever having been filed?

#### Is that unusual?

I have never seen a comparable case. Anyone can trigger a preliminary investigation against anyone else by simply going to the police and accusing the other person of a crime. The Swedish authorities, though, were never interested in testimony from Assange. They intentionally left him in limbo. Just imagine being accused of rape for nine-and-a-half years by an entire state apparatus and by the media without ever being given the chance to defend yourself because no charges had ever been filed.

**You say that the Swedish authorities were never interested in testimony from Assange. But the media and government agencies have painted a completely different picture over the years: Julian Assange, they say, fled the Swedish judiciary in order to avoid being held accountable.**

That's what I always thought, until I started investigating. The opposite is true. Assange reported to the Swedish authorities on several occasions because he wanted to respond to the accusations. But the authorities stonewalled.

**"Why would a person be subject to nine years of a preliminary investigation for rape without charges ever having been filed?"**

**The Swedish authorities, though, were never interested in testimony from Assange. They intentionally left him in limbo.**

**Just imagine being accused of rape for nine-and-a-half years by an entire state apparatus and by the media without ever being given the chance to defend yourself because no charges had ever been filed.**

**According to the testimony of the woman in question, a rape had never even taken place at all. And not only that: The woman's testimony was later changed by the Stockholm police without her involvement ...". - Nils Melzer Excerpts**

## «A murderous system is being created before our very eyes»

A made-up rape allegation and fabricated evidence in Sweden, pressure from the UK not to drop the case, a biased judge, detention in a maximum security prison, psychological torture – and soon extradition to the U.S., where he could face up to 175 years in prison for exposing war crimes. For the first time, the UN Special Rapporteur on Torture, Nils Melzer, speaks in detail about the explosive findings of his investigation into the case of Wikileaks founder Julian Assange.

An interview by Daniel Ryser, Yves Bachmann (Photos) and Charles Hawley (Translation), 31.01.2020

#### EXCERPTS- pages 3 & 4:

#### What do you mean by that: «The authorities stonewalled?»

Allow me to start at the beginning. I speak fluent Swedish and was thus able to read all of the original documents. I could hardly believe my eyes: According to the testimony of the woman in question, a rape had never even taken place at all. And not only that: The woman's testimony was later changed by the Stockholm police without her involvement in order to somehow make it sound like a possible rape. I have all the documents in my possession, the emails, the text messages.

#### «The woman's testimony was later changed by the police» – how exactly?

On Aug. 20, 2010, a woman named S. W. entered a Stockholm police station together with a second woman named A. A. The first woman, S. W. said she had had consensual sex with Julian Assange, but he had not been wearing a condom. She said she was now concerned that she could be infected with HIV and wanted to know if she could force Assange to take an HIV test. She said she was really worried. The police wrote down her statement and immediately informed public prosecutors. Even before questioning could be completed, S. W. was informed that Assange would be arrested on suspicion of rape. S. W. was shocked and refused to continue with questioning. While still in the police station, she wrote a text message to a friend saying that she didn't want to incriminate Assange, that she just wanted him to take an HIV test, but the police were apparently interested in «getting their hands on him.»

#### What does that mean?

S.W. never accused Julian Assange of rape. She declined to participate in further questioning and went home. Nevertheless, two hours later, a headline appeared on the front page of Expressen, a Swedish tabloid, saying that Julian Assange was suspected of having committed two rapes.

# 'Dismantling the Swedish 'Rape'- Narrative Against Julian Assange'

<https://medium.com/@njmelzer/response-to-open-letter-of-1-july-2019-7222083dafc8>

## Dismantling the Swedish 'Rape'- Narrative against Julian Assange

Nils Melzer · Follow  
7 min read · Jul 2, 2019

1.4K 4

### Response to Open Letter of 1 July 2019



Professor Nils Melzer, UN Special Rapporteur on Torture, details his stand on Julian Assange

Fourth, according to their own accounts, neither AA nor SW ever alleged to have been raped, and neither of them intended to report a crime. Rather, evidence shows that AA took SW to a police station, so SW could enquire whether she could force Assange to take an HIV-test. There, they were questioned together by an investigating officer who knew AA personally and ran on the same political party ticket as AA in the general elections three weeks later. When superior investigators insisted on registering SW's enquiry as a report of "rape" and to immediately issue an arrest warrant against Assange, SW reportedly refused to sign her statement and became so emotionally distraught that the questioning had to be suspended. While at the police station, SW even texted that she "did not want to put any charges on Julian Assange" but that "the police were keen on getting their hands on him" (14:26); and that she was "choked (sic shocked) when they arrested him" because she "only wanted him to take a test" (17:06). Once Chief Prosecutor Finné had intervened and closed the case, it reportedly was again the police (not SW) who "revised" her statement lodged in the police system to better fit the crime of "rape" before it was resubmitted by a third Social Democrat politician to a different prosecutor who was prepared to re-open the case. EXCERPT

Assange writes in his 2013 affidavit: "96. My lawyers in Sweden, Per E. Samuelson and Thomas Olsson, were able to review the phone records that are part of the investigation, including SMS traffic between the two women and between SW and some of the witnesses. My lawyers notified me via email on 8 December 2011 of the content of twenty-two of these messages. 109" (Excerpt below from Sept 2013 affidavit, pg. 29)

[https://wikileaks.org/IMG/pdf/Swedish\\_Unlawful\\_Seizure\\_Complaint2013.pdf](https://wikileaks.org/IMG/pdf/Swedish_Unlawful_Seizure_Complaint2013.pdf)

97. While the younger woman was at the police station on 20 August 2010, her phone records show that she wrote that she:

**did not want to put any charges on JA but that the police were keen on getting a grip on him** (sv: få tag på honom) (14:26);<sup>110</sup>

and that

**she was "choked [sic: shocked] when they arrested JA because she only wanted him to take a test** (17:06)".<sup>111</sup>

98. The woman concerned told a friend that she felt that she had been "railroaded by police and others around her", according to the latter's police statement.<sup>112</sup>

99. According to the younger woman's phone records, who the 'rape' allegation is associated to, she wrote at 07:27 on 21 August 2010 that she

**"did not want to accuse JA for anything"**;

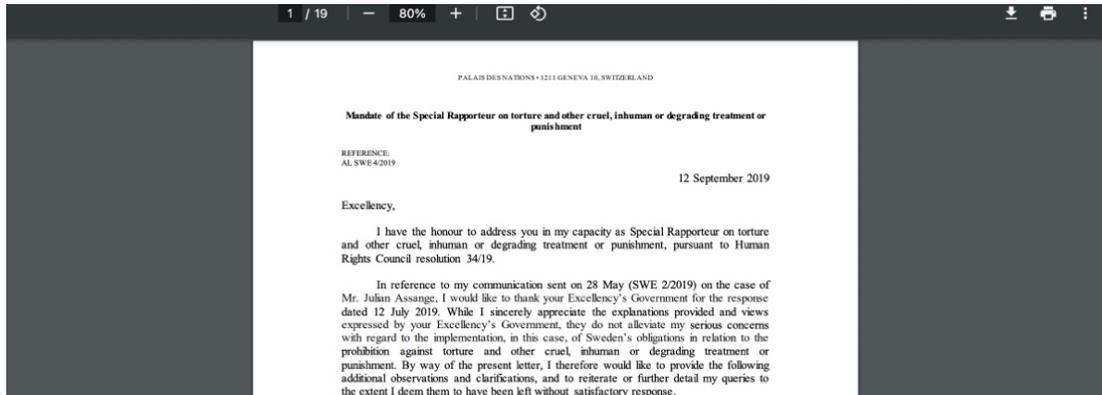
and at 22:25 that

**"it was the police who made up the charges"**.<sup>113</sup>

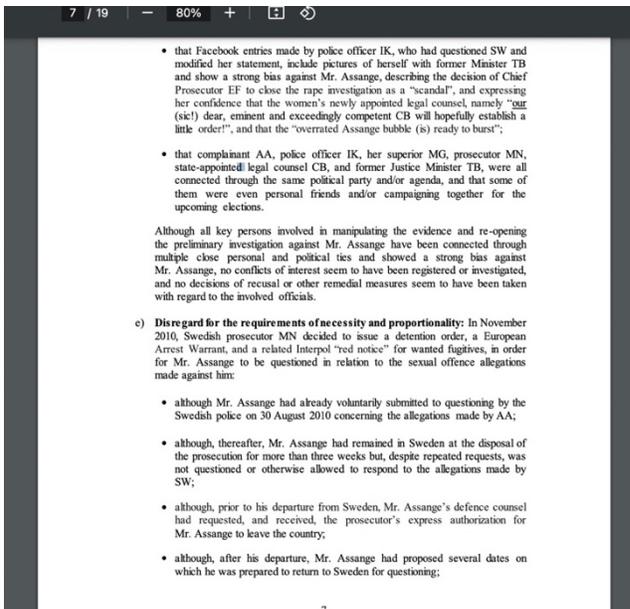
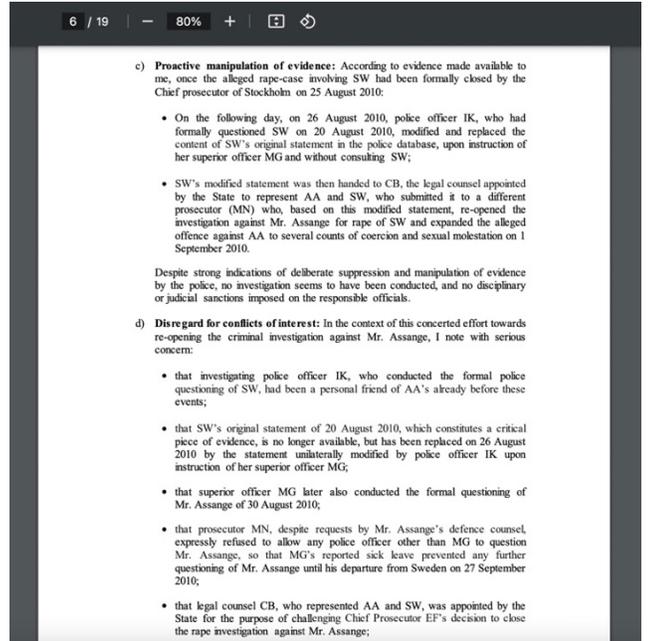
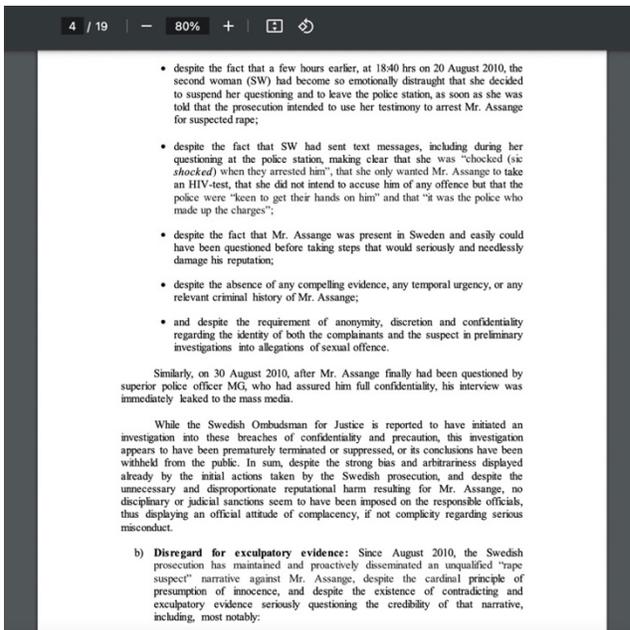
# Special Rapporteur on torture Nils Melzer's letter to Swedish government: a (non-exhaustive) list of 11 types of Swedish abuse of process (12 September 2019)

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24838>

**Note: The multi-lingual Nils Melzer has Swedish citizenship (through his mother) and speaks and reads Swedish fluently. He visited Sweden as part of his investigations and had access to many of the records there, in the original.**



Pages 3-12:



1. 2.1. Disregard for confidentiality and precaution
2. 2.2. Disregard for exculpatory evidence
3. 2.3. Proactive manipulation of evidence
4. 2.4. Disregard for conflicts of interest
5. 2.5. Disregard for the requirements of necessity and proportionality
6. 2.6. Disregard for the right to information and adequate defense
7. 2.7. Disregard for the right of appeal to the European Court of Human Rights
8. 2.8. Disregard for the Mutual Legal Assistance agreement
9. 2.9. Complacency or complicity with third-party interference
10. 2.10. Refusal to guarantee non-refoulement
11. 2.11. Pervasive procedural procrastination

# Assange 2012 Asylum Application to Ecuador - protection from political persecution

**"...my request made on 19<sup>th</sup> June 2012 to the Govt of Ecuador for diplomatic asylum/protection [...] This request is made in the belief I will be sent to the United States where as a result of my imputed political opinions, I will be persecuted."** -Julian Assange



**Katya's Compass (Dreamtime Aquarium)** 9:11 AM · Feb 21, 2020  
@Katya\_Compass

Dear #journalists: "#JulianAssange was unlawfully arrested in London last April, after being sold by Ecuadorian President and removed from Embassy, where he had spent more than seven years as ASYLEE to avoid extradition to USA USA USA"! Read Assange's asylum application!

#Facts

Dear President Correa

Re: **Application for Asylum and Protection**

1. I hereby amplify in writing my request made on 19<sup>th</sup> June 2012 to the Government of Ecuador for diplomatic asylum/protection, including asylum under the UN Convention 1951 relating to the Status of Refugees. This request is made in the belief I will be sent to the United States where as a result of my imputed political opinions, I will be persecuted. This persecution will take place in the form of prosecution for political reasons, and excessive punishment if convicted, and inhumane treatment all contrary to the Convention. I also contend this treatment will be inhuman or degrading and will breach every international convention in that regard including the European Convention on Human Rights and the Inter-American Convention on Human Rights. It is my belief that the country of which I am a national, Australia, will not protect me and the country to which I am due to be extradited imminently from the UK, Sweden, will not prevent my onward extradition to the US. I ask that protection be extended so far as is reasonably possible, to prevent such an occurrence.
2. I have been made aware that a Grand Jury was convened in the USA in Alexandria, Virginia two years ago, and has sat since that time hearing evidence - its purpose, that I be indicted. It is my belief that there is now a sealed indictment in existence, and that had I succeeded in my appeal to the Supreme Court in the UK, as a result of which any ongoing extradition to Sweden would have been stopped, that the United States would have sought my immediate arrest here. I believe, my

[https://x.com/Katya\\_Compass/status/1230857668019081217?s=20](https://x.com/Katya_Compass/status/1230857668019081217?s=20)

Full Assange 2012 Application for Asylum pdf link: "Server Down"



**Hanna Jonasson**  
@AssangeLegal

Julian Assange's 2012 application for asylum from US extradition now published in full:

[justice4assange.com/IMG/pdf/Full\\_A...](https://justice4assange.com/IMG/pdf/Full_A...)

5. I wish to emphasise that I am entirely innocent; I have committed no crimes in the USA or Sweden. I would have presented myself for trial, and would now present myself in both countries without hesitation if I had not been forced to the view that the inevitability once in Sweden will be that I am placed on an unstoppable course towards a politically engineered show trial in the USA, and imprisonment, in isolation, for life.

2:49 PM · May 11, 2019

<https://x.com/AssangeLegal/status/1127284538030415874?s=20>



**Hanna Jonasson**  
@AssangeLegal

Note to editors:

Julian Assange did not seek asylum from extradition to Sweden. He sought asylum from onward extradition to the United States.

UK and Sweden govts refused to guarantee no US extradition.

Read Assange's 2012 asylum application in full:

[justice4assange.com/IMG/pdf/Full\\_A...](https://justice4assange.com/IMG/pdf/Full_A...)

47. It is not my wish to avoid investigation or indeed trial in Sweden, however unjust I believe the context to date to have been. I would welcome the opportunity after so long, of defending myself and clearing my name. Were I able, as I believe I am not, to know that I had any other route by which I could counter the accusations and the way in which those accusations have been mounted against me by the USA, and the methods by which I will be treated and my conviction inevitably achieved in that country, I would, and in the future will take it.

I wish to register my gratitude for your consideration of my request.

6:10 AM · May 11, 2019

<https://x.com/AssangeLegal/status/1127153909603229697?s=20>



**Bella Magnani** 2:30 PM · May 12, 2019

How UK media falsely deflects news about #Assange onto #Sweden to hide the elephant in the room: UK extradition of Assange to the US over #WikiLeaks: <https://counterpunch.org/2019/04/25/avoiding-assange/...> Full doc: Assange's 2012 asylum application [https://justice4assange.com/IMG/pdf/Full\\_Asyllum\\_Application\\_Assange\\_25\\_june\\_2012.pdf...](https://justice4assange.com/IMG/pdf/Full_Asyllum_Application_Assange_25_june_2012.pdf...) How the Swedish case ended in 2017

**How did the Swedish matter end?**

The extradition warrant from Sweden was revoked on 19 May 2017, when the prosecutor also closed the entire underlying investigation. Having obtained Mr. Assange's testimony, the prosecutor decided it would be disproportionate to proceed.

The investigation had already been found to be baseless by Stockholm's senior prosecutor, Eva Finne, who found that the conduct alleged by the police "disclosed no crime at all". SMS messages from the alleged complainant made public in 2015 showed that she "did not want to accuse Assange of anything", that she felt "r railroaded by police and others around her", and "police made up the charges".

The UK's role in the Swedish affair was exposed in emails obtained under Freedom of Information Act which revealed that Sweden moved to drop the investigation in 2013, but the UK Crown Prosecution Service persuaded Sweden to keep it alive. Emails show the UK advised Sweden not to interview Mr. Assange in the UK in 2011 and 2012.

UK prosecutors admitted to deleting key emails concerning Assange and engaged in elaborate attempts to keep correspondence from the public record.

The Swedish prosecutor admitted to deleting an email from an FBI agent about Assange which she received in 2017, and claimed it could no longer be recovered (Video in English and Swedish):

<https://x.com/BellaMagnani/status/11276422>

## Evidence File #9: Political Persecution of Julian Assange - Deteriorated Health, Life at Risk

### In this Evidence File:

- P1.** 'Julian Assange's health is so bad he 'could die in prison', say 60 doctors'
- *The Guardian* Nov 2019 article excerpts.
- P2.** Doctors for Assange Write Open Letters to the UK Government - Assange Health Concerns
- *Doctors for Assange* 'Second Open Letter to the UK Government – Re: Medical Emergency – Mr. Julian Assange' Jan 2020, letter excerpts.
  - Snapshot from *Doctors for Assange* Nov 2019 open letter, 'Concerns of medical doctors about the plight of Mr. Julian Assange - Open letter to the UK Home Secretary and Shadow Home Secretary'.
- P3.** 'UN Expert on Torture Sounds the Alarm that Assange's Life May Be at Risk' (May/Nov 2019)
- *United Nations* May 2019 Press Release, 'UN expert says, "collective persecution" of Julian Assange must end now', excerpts.
  - *United Nations* Nov 2019 Press Release, 'UN expert on torture sounds alarm again that Julian Assange's life may be at risk', excerpts.
- P4.** 'A new book argues Julian Assange is being tortured. Will our new PM do anything about it?'
- *The Conversation* June 2022 article excerpts.
  - Context: Mr. Nils Melzer's former position as 'UN Special Rapporteur on Torture' explained: "...part of what is know as the *Special Procedures* of the Human Rights Council...".
- P5.** 'The Psychology of Getting Julian Assange (Parts 1-5): What's Torture Got to Do With It?'
- Snapshots from *New Matilda* Feb 2019 Five-Part series by Dr. Lissa Johnson, excerpt (Part 5).

## Evidence File 9: Persecution of Julian Assange - Deteriorated Health, Life Threatening

### 'Julian Assange's health is so bad he 'could die in prison', say 60 doctors'

<https://www.theguardian.com/media/2019/nov/25/julian-assanges-health-is-so-bad-he-could-die-in-prison-say-60-doctors>

**The Guardian**

# Julian Assange's health is so bad he 'could die in prison', say 60 doctors

Group's open letter calls for Wikileaks founder to be moved from London high-security jail to hospital

Agence France Presse  
Mon 25 Nov 2019 00:16 EST



Julian Assange is fighting a US bid to extradite him from prison in Britain under the Espionage Act. Sixty doctors have called for him to be moved from jail to hospital, due to deteriorating health. Photograph: Peter Nicholls/Reuters

Excerpt: "The independent UN rights expert said **Assange's "continued exposure to arbitrariness and abuse may soon end up costing his life"**.

"Mr. Assange requires urgent expert medical assessment of both his physical and psychological state of health,"

"Any medical treatment indicated should be administered in a properly equipped and expertly staffed university teaching hospital (tertiary care).

"**Were such urgent assessment and treatment not to take place, we have real concerns, on the evidence currently available, that Mr. Assange could die in prison. The medical situation is thereby urgent. There is no time to lose.**"

More than 60 doctors have written an open letter saying they fear Julian Assange's health is so bad that the WikiLeaks founder could die inside a top-security British jail.

The 48-year-old Australian is **still fighting a US bid to extradite him** from Britain on charges filed under the Espionage Act that could see him given a sentence of up to 175 years in a US prison.

In the letter to the British home secretary, Priti Patel, the doctors called for Assange to be moved from Belmarsh prison in southeast London to a university teaching hospital.

They based their assessment on "harrowing eyewitness accounts" of his 21 October court appearance in London and a 1 November report by Nils Melzer, the United Nations special rapporteur on torture.

The independent UN rights expert said Assange's "continued exposure to arbitrariness and abuse may soon end up costing his life".

Assange used **WikiLeaks** to publish classified military and diplomatic files in 2010 about US bombing campaigns in Afghanistan and Iraq that proved highly embarrassing to Washington.

"We write this open letter, as medical doctors, to express our serious concerns about the physical and mental health of Julian Assange," the doctors said in their 16-page open letter.

They said they had "concerns about Mr Assange's fitness" to go through the full extradition hearing, which is set for February.

"Mr Assange requires urgent expert medical assessment of both his physical and psychological state of health," the wrote.

"Any medical treatment indicated should be administered in a properly equipped and expertly staffed university teaching hospital (tertiary care).

"Were such urgent assessment and treatment not to take place, we have real concerns, on the evidence currently available, that Mr Assange could die in prison. The medical situation is thereby urgent. There is no time to lose."

The doctors are from the United States, Australia, Britain, Sweden, Italy, Germany, Sri Lanka, Poland.

At his first appearance in public for six months, in a court hearing last month, Assange seemed frail.

He also appeared confused whenever he was asked to talk at Westminster magistrates' court in London.

He seemed to have difficulties recalling his birth date, and at the end of the hearing told district judge Vanessa Baraitser that he had not understood what had happened in court.

He also complained about the conditions in which he was being kept in Belmarsh. It was his first public appearance since being dramatically dragged from Ecuador's embassy in April.

# 2019/2020 Doctors for Assange Write Open Letters to the UK Government - Assange Health

Nov 2019: <https://medium.com/@doctors4assange/concerns-of-medicaldoctors-about-the-plight-of-mr-julian-assange-ffb09a5dd588>

Jan 2020: <https://medium.com/@doctors4assange/second-open-letter-to-the-uk-government-d5b58bca88>



*"In the light of Professor Melzer's consistent and repeated warnings, including on the basis of a specialised medical assessment in line with the "Istanbul Protocol", the UK Government's refusal to take the required measures to protect Mr Assange's rights, health and dignity appears [to] be reckless at best and deliberate at worst and, in both cases, unlawfully and unnecessarily exposes Mr Assange to potentially irreversible medical risks." -Doctors for Assange, Jan 2020*

## Second open letter to the UK government

Re: Medical Emergency — Mr Julian Assange



Doctors for Assange · Follow  
3 min read · Jan 4, 2020

To: the Lord Chancellor and Secretary of State for Justice, Robert Buckland QC  
CC: the Home Secretary, Priti Patel

4 December 2019

We, the undersigned medical doctors, wrote to the UK Home Secretary on Friday 22 November 2019 expressing our serious and unanimous concerns about the credible reports of the rapidly deteriorating health of Mr Julian Assange and the possibility that he could die in a UK prison. Our open letter received worldwide media coverage and countless letters of support from medical doctors and others around the world.

Amongst other credible sources, our letter quoted Professor Nils Melzer, the United Nations Special Rapporteur on Torture, who visited Mr Assange on 9 May 2019 at Belmarsh Prison with two medical experts specialised in the investigation and documentation of torture. Professor Melzer reported on 31 May 2019 that Mr Assange displayed all the symptoms typical for persons having been exposed to psychological torture over a prolonged period of time, due in large part to his judicial persecution and arbitrary confinement at the Ecuadorean Embassy as previously reported by the United Nations Working Group on Arbitrary Detention.

We are informed that Professor Melzer's report of torture did not receive an adequate substantive reply from the British Government, let alone result in the prompt and impartial investigation required under Article 12 of the Convention against Torture. We are also advised that the British Government has not yet responded to a further urgent appeal by Professor Melzer dated 29 October 2019, in which he warned that the continued arbitrariness of Mr Assange's treatment and detention may soon end up costing his life.

The UK Government's apparent negligence and dereliction of responsibility are especially alarming given that Professor Melzer had issued a warning regarding Mr Assange's state of health already shortly before the Metropolitan Police arrested Mr Assange inside the Ecuadorean Embassy in London on 11 April 2019. In the light of Professor Melzer's consistent and repeated warnings, including on the basis of a specialised medical assessment in line with the "Istanbul Protocol", the UK Government's refusal to take the required measures to protect Mr Assange's rights, health and dignity appears [to] be reckless at best and deliberate at worst and, in both cases, unlawfully and unnecessarily exposes Mr Assange to potentially irreversible medical risks.

As correctly predicted by Professor Melzer and his medical team, shortly after the team's visit to HMP Belmarsh in early May this year, Mr Assange's physical and mental health rapidly deteriorated to the point later in May where he had to be transferred to the health care unit of the prison and was no longer capable of participating in court hearings at that time. It should not be forgotten that over six months have passed since the publication of Professor Melzer's unequivocally damning report, that the UK Government has not ameliorated the conditions of Mr Assange's detention since then and that not surprisingly, according to credible reports, Mr Assange's medical condition has continued to deteriorate to the point that there are now real fears that his life is in danger. We submit that this serious medical deterioration was entirely foreseeable and avoidable.

When the UK, as a Permanent Member of the United Nations Security Council, repeatedly ignores not only the serious warnings of the United Nations Special Rapporteur on Torture, but also its unequivocal investigative and remedial obligations under international and human rights law, the credibility of the UK's commitment to human rights and the rule of law is fatally undermined.

In our open letter, we urged the UK Government to change course immediately and transfer Mr Assange from Belmarsh Prison to a university teaching hospital for appropriate expert medical assessment and care. So far, we have received no substantive reply from the UK Government, nor has receipt of our letter been acknowledged.

In our opinion, the UK Government's conduct in this matter is irresponsible, incompatible with medical ethics and unworthy of a democratic society bound by the rule of law. We reiterate our grave concern that Mr Assange could die of deliberate medical negligence in a British prison and demand an urgent response from the UK Government.

As the present matter is of inherent public interest, copies of this open letter will be distributed to media outlets worldwide.

Yours faithfully,

## Concerns of medical doctors about the plight of Mr Julian Assange

Open letter to the UK Home Secretary and Shadow Home Secretary



Doctors for Assange · Follow  
21 min read · Nov 24, 2019

<https://medium.com/@doctors4assange/concerns-of-medicaldoctors-about-the-plight-of-mr-julian-assange-ffb09a5dd588>

**"The UN Special Rapporteur on torture, Nils Melzer, has expressed alarm at the continued deterioration of Julian Assange's health since his arrest and detention, saying his life was now at risk." UN - Nov 2019**



PRESS RELEASES | SPECIAL PROCEDURES

## UN expert says "collective persecution" of Julian Assange must end now

31 May 2019

### EXCERPTS:

"Since 2010, when Wikileaks started publishing evidence of war crimes and torture committed by US forces, we have seen a sustained and concerted effort by several States towards getting Mr. Assange extradited to the United States for prosecution, raising serious concern over the criminalisation of investigative journalism in violation of both the US Constitution and international human rights law," Melzer said.

"Since then, there has been a relentless and unrestrained campaign of public mobbing, intimidation and defamation against Mr. Assange, not only in the United States, but also in the United Kingdom, Sweden and, more recently, Ecuador." According to the expert, this included an endless stream of humiliating, debasing and threatening statements in the press and on social media, but also by senior political figures, and even by judicial magistrates involved in proceedings against Assange.

"In the course of the past nine years, Mr. Assange has been exposed to persistent, progressively severe abuse ranging from systematic judicial persecution and arbitrary confinement in the Ecuadorian embassy, to his oppressive isolation, harassment and surveillance inside the embassy, and from deliberate collective ridicule, insults and humiliation, to open instigation of violence and even repeated calls for his assassination."

"It was obvious that Mr. Assange's health has been seriously affected by the extremely hostile and arbitrary environment he has been exposed to for many years," the expert said. "Most importantly, in addition to physical ailments, Mr. Assange showed all symptoms typical for prolonged exposure to psychological torture, including extreme stress, chronic anxiety and intense psychological trauma."

"The evidence is overwhelming and clear," the expert said. "Mr. Assange has been deliberately exposed, for a period of several years, to progressively severe forms of cruel, inhuman or degrading treatment or punishment, the cumulative effects of which can only be described as psychological torture."

"I condemn, in the strongest terms, the deliberate, concerted and sustained nature of the abuse inflicted on Mr. Assange and seriously deplore the consistent failure of all involved governments to take measures for the protection of his most fundamental human rights and dignity," the expert said. "By displaying an attitude of complacency at best, and of complicity at worst, these governments have created an atmosphere of impunity encouraging Mr. Assange's uninhibited vilification and abuse."

"In 20 years of work with victims of war, violence and political persecution I have never seen a group of democratic States ganging up to deliberately isolate, demonise and abuse a single individual for such a long time and with so little regard for human dignity and the rule of law," Melzer said. "The collective persecution of Julian Assange must end here and now!"

May 2019 UN Press Release: <https://www.ohchr.org/en/press-releases/2019/05/un-expert-says-collective-persecution-julian-assange-must-end-now>

PRESS RELEASES | SPECIAL PROCEDURES

## UN expert on torture sounds alarm again that Julian Assange's lifemay be at risk

01 November 2019

GENEVA (1 November 2019) - The UN Special Rapporteur on torture, Nils Melzer, has expressed alarm at the continued deterioration of Julian Assange's health since his arrest and detention earlier this year, saying his life was now at risk.

Under the Convention against Torture, States must conduct a prompt and impartial investigation wherever there is reasonable ground to believe that an act of torture has been committed. "In a cursory response sent nearly five months after my visit, the UK Government flatly rejected my findings, without indicating any willingness to consider my recommendations, let alone to implement them, or even provide the additional information requested," the UN expert said.

As predicted by Melzer, shortly after the Special Rapporteur's visit, Mr. Assange had to be transferred to the prison's health care unit. «He continues to be detained under oppressive conditions of isolation and surveillance, not justified by his detention status," said Melzer, adding that having completed his prison sentence for violating UK bail terms in 2012, Mr. Assange was now being held exclusively in relation to the pending extradition request from the United States.

"The blatant and sustained arbitrariness shown by both the judiciary and the Government in this case suggests an alarming departure from the UK's commitment to human rights and the rule of law. This is setting a worrying example, which is further reinforced by the Government's recent refusal to conduct the long-awaited judicial inquiry into British involvement in the CIA torture and rendition programme."

"In my view, this case has never been about Mr. Assange's guilt or innocence, but about making him pay the price for exposing serious governmental misconduct, including alleged war crimes and corruption. Unless the UK urgently changes course and alleviates his inhumane situation, Mr. Assange's continued exposure to arbitrariness and abuse may soon end up costing his life."

In his urgent appeal to the UK Government, the Special Rapporteur strongly recommended that Mr. Assange's extradition to the United States be barred, and that he be promptly released and allowed to recover his health and rebuild his personal and professional life.

Nov 2019 UN Press Release: <https://www.ohchr.org/en/press-releases/2019/11/un-expert-torture-sounds-alarm-again-julian-assanges-lifemay-be-risk>

# 'A new book argues Julian Assange is being tortured. Will our new PM do anything about it?'

<https://theconversation.com/a-new-book-argues-julian-assange-is-being-tortured-will-our-new-pm-do-anything-about-it-183622>

## EXCERPTS:

What is the UN's Special Rapporteur on Torture doing investigating the Assange case, you might ask? So did Melzer when Assange's lawyers first approached him in 2018:

*I had more important things to do: I had to take care of "real" torture victims!*

Melzer returned to a report he was writing about overcoming prejudice and self-deception when dealing with official corruption. "Not until a few months later," he writes, "would I realise the striking irony of this situation."

He received nothing like full co-operation in investigating Assange's case. He gathered around 10,000 pages of procedural files, but a lot of them came from leaks to journalists or from freedom-of-information requests. Many pages had been redacted. Rephrasing Carl Von Clausewitz's maxim, Melzer wrote his book as "the continuation of diplomacy by other means".

What he finds is stark and disturbing:

*The Assange case is the story of a man who is being persecuted and abused for exposing the dirty secrets of the powerful, including war crimes, torture and corruption. It is a story of deliberate judicial arbitrariness in Western democracies that are otherwise keen to present themselves as exemplary in the area of human rights.*

*It is the story of wilful collusion by intelligence services behind the back of national parliaments and the general public. It is a story of manipulated and manipulative reporting in the mainstream media for the purpose of deliberately isolating, demonizing, and destroying a particular individual. It is the story of a man who has been scapegoated by all of us for our own societal failures to address government corruption and state-sanctioned crimes.*



It is distressing to read the conditions Assange has endured over several years. A change in the political leadership of Ecuador led to a change in his living conditions in the embassy, from cramped but bearable to virtual imprisonment.

Since being taken from the embassy to Belmarsh prison in 2019, Assange has spent much of his time in solitary confinement for 22 or 23 hours a day. He has been denied all but the most limited access to his legal team, let alone family and friends. He was kept in a glass cage during his seemingly interminable extradition hearing, appeals over which could continue for several years more years, according to Melzer.

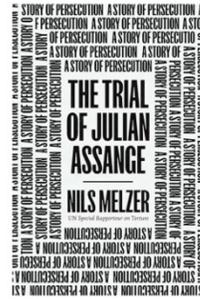
Assange's physical and mental health have suffered to the point where he has been put on suicide watch. Again, that seems to be the point, as Melzer writes:

*The primary purpose of persecuting Assange is not – and never has been – to punish him personally, but to establish a generic precedent with a global deterrent effect on other journalist, publicists and activists.*



## Context:

*Mr. Nils Melzer, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; is part of what is known as the Special Procedures of the Human Rights Council. Special Procedures, the largest body of independent experts in the UN Human Rights system, is the general name of the Council's independent fact-finding and monitoring mechanisms that address either specific country situations or thematic issues in all parts of the world. Special Procedures' experts work on a voluntary basis; they are not UN staff and do not receive a salary for their work. They are independent from any government or organization and serve in their individual capacity.*



The 47 members of the UN Human Rights Council directly appoint special rapporteurs on torture. The position is unpaid – Melzer earns his living as a professor of international law – but they have diplomatic immunity and operate largely outside the UN's hierarchies.

Among the many pleas for his attention, Melzer's small office chooses between 100 and 200 each year to officially investigate. His conclusions and recommendations are not binding on states. He bleakly notes that in barely 10% of cases does he receive full co-operation from states and an adequate resolution.

# 'The Psychology of Getting Julian Assange (Parts 1-5): What's Torture Got to Do With It?'

"In 2008, a plan to destroy both Wikileaks and Julian was laid out in a [secret document](#) dated 8<sup>th</sup> of March 2008. The authors were the Cyber Counter-intelligence Assessment Branch of the US Defense Department (DoD). They described in detail how important it was to destroy, and I quote, 'the feeling of trust' that is Wikileaks' 'centre of gravity'". Dr. Lissa Johnson, Excerpt Part 5



Wikileaks' Julian Assange. (IMAGE: DJANDYW.COM, Flickr)

## The Psychology Of Getting Julian Assange, Part 1: What's Torture Got to Do With It?

Part 1: <https://newmatilda.com/2019/02/23/psychology-getting-julian-assange-part-1-whats-torture-got/>



Julian Assange. (IMAGE: Espen Moe, Flickr)

## The Psychology Of Getting Julian Assange, Part 2: The Court Of Public Opinion And The Blood-Curdling Untold Story

Part 2: <https://newmatilda.com/2019/02/25/psychology-getting-julian-assange-part-2-court-public-opinion-blood-curdling-untold-story/>



Julian Assange, pictured in 2011. (IMAGE: The Naked Ape, Flickr)

## The Psychology Of Getting Julian Assange, Part 4: Why Even Some Lefties Want To See Him Hang

Part 4: <https://newmatilda.com/2019/03/15/the-psychology-of-getting-julian-assange-part-4-why-even-some-lefties-want-to-see-him-hang/>

 newmatilda.com

By Dr Lissa Johnson on February 23, 2019

Assange & Wikileaks Civil Society Special Investigations

In the first part of a special New Matilda investigative series, clinical psychologist Dr Lissa Johnson exposes the 'science' behind the hunt for Julian Assange, and the tactics those in power use to keep you in the dark.



(IMAGE: gnuckx, Flickr)

## The Psychology of Getting Julian Assange, Part 3 – Wikileaks and Russiagate: Trust Us, We're The CIA

Part 3: <https://newmatilda.com/2019/03/02/psychology-getting-julian-assange-part-3-wikileaks-russiagate-trust-us-cia/>

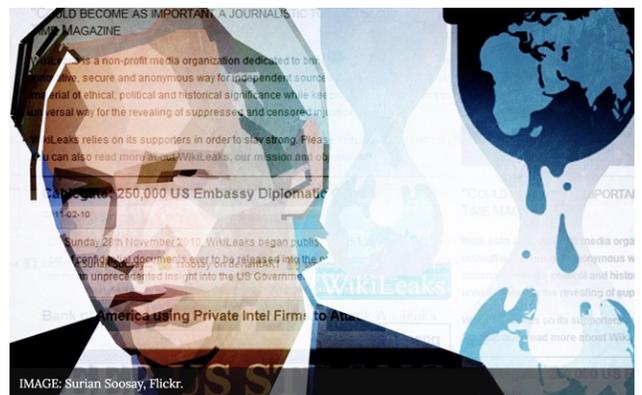


IMAGE: Surian Soosay, Flickr.

## The Psychology Of Getting Julian Assange, Part 5: War Propaganda 101

Part 5: <https://newmatilda.com/2019/03/25/the-psychology-of-getting-julian-assange-part-5-war-propaganda-101/>

## Evidence File #10: Assange is a political prisoner: the "independent judiciary" is a fairy tale in political cases

### In this Evidence File:

**P1.** Introduction to Alina Lilova's 2021 twitter thread on the political judicial case of Julian Assange, where government officials are "cagey about the detention of Assange" and "shift the blame to judges who are not accountable to the public in the same way that members of Congress are." "When you pass the buck to [judges] public dialogue reaches a dead end and the crucial issues raised by Assange's prosecution and persecution [...] cannot be discussed when it matters most.

- First tweet of the thread with a graphic of Biden and Trump: Biden administration and other governments saying it's "a matter for the courts, in the time-honoured tradition of shifting the blame onto officials who are not usually available to be questioned by journalists and NGO's."
- Second tweet: govts like to lecture on human rights but "independent judiciary" is not credible in cases universally acknowledged as political. Graphic with Judge Baltasar Garzon quote

**P2.** Four tweets (screenshots) from Lilova's 'independent judiciary' thread:

- Jen Psaki, former White House Press Secretary exchange with *NY Post* reporter Steven Nelson
- Secretary of State Antony Blinken interview with French outlet *Ruptures*
- Marise Payne, former Foreign Affairs Minister Australia exchange with Senator Janet Rice
- Ned Price, former State Department spokesperson exchange with *AP* reporter Matt Lee

**P3.** Four more tweets (screenshots):

- Jen Psaki, former WH Press Sec exchange with *Aljazeera English* reporter Kimberly Halkett
- State Department's Bureau of Democracy, Human Rights, and Labor
- Priti Patel, former Home Secretary UK on extradition laws being "in the hands of the court"
- Saudi Arabia tweet: "Our judiciary is independent. We do not allow people to lecture us or tell us what we should or shouldn't do..."

**P4.** NGOs state Assange is political prisoner and confirm the "independent judiciary" is a fairy tale in a case like [Assange's] which is universally acknowledged as political. *Julian Assange's lawyers and expert witnesses are far from the only ones saying that it's political - the list of objective and credible sources:*

- Mads Andenaes -*UN Working Group of Arbitrary Detention (UNWGAD)*, Nils Melzer -*UN Special Rapporteur on Torture, Amnesty International, Reporters Without Borders (RSF), the European Federation of Journalists, ACLU, and the Freedom of the Press Foundation.*

**P5.** List of dictatorships with 'independent judiciary' quotes from officials:

- Iran – "We have (...) an independent judiciary. And we in the government do not have any control over the decisions of the judiciary."
- Turkey - "Just as I can't interfere in the German justice system and criticise it, you don't have the right to criticise the Turkish legal system or judiciary. Because the judiciary is independent and you have to respect their judgements."
- Saudi Arabia - "Our judiciary is independent, we do not allow people to lecture us or dictate to us what we should or shouldn't do..."
- Myanmar - "According to the constitution, our judiciary is independent so we must wait and see what the court decides."
- China - "The relevant departments in China, during their investigation of a case, questioned the two journalists in accordance with law. These were normal law enforcement activities."
- Russia - "The Spanish authorities replied to Germany and Belgium that they have their own judiciary system and 'don't doubt decisions that our judiciary system takes'. That's what we [Russia] want from the West in terms of reciprocative measures."
- Stella Assange tweet: Assange's prosecution creates global race to bottom for human rights

**P6.** Professor Nils Melzer two quote graphics and tweet: "The Assange case is not about the law, but about intimidating journalism, suppressing press freedom and protecting impunity."

Evidence File #10: Assange is a political prisoner:  
the "independent judiciary" is a fairy tale in political cases

**"From a humanitarian standpoint especially, once the legal case is over, it will be too late - Assange will either be dead or he'll have spent even more years behind bars for his award-winning journalism that revealed how armies, governments and corporations work behind the scenes. We need your urgent attention now, not in five or ten years, in order to try and remedy the injustice to the extent possible, and to prevent the establishment of a dangerous precedent for free speech." -Alina Lilova**

Analysis of the so-called "independent judiciary" in political cases by Alina Lilova, based on her July 24, 2021 twitter thread - screenshots & links below: <https://twitter.com/allilova/status/1419072751030128643?s=20>  
Besides being active on Twitter, Alina maintains several personal blogs and has written articles on animal behavior and welfare, Harry Potter, and the Julian Assange case. The Assange articles can be found on Medium: <https://hairgotter-19431.medium.com/as-you-like-it-uncle-sam-9f2a5bb58c8c> and WordPress here: <https://insighthound.wordpress.com/2020/02/24/animals-war-and-wikileaks/>

(Content in 'blue boxes' are excerpts from Alina Lilova's email correspondence with Paula Iasella)

The quasi-religious reference to court proceedings by elected officials is, in a case like Assange's, nothing more than a dishonest attempt to get rid of pesky reporters and activists by evoking some untouchable judicial authority. Governments avoid accountability by using wording such as:

**"This is an ongoing legal case which we can't comment on."** This shifts the blame to judges who are not accountable to the public in the same way that Members of Congress are.

Judges are usually not available for questioning by journalists and campaigners. *When you pass the buck to them, public dialogue reaches a dead end and the crucial issues raised by Assange's prosecution and persecution (such as the right to publish classified information under the 1st Amendment, the ban on political extraditions, or freedom from torture and ill-treatment) cannot be discussed when it matters the most.*

Here's my list of key points based on the thread comparing the US, UK, and Australia to other countries, including notably dictatorships, in how they all avoid taking responsibility by simply saying: **"this is in the hands of the courts"...**



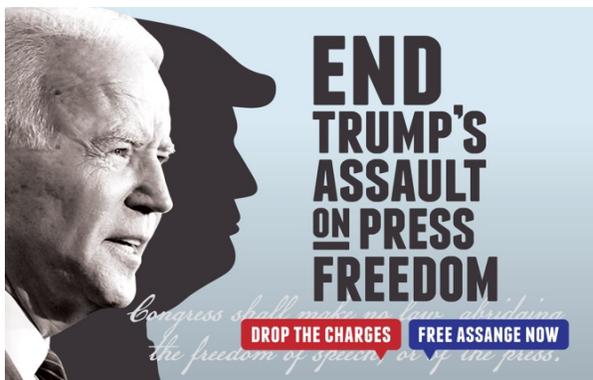
Alina Lilova @allilova · Jul 24, 2021

The Biden admin and the other gov'ts involved have been cagey about the detention of [#Assange](#). A matter for the courts, they say, in the time-honoured tradition of shifting the blame onto officials who are not usually available to be questioned by journalists and NGO's. /Thread/



Alina Lilova @allilova · Jul 24, 2021

This thread is a reminder that everyone does that, including gov'ts @POTUS & @SecBlinken like to lecture about human rights. The fairytale of the "independent judiciary" is not credible in a case universally acknowledged as political (by RSF, Amnesty, the UN torture expert, etc).



Tweet: <https://twitter.com/allilova/status/1419072751030128643?s=20>



Tweet: <https://twitter.com/allilova/status/1419072757220921345?s=20>

## The fairytale “independent judiciary” in political cases thread, continued ...



Alina Lilova @allilova · Jul 24, 2021

cf. **Exhibit B:** Spokeswoman of President “In the name of independent justice, we will(...)encourage the Justice Department to continue to be an independent Justice Department, which I know is different from what we saw over the last 4 years...” <https://youtu.be/vJ2eemdmvvc?t=49...>, from 0:49



youtube.com  
Jen Psaki on Julian Assange: Biden will allow DOJ to make 'independ...  
White House Press Secretary Jen Psaki responds to questions about press freedom from New York Post reporter Steven Nelson on May ...

**Exhibit B Tweet:**

<https://twitter.com/allilova/status/1419072763369861121?s=20>



Alina Lilova @allilova · Jul 24, 2021

cf. **Exhibit J:** Foreign Minister of Australia “There are normal legal processes underway, Senator, in the United States and the United Kingdom, in which we do not interfere. We don't interfere in legal processes in other countries.”

KellieTranter @KellieTranter · Jun 3, 2021

Today (2 of 3).

@janet\_rice asking the tough questions in relation to the #Assange matter #auspol



7:11 PM · Jul 24, 2021

**Exhibit J tweet:**

<https://twitter.com/allilova/status/1419072833355984898?s=20>



Alina Lilova @allilova · Jul 24, 2021

cf. **Exhibit E:** Sec. of State “Hard for me to express myself on that because there is a legal case. I have to let it be (...) I understand the questions and I understand the emotion, I must still let the legal system run its course”. <https://www.pscp.tv/w/1DXGyRRkWokJM>

Ruptures @Ruptures\_fr · Jul 6, 2021

Blinken sur l'affaire Assange / Blinken on the Assange case

#JulianAssange #FreeAssange #DroitDeCiter

[Extrait de l'entretien d'Antony #Blinken réalisé le 25 juin par @RemyBuisine de @brutofficiel. Lien source : [twitter.com/brutofficiel/s...](https://twitter.com/brutofficiel/s...)]



**Exhibit E tweet:**

<https://twitter.com/allilova/status/1419072771284480000?s=20>



Alina Lilova @allilova · Jul 24, 2021

cf. **Exhibit M:** State Dept. Spokesman Reporter asks, "Why can't you give straight answers?" They won't give straight answers. They won't say #Assange's name. They are banal. There is no "justice" in this show trial.



youtube.com  
'Yes Or No?' Reporter Grills State Dept. Spox On Julian Assa...  
State Department Spokesperson Ned Price is grilled on the US's approach to Julian Assange and press freedom.Stay ...

**Exhibit M tweet:**

<https://twitter.com/allilova/status/1425841363694804996?s=20>

# The fairytale "independent judiciary" in political cases thread, continued ...



Alina Lilova @allilova · Jul 24, 2021

It just goes on and on. "I don't have anything new to say on Julian Assange, and I'd point you to the Department of Justice on that" - White House spokesperson Jen Psaki to reporter from Al Jazeera English



Reporter Fumes at Psaki Trying to Stonewall Her on an Assange Story She's Long Pursued | Mediaite



mediaite.com

Reporter Gets Peeved With Psaki Trying to Pull a Circle Back on Ass...  
Al Jazeera English White House correspondent Kimberly Halkett appeared peeved with Jen Psaki on Friday after the White House ...

Tweet:

<https://twitter.com/allilova/status/1441781988252426240?s=20>



Alina Lilova @allilova · Jul 24, 2021

cf. **Exhibit H:** State Dept., Bureau of Democracy, Human Rights, and Labor "Mr. Assange's case is being treated consistent with U.S. and UK law, which is consistent with international human rights standards, and I'll leave it at that". <https://state.gov/telephonic-press-briefing-on-the-2020-human-rights-report/>



7:11 PM · Jul 24, 2021

**Exhibit H tweet:**

<https://twitter.com/allilova/status/1419072827349741569?s=20>



Alina Lilova @allilova · Mar 26, 2022

**Exhibit O:** 🇬🇧 Home Secretary, believing she's in a call with the PM of 🇺🇦, 15.03.22:

"We have a judicial process... in the United Kingdom, and when it comes to some of our laws like extradition, of course that's in the hands of the courts" (from 8:46).

[rutube.ru/video/a110abfc...](https://rutube.ru/video/a110abfc...)



1 1 2



Alina Lilova @allilova · Mar 26, 2022

(Funny body language in that video--she's radiant, nods in agreement, but also casts almost worried sideways glances at the mention of Assange. And she speaks of "transparency", "speaking truth to power" & "standing up for some real facts": sounds like an #Assange supporter! 😊)

**Exhibit O tweet:**

<https://twitter.com/allilova/status/1507691071442231305?s=20>



Alina Lilova @allilova

**Exhibit F:** Foreign Minister 🇸🇦

"Our judiciary is independent. We do not allow people to lecture us or dictate to us what we should or shouldn't do--just like we don't tell people in the UK or in America or in other places what they should or should not do".



bbc.com

G20: Saudi Arabia's human rights problems that won't go away  
Saudi Arabia is hosting the G20 summit, but for many the spotlight is on these three issues.

7:11 PM · Jul 24, 2021

**Exhibit F tweet:**

<https://twitter.com/allilova/status/1419072774304370699?s=20>

The "independent judiciary" is a fairy tale in a case like this which is universally acknowledged as political. *Julian Assange's lawyers and expert witnesses are far from the only ones saying that it's political. The list of objective and credible sources includes:*

**-Mads Andenaes**, professor of law, chair of **UNWGAD (UN Working Group on Arbitrary Detention)** when Julian Assange's case came in before that UN body

"If Mr Assange is brought to the US, if you have the full force of the state against you, as he has, they will manage to keep him in prison for an indeterminate period of time, whatever happened to the legal processes. They would find arguments which would be accepted by highly politicised judicial processes."

<https://journals.sagepub.com/doi/full/10.1177/13505084231183954>

<https://www.ohchr.org/en/press-releases/2016/02/julian-assange-arbitrarily-detained-sweden-and-uk-un-expert-panel-finds?LangID=E&NewsID=17013>

**-Nils Melzer, former UN Special Rapporteur on Torture**

"Julian Assange is a political prisoner" -Professor Nils Melzer

<https://www.exberliner.com/berlin/nils-melzer-assange/>

**- Agnès Callamard, Amnesty International's Secretary General**

"Now, reports that the CIA considered kidnapping or killing Assange have cast even more doubt on the reliability of US promises and further expose the political motivation behind this case."

<https://www.amnesty.org.uk/press-releases/usuk-julian-assanges-politically-motivated-extradition-must-not-go-ahead>

**- Rebecca Vincent, Reporters Without Borders RSF's Director of International**

"The case against Julian Assange is outrageous. It is clearly politically motivated and intended to make an example of Assange and create a chilling effect on media around the world."

<https://rsf.org/en/usuk-future-journalism-stake-historic-extradition-decision-looms-case-julian-assange>

**-The European Federation of Journalists** EFJ List updated July 2023

Assange is listed as a journalist in jail in Europe: "United Kingdom (1) Julian Assange"

<https://europeanjournalists.org/journalists-in-jail-europe/>

**-ACLU** October 2021

"In February, members of this coalition wrote to the Acting Attorney General, urging that the criminal charges against Mr. Assange be dropped. We now renew that request with even greater urgency, in light of a recent story in Yahoo News describing alarming discussions within the CIA and Trump administration before the indictment against Assange was filed. The Yahoo News story only heightens our concerns about the motivations behind this prosecution, and about the dangerous precedent that is being set."

<https://www.aclu.org/documents/letter-urging-doj-drop-charges-against-julian-assange>

**-Freedom of the Press Foundation** June 2023

"The case is not about one individual, it's about freedom of the press, and the government weaponizing the Espionage Act to criminalize routine newsgathering."

<https://freedom.press/news/fpf-statement-on-rejection-of-julian-assanges-extradition-appeal/>

**"This is a matter for the courts and we cannot interfere" is the go-to excuse for authoritarian governments when they try to fob off Western officials & journalists who express concern about wrongfully detained people.**

Below you can find specific examples, and you can see why it's not wise to mimic their behavior. It's not just that it doesn't look good for a democracy to sink to the level of a dictatorship, but also that, like **Julian Assange's wife Stella says, we have to avoid a terrible race to the bottom for human rights. This bottom is where precious freedoms will no longer be enjoyed - they will be replaced by hollow words that turn abuse of power into "normal law enforcement" and acts by a so-called "independent judiciary" that people are not allowed to question.**

- **Iran** "We have (...) an independent judiciary. And we in the government do not have any control over the decisions of the judiciary. That is solidly written in the constitution, practiced on the ground in Iran."

<https://www.cfr.org/event/conversation-mohammad-javad-zarif> (from 29:50)

- **Turkey** "Just as I can't interfere in the German justice system and criticise it, you don't have the right to criticise the Turkish legal system or judiciary. Because the judiciary is independent and you have to respect their judgements."

<https://www.bbc.com/news/world-europe-45684390>

"As the president, I don't have the right to order [Brunson's] release. Our judiciary is independent. Let's wait and see what the court will decide".

<https://www.reuters.com/article/us-turkey-erdogan-exclusive/exclusive-turkeys-erdogan-says-court-will-decide-fate-of-detained-u-s-pastor-idUSKCN1M60EP>

- **Saudi Arabia** "Our judiciary is independent," Saudi Arabia's Minister of State for Foreign affairs, Adel al-Jubeir, told the BBC. "We do not allow people to lecture us or dictate to us what we should or shouldn't do - just like we don't tell people in the UK or in America or in other places what they should or should not do."

<https://www.bbc.com/news/world-middle-east-55002921>

- **Myanmar** "According to the constitution, our judiciary is independent so we must wait and see what the court decides. Reuters and the families of the reporters are being treated equally under the law."

<https://ca.finance.yahoo.com/news/pompeo-urges-release-reuters-reporters-meeting-myanmar-ministers-032053699.html>

- **China** "The relevant departments in China, during their investigation of a case, questioned the two journalists in accordance with law. These were normal law enforcement activities." [http://perth.china-consulate.gov.cn/eng/notc/202009/t20200909\\_165894.htm](http://perth.china-consulate.gov.cn/eng/notc/202009/t20200909_165894.htm)

- **Russia** "The Spanish authorities replied to Germany and Belgium that they have their own judiciary system and 'don't doubt decisions that our judiciary system takes'. That's what we [Russia] want from the West in terms of reciprocal measures."

<https://www.youtube.com/watch?v=YxKRVtUbtqc> (from 40:00)

 **Stella Assange #FreeAssangeNOW**   
@Stella\_Assange

"Abuses in the West of Enlightenment ideals, which we should all hold dear, and the corrosion of those ideals, not only impoverishes Western countries— it is also used as an excuse for terrible abuses in other countries."

[#DropTheCharges](#) [#FreeAssangeNOW](#)



 **Stella Assange #FreeAssange...**  @Stella\_Ass... · Apr 22, 2021  
Today the Kremlin used the imprisonment of #Assange to justify the

Today the Kremlin used the imprisonment of [#Assange](#) to justify the imprisonment of [#Navalny](#).

As predicted, the UK's imprisonment of Julian has created a global race to the bottom for human rights.

[#DropTheCharges](#)  
[#FreeAssangeNOW](#)



Tweet:

[https://twitter.com/Stella\\_Assange/status/1385247111034331137?s=20](https://twitter.com/Stella_Assange/status/1385247111034331137?s=20)

Many injustices are hidden by a judicial process in order to give that which is indefensible "an aura of legitimacy," as human rights attorney, William Kunstler said. Please don't let that aura fool you - do not turn your conscience off. [https://www.youtube.com/watch?v=Ft8UNDhV2Uc&t=61s&ab\\_channel=POV](https://www.youtube.com/watch?v=Ft8UNDhV2Uc&t=61s&ab_channel=POV)

From a humanitarian standpoint especially, once the legal case is over, it will be too late - Assange will either be dead or he'll have spent even more years behind bars for his award-winning journalism that revealed how armies, governments and corporations work behind the scenes. **We need your urgent attention now, not in five or ten years, in order to try and remedy the injustice to the extent possible, and to prevent the establishment of a dangerous precedent for free speech.** -End of Alina Lilova excerpts

“  
**The really horrifying thing about the Assange case is the lawlessness that has developed. The powerful can kill without fear of punishment and journalism is transformed into espionage.**

**It is becoming a crime to tell the truth.**

**NILS MELZER**  
 Former United Nations Special Rapporteur On Torture

**FREE ASSANGE NOW**  
 DROP THE CHARGES

 **Nils Melzer**  
 @NilsMelzer

It has now become impossible to ignore that the [#Assange](#) case is not about the law, but about intimidating journalism, suppressing press freedom & protecting impunity. This we have to fight against & ‘we’ means literally everybody – because the public deserves to know the truth!



 **Yahoo News** ✓ @YahooNews · Sep 26, 2021  
 EXCLUSIVE: In 2017, the CIA hatched audacious plans to kidnap Julian Assange, the WikiLeaks founder, spurring heated debate among top agency and Trump administration officials over the legality and practicality of such an operation [yhoo.it/3EWQh6u](https://www.yahoo.com/news/cia-plans-kidnap-julian-assange-wiki-leaks-founder-180000000.html)

<https://twitter.com/NilsMelzer/status/1442974790654984197?s=20>

“  
 This is not about the law. It is about intimidating journalism; it’s about suppressing press freedom; it’s about protecting immunity for state officials.

**Julian Assange’s case has become impossible to ignore.**

**NILS MELZER**  
 UNITED NATIONS SPECIAL RAPPORTEUR ON TORTURE

**DROP THE CHARGES** **JOURNALISM IS NOT A CRIME** **FREE ASSANGE NOW**

# The Importance of Evidence

## Comparing George Floyd and Julian Assange Cases

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*“If they [U.S. prosecutors] did the same as they did with WikiLeaks and Julian Assange, if they did the same with the George Floyd case, it would mean that the police officers go free, they’re not even being investigated - not tried or convicted, they’re not even being arrested and investigated - while the person who filmed this and put it on the internet would be put in solitary confinement for the rest of her life.” – U.N. Special Rapporteur on Torture, Nils Melzer*

---

**WikiLeaks’s had provided incontrovertible video evidence of the truth.**

**Documentation matters when it comes to justice.**

# The Importance of Evidence – on World Press Freedom Day

May 3, 2021 By Ann Batiza, Ph.D. – a newsletter to her community

## How a teenager's video upended the police department's initial tale



April 20, 2021  
By Azi Paybarah



NYT April 2021 article, archived: <https://archive.md/xFQDR>

Dear friends,

After the verdict in the George Floyd trial, Mr. Azi Paybarah wrote about the importance of evidence in his April 20 *New York Times* article, [“How a teenager's video upended the police department's initial tale.”](#) He said:

*The Minneapolis Police Department's initial inaccurate and misleading description of George Floyd's death last May “might have become the official account” of what took place, had it not been for video taken by a teenage bystander, Keith Boykin, a CNN commentator, wrote on Twitter. [italics added]*

By this time, we are all undoubtedly familiar with the disturbing video footage Darnella Frazier so presciently took as the life of George Floyd was literally squeezed out of him in front of her. Contrast that video with the police department's official release shortly after Mr. Floyd's death. As Mr. Paybarah wrote:

*The initial news release, posted on the police department's website, is titled “Man Dies After Medical Incident During Police Interaction.” It said Mr. Floyd, who was not identified by name, “physically resisted officers” on the scene who had ordered him out of his vehicle. “Officers were able to get the suspect into handcuffs and noted he appeared to be suffering medical distress,” the release said. [italics added]*

Many others have pointed out that without Ms. Frazier's video, George Floyd would be yet another largely unnoticed victim of police violence, not the reason for sustained protests throughout the U.S. and around the world.

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*“... without Ms. Frazier's video, George Floyd would be yet another largely unnoticed victim of police violence, not the reason for sustained protests throughout the U.S. and around the world.”*

---

In a recent interview, the U. N. Special Rapporteur on Torture, Nils Melzer, [drew a direct analogy](#) between the impact of Darnella Frazier’s video on revealing the truth behind official lies and the impact of the *Collateral Murder* video released by Julian Assange and WikiLeaks.

Special Rapporteur Melzer said, “*If they did the same as they did with WikiLeaks and Julian Assange, if they did the same with the George Floyd case, it would mean that the police officers go free, they’re not even being investigated - not tried or convicted, they’re not even being arrested and investigated - while the person who filmed this and put it on the internet would be put in solitary confinement for the rest of her life.*” [italics added]

UN Special Rapporteur Nils Melzer, discussion at 10:15:

<https://www.assangecountdowntofreedom.com/audio/5-15-nils-melzer>

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*“If they [U.S. prosecutors] did the same as they did with WikiLeaks and Julian Assange, if they did the same with the George Floyd case, it would mean that the police officers go free, they’re not even being investigated - not tried or convicted, they’re not even being arrested and investigated - while the person who filmed this and put it on the internet would be put in solitary confinement for the rest of her life.” – U.N. Special Rapporteur on Torture, Nils Melzer*

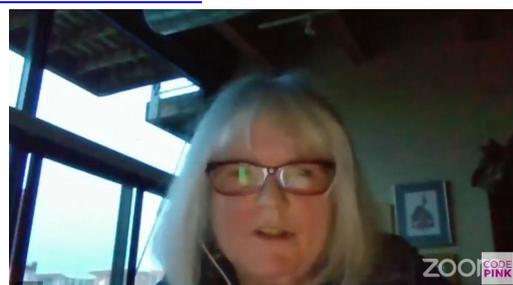
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I’ve written to you before about the *Collateral Murder* video, that showed a dozen unarmed Iraqis, including two Reuters employees, walking along in a Baghdad suburb. Suddenly they were mowed down by U.S. soldiers firing from an Apache helicopter (a war crime.) Two children - Sayad (10) and Doaha Tomal (5) - were wounded when their father, Saleh, stopped to pick up the wounded Reuters driver, Saeed Chmagh (Both Mr. Tomal and Saeed along with the other Iraqis were killed.) All were casualties of large caliber rounds fired from a U.S. Apache helicopter, which was followed by U.S. troops in the area running over and severing the body of at least one of the victims.

Perhaps some of you were at the [CODEPINK “April 27 Calling Party”](#) last Tuesday where Julian Assange’s partner, Stella Moris, spoke about Julian and his case. Although there were some technical difficulties in showing Stella’s video, a clear copy begins [here](#) (I highly recommend you watch it).

April 27, 2021 Code Pink ‘Calling Party’ at 13:25 min:

[https://www.youtube.com/watch?v=0oRYj9hjfNE&t=59s&ab\\_channel=CODEPINK](https://www.youtube.com/watch?v=0oRYj9hjfNE&t=59s&ab_channel=CODEPINK)



Describing Julian, Stella says, *“He’s caring and he’s funny. He’s the most principled man I know. He has helped to bring justice to victims of state and corporate abuses all over the world.”* [italics added]

At the CODEPINK event, I [was able to speak briefly](#) toward the end of the hour, but because I had not anticipated this opportunity, I erroneously called the former Reuters Bureau chief in Baghdad “Alan” Yates instead of “Dean” Yates. Dean Yates had been in charge when two of his employees, Namir Noor Eldeen, a photographer, and Saeed Chmagh, a driver/fixer, were gunned down by a U.S. Apache helicopter on July 12, 2007. Note that there is a short glitch in transmission that corrects itself quickly.

First I was able to [point out](#) how evidence submitted at the recent extradition trial [contradicted smears](#):

- The prosecution had to admit that no one had been killed because of WikiLeaks’ exposures. (For a thorough discussion of this by documentarian John Pilger and Daniel Ellsberg listen [here](#).)
- It was the *Guardian* journalists David Leigh and Luke Harding who made the unredacted State Department files vulnerable by [publishing the password](#) to the files in their book about WikiLeaks.
- Several publication partners testified that Julian had meticulously redacted documents with them over several months.

For example, journalist John Goetz, who had worked with Julian Assange from *Der Spiegel*, [testified](#),

*“The redaction process developed over time. With the Iraq War Logs, WikiLeaks overshot and ended up deleting more things than even the Defense Department did in [in answer to] FOIA requests.”* Mr. Goetz said that as requested by the U.S. government [at least 15,000 documents were excluded](#) from publication.

**John Goetz Testimony:** <https://www.tareqhaddad.com/wp-content/uploads/2020/09/2020.09.16-Assange-Extradition-Hearings-Statement-of-John-Goetz.pdf>

Then I [described](#) how the *Collateral Murder* video published by WikiLeaks provided evidence of an official cover-up of the deaths of those two Reuters employees and absolved their boss, Dean Yates, who [had felt responsible](#) for their deaths.

As shown in [his written testimony](#) below, Mr. Yates quoted the official US statement that whitewashed the deaths when a lieutenant-colonel stated, *“There is no question that Coalition Forces were clearly engaged in combat operations against a hostile force.”* [italics added]

Just after midnight, the US military released a statement headlined: *“Firefight in New Baghdad. US, Iraqi forces kill 9 insurgents, detain 13.”* It quoted a US lieutenant-colonel as saying: *“Nine insurgents were killed in the ensuing firefight. One insurgent was wounded and two civilians were killed during the firefight.”* The two civilians were reported as employees for the Reuters news service. *“There is no question that Coalition Forces were clearly engaged in combat operations against a hostile force.”*

However, [Mr. Yates wrote](#) that Reuters began its own investigation and found no evidence of the alleged firefight. He said, *“Reuters staff had by now spoken to 14 witnesses in al-Amin. All of them said they were unaware of any firefight that might have prompted the helicopter strike.” [italics added]*

Dean Yates Testimony: <https://www.tareghaddad.com/wp-content/uploads/2020/09/2020.09.18-Assange-Extradition-Hearings-Statement-of-Dean-Yates.pdf>

8. Reuters staff had by now spoken to 14 witnesses in al-Amin. All of them said they were unaware of any firefight that might have prompted the helicopter strike. The Iraqi staff at Reuters were concerned that the bureau was too soft on the US military. But I could only write what we could establish and the US military was insisting Saeed and Namir were killed during a clash.

Once this evidence came to light, the U.S. government changed its story and showed Mr. Yates just enough video to convince him that his employees had provoked the attack. The U.S. later refused even FOIA requests to release the entire video. But after Assange published the *Collateral Murder* video, Yates knew the truth. [He wrote](#), *“I immediately realized that the US Military had lied to us.” [italics added]*

23. I immediately realised that the US Military had lied to us. When I think back to that meeting with the two generals in Baghdad, I feel cheated, they were not being honest. I have wondered for many years how much of that meeting was choreographed so we would go away with a certain impression of what happened. The day after *Collateral Murder* was released, a spokesman for US

Reiterating Nils Melzer’s point regarding the importance of evidence released to the public, Dean Yates praised Julian Assange [and said](#), *“I know Namir and Saeed would have remained forgotten statistics... What Assange did was 100% an act of truth-telling, exposing to the world what the war in Iraq in fact was and how the US military behaved and lied.” [italics added]*

28. I know Namir and Saeed would have remained forgotten statistics in a war that killed countless human beings, possibly hundreds of thousands of civilians. Had it not been for Chelsea Manning and Julian Assange the truth of what happened to Namir and Saeed, the truth of what happened on that street in Baghdad on July 12, 2007, would not have been brought to the world. What Assange did was 100% an act of truth-telling, exposing to the world what the war in Iraq in fact was and how the US military behaved and lied. The video was picked up by thousands of news organisations worldwide, sparking global outrage and condemnation of US military tactics in Iraq.

WikiLeaks's had provided incontrovertible video evidence of the truth.

Unlike Derek Chauvin, however, none of those who committed war crimes that day have been put on trial. In addition, Mr. Yates' testimony went unreported in the U.S. with the exception of some bloggers and independent outlets like [Consortium News](#).

Documentation matters when it comes to justice.

Today is World Press Freedom Day. In a press release, [U.S. Secretary of State Blinken stated](#), *"We call on all governments to ensure media safety and protect journalists' ability to do their jobs without fear of violence, threats, or unjust detention."* [italics added]

These seem like hollow words indeed. Thank you for caring about press freedom.

Best regards,

Ann Batiza  
Milwaukee, annwisc@gmail.com

## **Printing the Assange Evidence Files**

Due to the screenshots of tweets and articles' small font size, we recommend that the files are best viewed on devices for quality readability and accessing the links.

### **If you choose to print the files (100+ pages):**

- File pages are formatted to "US Letter Size" 8.5X11inch paper.
- Print on heavier paper – 24lb- 32lb
- Margins are adjusted for a '3-hole punch' folder, taking 'gutters' into account.
- Odd # pages are on right side.
- Even # pages on left side.
- Main Table of Contents printed double-sided.
- \*Files 1-10 Table of Contents are printed single-sided.

### **Order of documents:**

Assange Cover (Julian graphic);

PDF1 Foreword Quote Taibbi;

PDF2 Title Page;

PDF3 Table Contents;

PDF4 Intro;

PDF5-14 Files 1-10;

PDF15 Cover page Importance of Evidence Newsletter (George Floyd/Assange case comparison);

PDF16 'Importance of Evidence' newsletter.

We hope this becomes a usable resource packet to help correct the record about the Assange case when advocating for Julian with your community and representatives!

Keep Fighting!

Paula Iasella, and #TeamAssange  
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AssangeBoston@gmail.com