

AFFIDAVIT OF Julian Paul Assange

I, Julian Paul Assange, a citizen of Australia, publisher, and political refugee under the protection of the Embassy of Ecuador in London, **AFFIRM THAT:**

I am the Publisher of WikiLeaks and a director of associated organisations in a number of countries including Australia and Iceland.

I make this affidavit in relation to the monitoring of my journalistic activities by US military intelligence in Germany between 26 December 2009 and 30 December 2009 which was used to assist the prosecution an alleged WikiLeaks source, the US military intelligence officer Bradley Manning, who was sentenced to 35 years in military prison on 21 August 2013; and in relation to the likely unlawful seizure of property belonging to me and to WikiLeaks while it was under the control of the airport authorities of Arlanda (Stockholm) or Tegel (Berlin) on 27 September 2010, inter alia three encrypted laptops containing privileged journalistic and legal materials including evidence of a war crime; and this affidavit sets forth facts that form the basis of my belief that the aforementioned property was the subject of an unlawful search and seizure and that the monitoring of my activities in Germany was also illegal.

I am advised by my lawyers that, as well as the rights enjoyed by individuals, as a publisher and journalist, my work is protected by the corresponding rights and freedoms that are binding upon Sweden and Germany.

I write this affidavit to exercise my right to an effective remedy.

I make this affidavit to the best of my knowledge, information and belief.

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1. Summary of claims

1. I founded the WikiLeaks organisation in 2006. The publication specialises in the analysis of records under risk of censorship that are of political, diplomatic, historical or ethical importance. Among other countries, WikiLeaks publishes and analyses documents from the United States. These have included millions of sensitive documents relating to its diplomatic and security apparatus and its wars in Iraq, Afghanistan and elsewhere. The organisation has received numerous awards in relation to its publishing work, including the 2008 Index on Censorship Freedom of Expression Award, *The Economist* New Media Award (USA) 2008, the 2009 Amnesty International UK Media Award (New Media) (UK), the 2010 Sam Adams Associates for Integrity in Intelligence, Sam Adams Award (USA), the 2011 Sydney Peace Foundation Gold Medal (Australia), the 2011 Martha Gellhorn Prize for Journalism (UK), the 2011 Walkley Award for Most Outstanding Contribution to Journalism (Australia), the 2011 Blanquerna Award for Best Communicator (Spain), the 2011 International Piero Passetti Journalism Prize of the National Union of Italian Journalists (Italy), the 2011 Jose Couso Press Freedom Award (Spain), the 2012 Privacy International “Winston Smith Privacy Hero” Big Brother Award, the 2013 Yoko Ono Lennon Courage Award, and the 2013 Global Exchange Human Rights Awards, as well as formal nominations for the past three consecutive years of the Nobel Peace Prize and the support of the International Federation of Journalists (IFJ) Global Journalists’ Union.

2. As a consequence of WikiLeaks' publishing work, the US government launched a multi-agency investigation into me and WikiLeaks in early 2010. The Obama administration has expended very substantial resources on the WikiLeaks investigation, which has been described by Australian diplomatic officials in official correspondence as being "unprecedented in scale and nature".¹ The Department of Justice recently confirmed to the *New York Times* that its investigation is active and ongoing.²

3. The subject of this affidavit concerns two events involving Sweden and Germany. These events occur within the context of publicly reported FBI activities against WikiLeaks in the UK, Denmark and Iceland from 2009 to the present, which concern my work as a publisher, journalist and editor.

4. In particular, this affidavit focuses on two previously unreported events. The first concerns the physical surveillance by US military intelligence of me at a congress in Berlin held on 26-30 December 2009. The US military used the results of this surveillance of me to convict Bradley Manning of 'Wanton Publication'. I understand by my lawyers that this testimony may also be used in the ongoing US Department of Justice action against myself and my publishing organisation. The second concerns the suspected illegal seizure on 27 September 2010 of my suitcase on a direct flight within the Schengen border-free area from Stockholm Arlanda to Berlin Tegel on SAS (Appendix D). The suitcase carried three laptops containing WikiLeaks material, associated data and privileged communications protected under client-attorney confidentiality laws and source protection laws. The suspected seizure or theft occurred at a time of intense attempts by the US to stop WikiLeaks' publications of 2010.

5. This affidavit is occasioned by the recent emergence of information about the aforementioned intelligence activities and events. A series of formal inquiries, case testimony and press revelations have entered the public domain in 2013. In connection with a 2013 parliamentary inquiry in Iceland I learnt that Iceland was aware that the Federal Bureau of Investigation (FBI) and other US government officers had conducted operations against me, WikiLeaks staff and alleged sources on European soil in connection with the Virginia-based federal investigation against WikiLeaks. I also learnt that the FBI's operations in Iceland were illegal, and potentially also those in Denmark. As a result, Iceland expelled the FBI agents and US Department of Justice prosecutors from Iceland. The FBI also led an operation in the United Kingdom in early July 2010 in connection with the WikiLeaks releases.³ Recent press reports have publicly revealed that the FBI illegally acquired stolen organisational and personal data belonging to WikiLeaks, me, and other third parties in Denmark in March 2012.⁴ The second major

¹ Sydney Morning Herald, 'US targets WikiLeaks like no other organisation', 2 December 2011
<http://www.smh.com.au/technology/technology-news/us-targets-wikileaks-like-no-other-organisation-20111202-1obeo.html#ixzz2RobeLeu0>

² New York Times, 'Assange, Back in the News, Never Left U.S. Radar', 24 June 2013
<https://www.nytimes.com/2013/06/25/world/europe/wikileaks-back-in-news-never-left-us-radar.html?smid=tw-nytmmedia&pagewanted=all&r=0>

³ See paragraph 62 regarding the FBI raid on the house of Bradley Manning's mother in Wales.

⁴ The FBI travelled to Aarhus in Denmark to meet with Sigurdur Thordarson. In Denmark the FBI

event is the Bradley Manning⁵ court martial, which commenced on 3 June 2013. Although much of the material presented at the trial has been withheld from the public, transcripts of the public sessions have nevertheless provided important information and testimony relating to US spying on WikiLeaks and me personally in Germany, which I refer to in this affidavit.

6. I am submitting this affidavit because I understand that the actions in Germany in 2009 and in Sweden in 2010 detailed in this complaint are likely to be unlawful. I understand by my lawyers that if the US military's surveillance of me in Germany was unlawful, then its use in Bradley Manning's trial may have also been unlawful and that such a use of illegally obtained evidence could have consequences for Bradley Manning's pending appeal to the US Army Court of Criminal Appeal. The suspected seizure and/or theft of my suitcase and its contents would appear to violate my legal rights, including my rights to privacy, to be free from searches and seizures without due process, and to freedom of association. The incidents may also violate the intelligence, property, privacy and/or source protection laws of the states where the actions occurred. Given that the suitcase contained privileged and confidential attorney-client correspondence, I believe that this may also violate laws in various jurisdictions concerning legal professional privilege.

7. No explanation has been given to me, directly or indirectly, as to the whereabouts or the reason for the disappearance of the WikiLeaks equipment and data, despite my efforts and the efforts of those acting on my behalf to recover it. None of the entities involved, including the Swedish police, the airline SAS, the airports Arlanda and Tegel and related handling companies GlobeGround and Acciona, have offered an explanation, and in one case refused to communicate at all.⁶ The irregular response to inquiries is documented in this affidavit as well as the appendices section via the affidavits of Andy Muller-Maguhn (Appendix C), Kristinn Hrafnsson (Appendix D), Holger Stark and Marcel Rosenbach (Appendix F), and Johannes Wahlstrom (Appendix G).⁷

8. The WikiLeaks material taken on 27 September 2010 was of legal and historical significance and included shocking evidence of a serious war crime; the massacre of more than sixty women and children by US military forces in Garani, Afghanistan; evidence of a US military intelligence operation conducted against myself and the activist

questioned him and obtained in exchange for money property belonging to WikiLeaks, which had been stolen at my residence in the UK. See The Copenhagen Post, 'FBI met WikiLeaks informant in Copenhagen', 15 August 2013 <http://cphpost.dk/international/fbi-met-wikileaks-informant-copenhagen>; Slate, 'WikiLeaks' Teenage Benedict Arnold', 9 August 2013 http://www.slate.com/articles/technology/future_tense/2013/08/sigurdur_thordarson_icelandic_wikileaks_v_volunteer_turned_fbi_informant.html; Wired magazine, 'WikiLeaks Volunteer Was a Paid Informant for the FBI', 26 June 2013 <http://www.wired.com/threatlevel/?p=58974>; and Mashable, 'Revealed: WikiLeaks Volunteer Doubled as FBI Mole', 27 June 2013 <http://mashable.com/2013/06/27/wikileaks-volunteer-fbi-mole/>. See section 7.1 below "Known US intelligence operations against WikiLeaks in Europe since 2011".

⁵ In this affidavit I refer to Pvt. Manning as 'Bradley' when referring to past events and court documents which bear Manning's current legal name. I use the pronoun 'he' for consistency reasons. However, I note that Manning has expressed that she identifies as a female under the first name Chelsea.

⁶ See Appendices C and D.

⁷ See Appendices C, D, F, G.

Jeremie Zimmermann while on German soil (this operation has been subsequently corroborated by testimony in the Bradley Manning hearing⁸); and my privileged attorney-client communications, among other things. Other copies of this material have been rendered inaccessible to me by separate incidents that do not form part of this complaint.

9. In addition to the violation of my rights as a result of the suspected seizure of my suitcase while under the control of Swedish/German authorities, I have been advised that my rights were further violated when an effective remedy was not enforced after I and others made attempts to recover the suitcase, obtain an explanation and file a police report in relation to this matter. No explanation was ever given to me nor do I believe that authorities undertook an investigation of the disappeared property. This has prevented me from being able to effectively challenge the suspected seizure of privileged correspondence and WikiLeaks material and data.

10. Unlawful intelligence operations are common in Sweden, according to the Swedish government's own inquiry published earlier this year. By reading the English summary of proposed changes to Swedish Espionage laws, I learnt that:

It is quite common for foreign powers to conduct prohibited intelligence activities in Sweden and that the activities are associated with secret or conspiratorial methods that make them difficult to detect and counteract.⁹

11. I understand that if the suitcase was seized it may have been seized unlawfully, as part of an intelligence operation with the purpose of gathering information about me, WikiLeaks, and/or our upcoming publications and in an attempt to unlawfully establish the identity of WikiLeaks' sources.¹⁰

12. I understand that if the United States investigation has received the contents of my suitcase in connection with its investigation against me, WikiLeaks, and perhaps other accused sources, these investigations may be contaminated by their unlawful evidence-gathering or intelligence-gathering methods.

13. The seizure of WikiLeaks' property in the custody of Swedish and German

⁸ Bradley Manning court martial, testimony of witness for the prosecution Matthew Hosburgh, 11 June 2013 (see page 24) <https://pressfreedomfoundation.org/sites/default/files/06-11-13-AM-session.pdf>

⁹ From the English summary of the Inquiry report into reforming the Espionage Act in Sweden, submitted for consideration to the Minister of Justice in February 2013. The English summary which includes the quote is available on pages 23-30 of the full report "Spioneri och annan olovlig underrättelseverksamhet", 6 February 2013 <http://www.regeringen.se/sb/d/108/a/208622>.

¹⁰ It is my belief that this material was seized as part of the ongoing US investigation against WikiLeaks. It is also possible that a different country's intelligence agency may have been involved. For example, the US National Security Agency (NSA) disclosed in November 2010 that I was under close surveillance by the Russian Intelligence Agency FSB, see <http://www.thedailybeast.com/articles/2010/11/30/moscows-bid-to-blow-up-wikileaks-russians-play-by-different-rules.html> Private intelligence companies are also known to have planned operations against WikiLeaks and may plausibly have the capability to seize such material. See, for example, the unlawful measures proposed by private intelligence firm HB Gary to sabotage WikiLeaks (http://wikileaks.org/IMG/pdf/WikiLeaks_Response_v6.pdf), which led to an investigation by the US House Armed Services Subcommittee on Emerging Threats and Capabilities.

authorities occurred in the context of publicly acknowledged, ongoing intelligence activities conducted unlawfully against me and WikiLeaks.

14. There is a pattern of unlawful evidence-gathering or intelligence-gathering operations by US agencies in relation to myself, my staff and associated individuals in European countries and the US at least since 2009. In June 2013 it was reported that property and information belonging to WikiLeaks had been illegally obtained by the FBI on 18 March 2012 in Denmark.¹¹

15. I understand that as a publisher and editor my publishing activities are protected by the corresponding rights and freedoms that are binding upon Sweden and Germany. Any knowledge of operations that interfere with my work and violate my rights is liable to investigation, and is challengeable in a court of law. The failure to investigate further violates my right to an effective remedy.

16. I understand that an investigation could prompt a clarification from Sweden and Germany as to the extent of their own authorities' involvement in the actions described in this affidavit. I understand that if these actions were carried out unlawfully at the behest of another state, this could amount to a violation of their sovereignty and it is in the public interest for the authorities to clarify this matter as did the state of Iceland earlier this year in connection with unlawful FBI operations against WikiLeaks in that country.

2. Present status

17. My lawyer Michael Ratner has stated publicly in interviews that it is likely that the US intends to prosecute me. The US has stated publicly that it is exploring how to prosecute me and others associated with the WikiLeaks publication,¹² even when

¹¹ See note 4 above.

¹² US Attorney General Eric Holder indicated on 30 November 2010 that "an active, ongoing criminal investigation" against me and WikiLeaks was under way. From a Washington Post article from the same date: "Holder was asked Monday how the United States could prosecute Assange, who is an Australian citizen. "Let me be very clear," he replied. "It is not saber-rattling." "To the extent there are gaps in our laws," Holder continued, "we will move to close those gaps, which is not to say . . . that anybody at this point, because of their citizenship or their residence, is not a target or a subject of an investigation that's ongoing." Other legislators, both Democrats and Republicans, have pressured for my prosecution under the Espionage Act, or under terrorist legislation. The head of the US Senate's powerful intelligence oversight committee, Dianne Feinstein, called for my prosecution under the Espionage Act on 7 December 2010 <http://online.wsj.com/article/SB10001424052748703989004575653280626335258.html>, and again in July 2012 <http://www.smh.com.au/national/us-senator-calls-to-prosecute-assange-20120701-21b3n.html>. On 1 December 2010, US Congresswoman Candice Miller called for the Obama administration to "[treat] WikiLeaks for what it is – A terrorist organization whose continued operation threatens our security" <http://www.c-spanvideo.org/program/Candic>. On 1 December 2010, CNN reported that US Congressman Peter T. King "said Assange should be prosecuted for espionage. He also said that the United States should classify WikiLeaks as a terrorist group so that "we can freeze their assets." And he called Assange an

prominent human rights groups, the Committee to Protect Journalists and others have condemned these attempts.¹³ Some influential opinion writers have cheered on a prosecution against me¹⁴ and some have gone as far as to call for my assassination.¹⁵

18. The US Department of Justice launched the criminal investigation into me and WikiLeaks in early 2010.¹⁶ On 24 June this year, the *New York Times* reported that the Department of Justice had confirmed that the criminal investigation continues.¹⁷ Diplomatic communications from the Australian mission in Washington characterise the US investigation into WikiLeaks as “unprecedented in scale and nature”.¹⁸

19. On 28 September 2012 the Pentagon renewed its threats against WikiLeaks, stating “it is our view that continued possession by WikiLeaks of classified information belonging to the United States government represents a continuing violation of law” and “[w]e regard this as a law enforcement matter”. The investigation comprises the FBI and at least 10 other US agencies. In official Australian government records the US probe is

enemy combatant.” <http://www.cnn.com/2010/WORLD/europe/12/01/sweden.interpol.assange/index.html>

¹³ See 'CPJ urges US not to Prosecute Assange', CPJ letter to Barack Obama, 17 December 2010 <https://www.cpj.org/2010/12/cpj-urges-us-not-to-prosecute-assange.php>; Human Rights Watch in 2010, <http://www.hrw.org/news/2010/12/15/us-don-t-prosecute-wikileaks-founder>; "Global Journalists' Union Supports WikiLeaks", 16 July 2013 <http://www.alliance.org.au/global-journalists-union-supports-wikileaks>. See also former New York Times lawyer Floyd Abrams and Harvard law professor Yochai Benkler, 13 March 2013 https://www.nytimes.com/2013/03/14/opinion/the-impact-of-the-bradley-manning-case.html?_r=0

¹⁴ For example, former publisher of the Wall Street Journal and former executive vice president of Dow Jones, Gordon Crovitz, calling for my prosecution for 'aiding the enemy' on 17 March 2013 <http://online.wsj.com/article/SB10001424127887324532004578362593064526174.html>

¹⁵ Journalists calling for my assassination include, most recently, Time's senior correspondent Michael Grunwald (see New Yorker, 'Michael Grunwald and the Assange Precedent Problem', 18 August 2013 <http://www.newyorker.com/online/blogs/cloread/2013/08/michael-grunwald-and-the-assange-precedent-problem.html> and Appendix M), and Jeffrey T. Kuhner, a columnist at The Washington Times and president of the Edmund Burke Institute (see Washington Times, 'Assassinate Assange', 2 December 2010 <http://www.washingtontimes.com/news/2010/dec/2/assassinate-assange/> but compare this to the screenshot of the original headline in Appendix M).

¹⁶ These include: within the Department of Defense, Centcom, the Defense Intelligence Agency, the US Army Criminal Investigation Division, the United States Forces in Iraq, the First Army Division, The US Army Computer Crimes Investigative Unit (CCIU) and the Second Army Cyber-Command; the Department of Justice, most significantly, and its US Grand Jury in Alexandria Virginia and adjoined Federal Bureau of Investigation (FBI) file, which had, according to court testimony in early 2012, produced a file of 42,135 pages into WikiLeaks, of which less than 8,000 concern Bradley Manning; and the Department of State and Department of State's Diplomatic Security Services. In addition, WikiLeaks has been investigated by the Office of the Director General of National Intelligence (ODNI), the Director of National Counterintelligence Executive, the Central Intelligence Agency (CIA), the House Oversight Committee, the National Security Staff Interagency Committee, and the PIAB - the President's Intelligence Advisory Board.

¹⁷ See New York Times, 'Assange, Back in the News, Never Left U.S. Radar', 24 June 2013 https://www.nytimes.com/2013/06/25/world/europe/wikileaks-back-in-news-never-left-us-radar.html?smid=tw-nytmmedia&pagewanted=all&_r=0

¹⁸ Sydney Morning Herald, 'US targets WikiLeaks like no other organisation', 2 December 2011. <http://www.smh.com.au/technology/technology-news/us-targets-wikileaks-like-no-other-organisation-20111202-1obeo.html#ixzz2RobeL eu0>

described as a “whole of government” investigation.¹⁹

20. In Alexandria, Virginia, a Grand Jury has been empanelled for the past three years to explore ways to prosecute WikiLeaks for its publishing work. It has identified seven civilians, including the “founders, owners or managers of WikiLeaks”.²⁰ The Grand Jury's case number is 10GJ3793. Prosecutors Neil MacBride and Andrew Peterson are listed in motion filings associated with the Grand Jury.²¹ Although the Grand Jury is held in secret, documents relating to the Grand Jury hearing have made their way into the public record²² and one of the witnesses who was compelled to testify before the Grand Jury has come forward.²³

21. I understand from the proceedings against the alleged WikiLeaks source Bradley Manning that the US administration has every intention of imprisoning me and other WikiLeaks associates as co-conspirators. The prosecution has repeatedly referred to me in the Manning court martial. Mr Manning stated in pre-trial testimony that he communicated anonymously with someone at WikiLeaks who he believed to be “likely Mr. Julian Assange... or a proxy representative of Mr. Assange...”.²⁴ The prosecution in the Manning case has attempted to establish that Mr Manning acted as an agent under my control rather than as a journalistic source of mine, even though in his own statement to the court Manning denies this.²⁵ The US military charged Manning with twenty-two counts in connection with the release of more than 700,000 classified or confidential documents to WikiLeaks. On 30 July 2013 Manning was convicted of twenty of these counts and sentenced to thirty-five years in prison on 20 August 2013.

22. I understand from my lawyers' analysis of my situation presented to the government of Ecuador in relation to my asylum application that the treatment of the alleged

¹⁹ See <http://www.smh.com.au/technology/technology-news/us-targets-wikileaks-like-no-other-organisation-20111202-1obeo.html>

²⁰ See

http://www.alexaoobrien.com/secondstight/wikileaks/grand_jury/wikileaks_grand_jury_seven_civilians_targeted_by_fbi_for_criminal_activity_and_espionage.html

²¹ The names are listed in the filings and/or court docket for a motion to stay an 18 USC. § 2703(d) Stored Communications Act request filed on 14 December 2010 in relation to case 10GJ3793. The request relates to the US Government asking Twitter to turn over information of my account

www.alexaoobrien.com/secondstight/wikileaks/grand_jury/legal_dockets_a/wikileaks_grand_jury_prosecutor_andrew_peterson_case_history.html

²² See http://www.salon.com/news/opinion/glenn_greenwald/2011/06/09/wikileaks/subpoena.pdf ;

http://www.salon.com/news/opinion/glenn_greenwald/2011/06/09/wikileaks/Ltr.House.pdf

²³ See http://www.democracynow.org/2011/7/11/david_house_on_bradley_manning_secret#transcript

²⁴ Pfc. Bradley E. Manning's Statement for the Providence Inquiry, 28 February 2013

http://www.alexaoobrien.com/secondstight/wikileaks/bradley_manning/pfc_bradley_e_manning_providence_hearing_statement.html

²⁵ 'Pfc. Bradley E. Manning's Statement for the Providence Inquiry', 28 February 2013 http://www.alexaoobrien.com/secondstight/wikileaks/bradley_manning/pfc_bradley_e_manning_providence_hearing_statement.html; See also: “In the course of making that argument, the government's prosecutors keep mentioning Assange's name. Over and over. So far in the trial, he has been referenced 22 times.” 'Julian Assange Emerges As Central Figure In Bradley Manning Trial' by Huffington Post's Matt Sledge, 19 June 2013 http://www.huffingtonpost.com/2013/06/19/julian-assange-bradley-manning-trial_n_3462502.html

WikiLeaks source Bradley Manning shows that there is a real risk of being subjected to cruel, inhuman and degrading treatment if I am imprisoned in the United States. Manning was detained for more than 1,000 days before his trial commenced on 3 June 2013. During this time he remained for 258 days in solitary confinement.²⁶ The UN Special Rapporteur on Torture found that the conditions and length of Manning's confinement at Quantico, Virginia, amounted to inhuman and degrading treatment.²⁷ Manning's lawyer, David Coombs, said in court that the treatment of Manning was an attempt at breaking him so that he would implicate me.²⁸ The US military court system eventually found that Mr Manning was unlawfully punished as a result of this treatment while in US custody.²⁹

23. The charges against Bradley Manning included 'aiding the enemy' and espionage. The 'aiding the enemy' charge carries with it a potential death sentence, or life without parole. There is a consensus among legal commentators that the application of the 'aiding the enemy' charge in the Bradley Manning trial constituted a serious threat to journalism.³⁰ While Manning was eventually acquitted of aiding the enemy, it remains a charge that the US government could still seek to employ against others, including me. Manning was convicted of espionage; the first whistleblower ever so convicted. He was sentenced to 35 years in prison on 20 August 2013 and has appealed to the US Army Criminal Court of Appeal.

24. Much of the proceedings in the Manning trial have been kept secret from the public, which led me and my publishing organisation earlier this year to challenge the military

²⁶ 'Army transfers accused intel specialist to MDW', 30 July 2010 <http://www.army.mil/article/43114/>

²⁷ The Special Rapporteur's findings were included in the Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, United Nations Human Rights Council, 29 February 2012, A/HRC/19/61/Add.4

<http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/19/61/Add.4&Lang=E>

See also <http://www.guardian.co.uk/world/2012/mar/12/bradley-manning-cruel-inhuman-treatment-un>. The US State Department spokesman P.J. Crowley later resigned after voicing disagreement regarding Manning's treatment, remarking the measures imposed on Manning were "ridiculous and counterproductive and stupid". http://www.washingtonpost.com/blogs/44/post/pj-crowley-resigns-after-bradley-manning-comments/2011/03/13/AB1CvgT_blog.html

²⁸ See audio transcript of interview with Michael Ratner of the Center for Constitutional Rights: "The lawyer for Bradley Manning, David Coombs, has said openly in court that they are going after Manning with so much toughness, with wanting a 40-year sentence or whatever he said in court, because they want him to testify against Julian Assange", 13 September 2012 http://therealnews.com/t2/index.php?option=com_content&task=view&id=31&Itemid=74&jumival=8806

²⁹ The conditions of Manning's confinement were the subject of an unlawful pre-trial punishment motion hearing in which the US military conceded that it had subjected Manning to unlawful pre-trial punishment. <http://www.bradleymanning.org/news/military-judge-rules-bradley-manning-was-illegally-treated-awards-112-days-credit>

³⁰ See, for example, Yochai Benkler, law professor and director of the Berkman Center for Internet and Society at Harvard University, 'Bradley Manning 'aiding the enemy' charge is a threat to journalism', The Guardian, 19 July 2013 <http://www.guardian.co.uk/commentisfree/2013/jul/19/bradley-manning-trial-aiding-the-enemy-charge>; as well as Yochai Benkler's testimony in the court martial: <https://pressfreedomfoundation.org/sites/default/files/07-10-13-AM-session.pdf> See also 'Transparency, accountability at stake in Manning trial', Committee to Protect Journalists, 16 May 2013 <https://www.cpj.org/blog/2013/05/transparency-accountability-at-stake-in-manning-tr.php>; Floyd Abrams and Yochai Benkler, 'Death to Whistleblowers?', New York Times, 13 May 2013 https://www.nytimes.com/2013/03/14/opinion/the-impact-of-the-bradley-manning-case.html?_r=1&

court's secrecy alongside other journalists and the US Center for Constitutional Rights.³¹

25. I understand by my lawyer Gareth Peirce's assessment, expressed in a letter to foreign minister of Australia Kevin Rudd and subsequently released by the Australian government, that a sealed indictment is very likely to have been issued for me and that a sealed US extradition request is ready to be issued, if it has not been issued already. Internal emails from the "global intelligence" company Stratfor detail a sealed indictment against me issued in January 2011 or before.³² According to a respected UK newspaper, the US and Sweden entered into informal talks about my extradition during December 2011 or before December 2011.³³

26. In this context I have been granted asylum after a formal assessment by the government of Ecuador in relation to the current and future risks of persecution and cruel, inhuman and degrading treatment in the United States in response to my publishing activities and my political opinions.³⁴ I remain under the protection of the embassy of Ecuador in London for this reason.

3. Known intelligence operations prior to travelling to Sweden

December 2009 - August 2010

27. Because of the nature of our work, WikiLeaks journalists expect to be the subject of intelligence operations from time to time. US intelligence operations have been carried out against WikiLeaks for a number of years. Intelligence operations on European soil relating to my work include US covert monitoring of my person in Germany in 2009 (as detailed in this affidavit), and the publicly reported operations of FBI officers and others in the UK in August 2010, in Iceland in 2011 and in Denmark in 2012.

28. At the same time that the suitcase containing WikiLeaks property, associated data and my privileged client-attorney communications was seized or stolen, WikiLeaks and

³¹ See 'Julian Assange Sues Military Over Bradley Manning Trial Secrecy', Huffington Post, 22 May 2013 http://www.huffingtonpost.com/2013/05/22/julian-assange-bradley-manning-lawsuit_n_3321302.html and Center for Constitutional Rights et al. v. United States & Lind, Chief Judge <http://ccrjustice.org/ourcases/current-cases/ccr-et-al-v-usa-and-lind-chief-judge>

³² The person who wrote the email is Stratfor's Vice-President for Counterterrorism and Corporate Security, a former Deputy Chief of the Department of State's (DoS) counterterrorism division for the Diplomatic Security Service (DSS). See http://wikileaks.org/gifiles/docs/375123_fw-ct-assange-manning-link-not-key-to-wikileaks-case-.html

³³ "Informal discussions have already taken place between US and Swedish officials over the possibility of the WikiLeaks founder Julian Assange being delivered into American custody, according to diplomatic sources." - 'Assange could face espionage trial in US', The Independent, 8 December 2010 <http://www.independent.co.uk/news/uk/crime/assange-could-face-espionage-trial-in-us-2154107.html>

³⁴ Declaración del Gobierno de la República del Ecuador sobre la solicitud de asilo de Julian Assange, Comunicado No. 042, 16 August 2012, <http://www.mmrree.gob.ec/2012/com042.asp>

my person were the subject of heightened intelligence operations. The US government publicly displayed an intense interest in tracking my movements and in preventing WikiLeaks from publishing.³⁵ I followed closely news reports about the US investigations and the WikiLeaks Grand Jury. I became aware through a number of tip-offs from sources within the intelligence and diplomatic communities of the types of activities, including extraterritorial conduct, that were being entertained in relation to WikiLeaks.

29. Below I set out a chronology of the political, security and legal events that led up to the suspected seizure or theft of WikiLeaks material, data and privileged correspondence on 27 September 2010. It is necessary to establish the plausibility of extra-legal activity by the United States or other governments or individuals acting as its agents or on their own behalf.

26-30 December 2009

30. On 11 June 2013, US marine special intelligence system administrator (MoS 2651) Matthew Hosburgh, a witness for the prosecution in the Bradley Manning court martial, testified that he had engaged in an intelligence reporting activity in relation to me at the 26C3 meeting in Berlin (26-30 December 2009),³⁶ where I delivered a talk about WikiLeaks.³⁷ Hosburgh also engaged in intelligence-gathering at a talk by Jeremie Zimmermann at the same Congress.³⁸ Mr. Zimmermann is a personal friend of mine and a vocal supporter of WikiLeaks. In the beginning of 2012 he was targeted at a US airport by the FBI in an attempt to recruit intelligence about me and WikiLeaks.³⁹ Hosburgh subsequently wrote the report 'CCC Here Be Dragons Trip Report',⁴⁰ which has been withheld from the public records associated with Bradley Manning's case although it was submitted as evidence. The report was leaked to WikiLeaks and was being prepared for publication during September 2010. The report was among the WikiLeaks materials that had been kept encrypted in the suitcase that was seized on 27 September 2010 when I was travelling from Stockholm to Berlin.

³⁵ See, for example, Philip Shenon reports in June 2010: "Anxious that Wikileaks may be on the verge of publishing a batch of secret State Department cables, investigators are desperately searching for founder Julian Assange": Philip Shenon, 'Pentagon Manhunt', The Daily Beast, 10 June 2010 <http://www.thedailybeast.com/articles/2010/06/10/wikileaks-founder-julian-assange-hunted-by-pentagon-over-massive-leak.html>. This followed earlier reports from Glenn Greenwald (then reporting for Salon, but who now writes for The Guardian) about the "increasingly aggressive war being waged against WikiLeaks by numerous government agencies, including the Pentagon" in March 2010: Glenn Greenwald, 'The war on WikiLeaks and why it matters', Salon, 27 March 2010 <http://www.salon.com/2010/03/27/wikileaks/singleton/>

³⁶ See pages 24-45, <https://pressfreedomfoundation.org/sites/default/files/06-11-13-AM-session.pdf>

³⁷ The video of my talk is available at: <https://www.youtube.com/watch?v=VAfT0L0WyS4&list=PL5C1B15B103C45DEE>

³⁸ The video of Mr. Zimmermann's talk is available at: <https://www.youtube.com/watch?v=gy8TUFahLVk>

³⁹ See J. Assange with J. Appelbaum, A. Muller-Maguhn and J. Zimmermann, "Cypherpunks", ed. O/R Books at p. 27: 'Harassment of Jacob Appelbaum and Jeremie Zimmermann'.

⁴⁰ See pages 24-45 <https://pressfreedomfoundation.org/sites/default/files/06-11-13-AM-session.pdf>

31. The report was significant in that it formed the basis from which it would be possible to challenge the legality of the US intelligence activity on German soil at the 26C3. The report potentially raises legitimate concerns over whether this particular US surveillance operation fell within the agreed parameters of permitted intelligence activity by the US within German jurisdiction. Although the report is mentioned in the Bradley Manning court martial and some of its contents have been discussed, the report itself remains inaccessible to the public, along with much of the other evidence, motions and proceedings of the trial, due to the secrecy imposed on the Manning proceeding by the US military.

32. I understand that the agreement between Germany and the United States grants the US bases in Germany strictly limited surveillance powers to defend the bases from surveillance and terrorist attack.

33. I understand from having read the secret report – the same report that was submitted as evidence (Exhibit 43) in the Bradley Manning trial – that Germany may have grounds to challenge the legality of US military intelligence monitoring of me and Mr Zimmermann. The report used a doubtful chain of logic in an apparent attempt to justify its monitoring effort, which contrasts with the clearly defined parameters in which spying by a foreign power is permitted under German law.

34. The report, in what may be a deliberate attempt to evade legal limitations on the conduct of US military intelligence officers in Germany stated (from memory):

- a) WikiLeaks helps whistleblowers publish safely.
- b) This may encourage soldiers within US bases in Germany to use WikiLeaks.
- c) Which might reveal security weaknesses at the bases.
- d) Which might then increase the chance of attack on US bases in Germany.

35. The report also showed similar *mens rea* in its monitoring of Jeremie Zimmermann. It attempts to justify its possible violations of German law with the following chain of reasoning (paraphrased, from memory):

- a) Jeremie Zimmermann and his organisation La Quadrature du Net are part of the campaign for 'Network Neutrality'.
- b) 'Network Neutrality' is a legislative reform that mandates "the principle that internet service providers and governments should treat all data on the

internet equally, in the same way that electricity is charged the same regardless of whether the device is a TV or a power tool".

c) If there is no discrimination of services on the internet by telecommunications companies there may be less blocking (censoring) of internet services and sites.

d) If there is less internet censorship there may be more people communicating with terrorist websites.

e) If there are more people communicating with terrorist websites then there may be more terrorism. If there is more terrorism then US bases in Germany may be more likely to suffer a terrorist attack.

36. The author of the "after action" report (a report made after a military action, in this case, the monitoring in Berlin), US marine special intelligence system administrator (MoS 2651) Matthew Hosburgh, testified for the prosecution at the Manning trial on 11 June 2013 (see Annex N).

37. The prosecution used Hosburgh's testimony and report in an attempt to conflate WikiLeaks with terrorism in order to convict Bradley Manning on the most serious charge which carries the death penalty or life in prison, *aiding the enemy*, and in relation to what the defence called the "made up offense" of *wanton publication*⁴¹.

38. In relation to net neutrality, Hosburgh made the link to terrorism in arguing that terrorists can better hide their communications with net neutrality. In relation to WikiLeaks, however, the link to terrorism is implied.

39. According to the Manning trial transcripts, the report states in relation to terrorists and the use of the internet that "the internet is an essential communication tool for terrorists" (page 2). Page 3 of the report claims that WikiLeaks poses a large threat, not only from the actual external disclosure, but from the insider.⁴²

2010

40. In early 2010 the US government publicly displayed an intense interest in my whereabouts and my publishing activities.⁴³

⁴¹ See 'Overview of Charge of Wanton Publication and USG Classified Witnesses'
http://www.alexao'Brien.com/secondsight/wikileaks/bradley_manning/us_v_pfc_manning_overview_of_wanton_publication_and_classified_government_witnesses.html

⁴² Bradley Manning court martial, 25 July 2013 <https://pressfreedomfoundation.org/sites/default/files/07-25-13-PM-session.pdf>

⁴³ Glenn Greenwald wrote about the "increasingly aggressive war being waged against WikiLeaks by numerous government agencies, including the Pentagon" in March 2010: Glenn Greenwald, 'The war on WikiLeaks and why it matters', Salon, 27 March 2010

41. On 18 February 2010, WikiLeaks released a classified cable from the US Embassy in Reykjavik dated 13 January 2010. The witness statement of US Under-Secretary of State Patrick Kennedy at the Manning trial explained that the release of this cable prompted an investigation by the US Diplomatic Security Service (DSS) and other elements of the US government:

*Our diplomatic security service, which is **the security arm of the State Department, worked with other elements of the United States government** to determine what the source of that [Reykjavik 13 cable] leak might have been.⁴⁴*

March 2010

42. In March 2010 I was based in Iceland. Together with a team of people, I prepared WikiLeaks' release of a video that depicted the indiscriminate slaying of more than a dozen people in the Iraqi suburb of New Baghdad, including two Reuters news staff, by US forces.⁴⁵ Two young children were also critically wounded in the attack. Also in March, WikiLeaks published an intelligence report from 2008 prepared by the US Army Counterintelligence Center.⁴⁶ The report detailed numerous ways which it believed could be used to destroy or marginalise WikiLeaks – essentially by subjecting the organisation and those associated to it to political persecution. These methods include:

***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.⁴⁷*

24 March 2010

43. The team working in Iceland were subjected to physical surveillance during this time, which led to the organisation alerting the public on 24 March 2010 via its twitter account that our physical security and the security of our work was at risk.⁴⁸

5 April 2010

44. On 5 April 2010, I held a press conference at the Washington National Press Club to announce the release of the Baghdad helicopter video, *Collateral Murder*.⁴⁹

<http://www.salon.com/2010/03/27/wikileaks/singleton/>

⁴⁴ See Under-Secretary of State Patrick Kennedy's testimony in the Bradley Manning trial on 5 August 2013 <https://pressfreedomfoundation.org/sites/default/files/08-05-13-AM-session.pdf>

⁴⁵ See <http://collateralmurder.org/>

⁴⁶ See <http://file.wikileaks.org/file/us-intel-wikileaks.pdf>

⁴⁷ See <http://file.wikileaks.org/file/us-intel-wikileaks.pdf>

⁴⁸ See www.gawker.com/5500703/is-the-us-spying-on-a-tiny-secret-sharing-website

⁴⁹ See <http://collateralmurder.com>

29 May 2010

45. Bradley Manning was placed in pre-trial confinement at Camp Arifjan, Kuwait by US forces.⁵⁰

7 June 2010

46. At the daily press briefing on 7 June 2010, US State Department spokesperson P.J. Crowley addressed journalists' questions regarding WikiLeaks' possession of yet unpublished US State Department cables: "State Department is working closely with the US Army Criminal Investigative Division, or CID".⁵¹

8 June 2010

47. A news report entitled 'The State Department's Worst Nightmare' said that the Pentagon was "conducting an aggressive investigation" into whether WikiLeaks had 260,000 US diplomatic cables and the material's whereabouts.⁵²

48. Neil H. MacBride, United States Attorney for the Eastern District of Virginia, announced that Andrew Peterson was joining the Terrorism and National Security Unit as a prosecutor. Both MacBride and Peterson are involved with the WikiLeaks Grand Jury.⁵³ MacBride's controversial prosecutorial tactics include the extraterritorial application of US criminal law.⁵⁴ MacBride explained in a *Washington Post* article:

*"Criminals today aren't confined by borders, and neither are we... A criminal organization is as much a threat to us from across the ocean as it is across the street. That's why **we made the strategic decision to go after networks and their leadership wherever they are found.**"⁵⁵*

10 June 2010

⁵⁰ See http://www.alexao'Brien.com/timeline_us_versus_manning_assange_wikileaks_2010.html#may

⁵¹ See <http://www.state.gov/r/pa/prs/dpb/2010/06/142797.htm>

⁵² Philip Shenon, 'The State Department's Worst Nightmare', The Daily Beast, 8 June 2010
<http://www.thedailybeast.com/articles/2010/06/08/state-department-anxious-about-diplomatic-secrets-bradley-manning-allegedly-downloaded.html>

⁵³ MacBride has announced he will step down in September 2013, see http://www.washingtonpost.com/local/us-attorney-neil-macbride-to-leave-office-as-va-governor-probe-heats-up/2013/08/22/17797f9e-0aa8-11e3-8974-f97ab3b3c677_story.html. See also www.alexao'Brien.com/secondstight/wikileaks/grand_jury/legal_dockets_a/wikileaks_grand_jury_prosecutor_andrew_peterson_case_history.html and http://www.alexao'Brien.com/timeline_us_versus_manning_assange_wikileaks_2010.html#may

⁵⁴ Audio of Neil H. MacBride at the American Bar Association from 17 April 2013: http://www.americanbar.org/content/dam/aba/multimedia/law_national_security/podcast_macbride_041720_13.mp3

⁵⁵ See http://www.washingtonpost.com/world/national-security/in-vas-eastern-district-us-attorneys-reach-transcends-geographic-bounds/2012/12/15/a3f8f992-4625-11e2-9648-a2c323a991d6_story_1.html

49. The article 'Pentagon Manhunt' described Pentagon investigators desperately trying to track me down in relation to the US diplomatic cables that we would begin to release on 28 November 2010: "Anxious that Wikileaks may be on the verge of publishing a batch of secret State Department cables, investigators are desperately searching for founder Julian Assange".⁵⁶ The officials "would not discuss the methods being used to find Assange, nor would they say if they had information to suggest where he is now."⁵⁷ On reading this, I became concerned for our continued ability to publish effectively.

17 June 2010

50. US Department of Defense spokesman Geoff Morrell said in relation to WikiLeaks that there was an "ongoing criminal investigation involving the Army Criminal Investigation Division, as well as, I believe, some other law enforcement agencies."⁵⁸

16 July 2010

51. US Department of Homeland Security agents appeared at the HOPE computer conference in NYC looking for me.⁵⁹ I was supposed to give a keynote speech at the conference.⁶⁰ My friend Jacob Appelbaum gave the keynote speech in my place.⁶¹

25 July 2010

52. I was part of a team in the United Kingdom that published the *Afghan War Diaries*: 75,000 secret Pentagon documents about the war in Afghanistan, which included the detailed records about the deaths of nearly 20,000 people.

53. With our publication of the *Afghan War Diaries* and the news that WikiLeaks intended to publish hundreds of thousands of US diplomatic cables, US government officials started an attempt to delegitimise the legal protections WikiLeaks enjoys as a publisher by casting WikiLeaks as an adversary opposed to US national interests. The White House attempted to induce other news outlets into referring to WikiLeaks in these terms. The *New York Times* reported that the White House emailed reporters with suggested "reporting tacks to take" on WikiLeaks and its disclosures.

⁵⁶ See 'Pentagon Manhunt', The Daily Beast, 10 June 2010
<http://www.thedailybeast.com/articles/2010/06/10/wikileaks-founder-julian-assange-hunted-by-pentagon-over-massive-leak.html>

⁵⁷ See 'Pentagon Manhunt', The Daily Beast, 10 June 2010
<http://www.thedailybeast.com/articles/2010/06/10/wikileaks-founder-julian-assange-hunted-by-pentagon-over-massive-leak.html>

⁵⁸ See http://www.alexao'Brien.com/timeline_us_versus_manning_assange_wikileaks_2010.html#may

⁵⁹ See 'Feds look for Wikileaks founder at NYC hacker event', CNet, 16 July 2010
http://news.cnet.com/8301-1009_3-20010861-83.html?tag=mncol;txt

⁶⁰ See 'Feds look for Wikileaks founder at NYC hacker event', CNet, 16 July 2010
http://news.cnet.com/8301-1009_3-20010861-83.html?tag=mncol;txt

⁶¹ See 'Feds look for Wikileaks founder at NYC hacker event', CNet, 16 July 2010
http://news.cnet.com/8301-1009_3-20010861-83.html?tag=mncol;txt

*The White House e-mailed the following statement with the subject line “Thoughts on Wikileaks” to reporters on Sunday evening. In the memo, the **White House advised journalists on possible reporting tacks to take** on the [Afghan War Diaries] documents [...].*⁶²

54. The White House memo reportedly included:

*As you report on this issue, it’s worth noting that wikileaks is not an objective news outlet but rather **an organization that opposes US policy in Afghanistan.***⁶³

26 July 2010

55. White House Press Secretary Robert Gibbs states that WikiLeaks “poses a very real and potential threat [...]”.⁶⁴

27 July 2010

56. A Pentagon press release indicated that the US Army's Criminal Investigation Division (CID) is in charge of the WikiLeaks investigation:

*The current **investigation into the leak of the documents to WikiLeaks isn’t focused on any one, specific individual,**” Lapan said. **“It’s much broader. They’re going to look everywhere to determine what the source may be.**”⁶⁵*

57. In my home country Australia *The Canberra Times* reported that:

*Australian security authorities are assisting a United States intelligence probe into the whistleblower website Wikileaks and its Australian founder and editor, Julian Assange. The **US request for support in what Australian national security sources described as "a counter-espionage investigation" preceded Wikileaks' dramatic publication yesterday** of a leaked US military operations log, described as an "extraordinary compendium" of 91,000 reports by United States and allied soldiers fighting in Afghanistan.*⁶⁶

28 July 2010

⁶² See "The War Logs: Reaction to Disclosure of Military Documents on Afghan War “6:46 p.m. | White House Offers Advice to Reporters”, 25 July 2010 <http://atwar.blogs.nytimes.com/2010/07/25/the-war-logs/#Jones>

⁶³ See "The War Logs: Reaction to Disclosure of Military Documents on Afghan War “6:46 p.m. | White House Offers Advice to Reporters”, 25 July 2010 <http://atwar.blogs.nytimes.com/2010/07/25/the-war-logs/#Jones>

⁶⁴ See <http://www.c-spanvideo.org/program/WhiteHouseDailyBriefing1571>

⁶⁵ See <http://www.defense.gov/news/newsarticle.aspx?id=60187>

⁶⁶ See 'Australia aids US probe into war log leak', Philip Dorling, *The Canberra Times*, 27 July 2010 (only available in print).

58. US Department of Defense Secretary Gates “called FBI Director Robert Mueller and asked for the FBI's assistance in [the WikiLeaks] investigation as a partner.”

*Calling on the FBI to aid the investigation ensures that the department will have all the resources needed to investigate... noting that use of the bureau ensures **the investigation can go wherever it needs to go.**”⁶⁷*

30 July 2010

59. The immediate former head of the Central Intelligence Agency (CIA) and the National Security Agency (NSA), Michael V. Hayden, denounced my work in a CNN article entitled 'WikiLeaks disclosures are a “tragedy”'.⁶⁸

60. A US Army press release announced that Bradley Manning had been moved from Camp Arifjan, Kuwait to Quantico, Virginia, where he was put in solitary confinement.⁶⁹

61. The *New York Times* reported that US Defense Secretary Robert Gates

*declined to comment about the investigation beyond noting that he had enlisted the **Federal Bureau of Investigation to assist Army investigators, a move that is seen as a precursor to potentially charging people who are not uniformed service members**[...] A person familiar with the investigation has said that Justice Department lawyers are exploring whether **Mr. Assange and WikiLeaks could be charged with inducing, or conspiring in, violations of the Espionage Act, a 1917 law** that prohibits the unauthorized disclosure of national security information.”⁷⁰*

62. That same week, while I was still in the United Kingdom, I discovered that the FBI was carrying out operations on UK soil in relation to its investigation into WikiLeaks' publishing activities. On 1 August 2010, the press reported that the FBI and British police were carrying out searches and interrogations in the UK.⁷¹ These facts concerned me. The FBI was conducting operations in the UK, where I found myself at the time, in connection with the WikiLeaks disclosures.

63. Over the next days, the US counter-attack against WikiLeaks intensified. Certain prominent commentators and former White House officials championed extraterritorial

⁶⁷ See <http://www.defense.gov/news/newsarticle.aspx?id=60238> For more details about the FBI's extraterritorial, and unauthorised, activities against WikiLeaks, see s. 7.1 “Known US WikiLeaks intelligence operations in Europe since 2011”

⁶⁸ See <http://www.cnn.com/2010/OPINION/07/30/hayden.wikileaks.secrets/index.html>

⁶⁹ See <http://www.army.mil/article/43114/>

⁷⁰ See <http://www.nytimes.com/2010/07/30/world/asia/30wiki.html>

⁷¹ See 'FBI question WikiLeaks mother at Welsh Home: Agents interrogate 'distressed' woman then search her son's bedroom', Mail Online, 1 August 2010 <http://www.dailymail.co.uk/news/article-1299311/FBI-question-WikiLeaks-mother-Welsh-home-Agent-interrogate-distressed-woman-search-sons-bedroom.html>

measures and the violation of international law “if necessary”. These actions would directly infringe the basic rights and freedoms of those associated with the organisation and myself.⁷²

3 August 2010

64. Influential former speech writer for President George W. Bush, Marc Thiessen, published a *Washington Post* article entitled 'WikiLeaks Must be Stopped'. Thiessen, who is described by Scott Horton, a human rights attorney and Columbia Law School lecturer, as the “mouthpiece of senior Bush-era intelligence community figures”,⁷³ asserted that even though I am a non-US citizen working outside of the territory of the US

*...the government has a wide range of options for dealing with him. It can employ not only law enforcement but also intelligence and military assets to bring Assange to justice.*⁷⁴

Thiessen further advocated for the US to put pressure on any state in which I was located and that the US should, if necessary, arrest me even without the consent of that state. To support his position, he cited legal advice from the Department of Justice regarding FBI operations abroad:

The United States should make clear that it will not tolerate any country -- and particularly NATO allies such as Belgium and Iceland -- providing safe haven for criminals who put the lives of NATO forces at risk.

With appropriate diplomatic pressure, these governments may cooperate in bringing Assange to justice. But if they refuse, the United States can arrest Assange on their territory without their knowledge or approval.

Thiessen further asserted that the FBI could violate international law in order to stop me and apprehend other people associated with WikiLeaks' publishing activities. Thiessen cited a Department of Justice memo:⁷⁵

*"the FBI may use its statutory authority to investigate and arrest individuals for violating United States law, **even if the FBI's actions contravene customary international law**" and that an "arrest that is inconsistent with international or foreign law does not violate the Fourth Amendment." In other words, **we do not need permission to apprehend Assange or his co-conspirators anywhere in the world.***

⁷² See the following paragraphs for examples.

⁷³ Scott Horton, 'WikiLeaks: The National-Security State Strikes Back', Harper's, 3 August 2010 <http://harpers.org/blog/2010/08/wikileaks-the-national-security-state-strikes-back/>

⁷⁴ Marc Thiessen, 'WikiLeaks Must Be Stopped', Washington Post, 3 August 2010 <http://www.washingtonpost.com/wp-dyn/content/article/2010/08/02/AR2010080202627.html>

⁷⁵ Authority of the Federal Bureau of Investigation to Override International Law in Extraterritorial Law Enforcement Activities: http://www.fas.org/irp/agency/doj/fbi/olc_override.pdf

Arresting Assange would be a major blow to his organization. But taking him off the streets is not enough; we must also recover the documents he unlawfully possesses and disable the system he has built to illegally disseminate classified information.

This should be done, ideally, through international law enforcement cooperation. But if such cooperation is not forthcoming, the United States can, and should act alone.

65. My personal safety was also at risk. Scott Horton, who is also the legal affairs and national security contributor at *Harper's*, wrote 'WikiLeaks: The National-Security State Strikes Back':

*[Assange] will certainly be targeted for petty harassment and subject to steady surveillance, and efforts to kidnap him are almost certainly being spun at this very moment.*⁷⁶

5 August 2010

66. Pentagon Press Secretary Geoff Morrell announced an anti-WikiLeaks task force at the Department of Defense: “a 24-hour operation. They have roughly -- they’re up to about 80 personnel”.⁷⁷

67. The task force mushroomed over the next weeks. It grew from 80 to 120 agents by 12 September 2010.⁷⁸

68. The “distinct responsibility” of the Information Review Task Force – dubbed by some occupants as the “WikiLeaks War Room” – was:⁷⁹

...to gather evidence about the workings of WikiLeaks that might someday be used by the Justice Department to prosecute Assange and others on espionage charges.

69. I read the article 'The General Gunning for WikiLeaks', which described the task force:⁸⁰

⁷⁶ Scott Horton, 'WikiLeaks: The National-Security State Strikes Back', *Harper's*, 3 August 2010

<http://harpers.org/blog/2010/08/wikileaks-the-national-security-state-strikes-back/>

⁷⁷ Department of Defense Press Briefing, 5 August 2010

<http://www.defense.gov/transcripts/transcript.aspx?transcriptid=53001>

⁷⁸ Philip Shenon, 'The General Gunning for WikiLeaks', *The Daily Beast*, 12 September 2010

<http://www.thedailybeast.com/articles/2010/09/12/pentagons-wikileaks-war-room-readies-for-new-document-dump.html>

⁷⁹ Philip Shenon, 'The General Gunning for WikiLeaks', *The Daily Beast*, 12 September 2010

<http://www.thedailybeast.com/articles/2010/09/12/pentagons-wikileaks-war-room-readies-for-new-document-dump.html>

⁸⁰ Philip Shenon, 'The General Gunning for WikiLeaks', *The Daily Beast*, 12 September 2010

<http://www.thedailybeast.com/articles/2010/09/12/pentagons-wikileaks-war-room-readies-for-new-document-dump.html>

*In a nondescript suite of government offices not far from the Pentagon, **nearly 120 intelligence analysts, FBI agents, and others are at work—24 hours a day, seven days a week—on the frontlines of the government’s secret war against WikiLeaks.***

*Dubbed the WikiLeaks War Room by some of its occupants, **the round-the-clock operation is on high alert this month ...***

70. The same article states that Brig. General Robert A. Carr, who runs “the Pentagon’s equivalent to the CIA”, the Defense Counterintelligence and Human Intelligence Center of the Defense Intelligence Agency (DIA), was “handpicked” by Defense Secretary Robert Gates to head the team because he “is highly respected ... and **a fitting adversary to Assange**”.⁸¹

71. General Carr’s “central assignment” was reportedly “to try to determine exactly what classified information might have been leaked to WikiLeaks”.⁸² General Carr testified at the Bradley Manning sentencing hearing on 31 July 2013.⁸³

10 August 2010

72. I followed closely how pressure mounted on US allies to track my movements and to stop our publications. Official sources within the administration revealed to the press that the US was not only considering how to prosecute me in relation to WikiLeaks' publications in the US, but was also requesting their allies to prosecute me under their own national security laws:⁸⁴

American officials confirmed last month that the Justice Department was weighing a range of criminal charges against Assange and others [...]

*Now, the officials say, **they want other foreign governments to consider the same sorts of criminal charges.***

*The Obama administration is pressing Britain, Germany, Australia, and other allied Western governments to **consider opening criminal investigations of WikiLeaks founder Julian Assange and to severely limit his nomadic travels***

[document-dump.html](#)

⁸¹ Philip Shenon, 'The General Gunning for WikiLeaks', The Daily Beast, 12 September 2010 <http://www.thedailybeast.com/articles/2010/09/12/pentagons-wikileaks-war-room-readies-for-new-document-dump.html>

⁸² Philip Shenon, 'The General Gunning for WikiLeaks', The Daily Beast, 12 September 2010 <http://www.thedailybeast.com/articles/2010/09/12/pentagons-wikileaks-war-room-readies-for-new-document-dump.html>

⁸³ See <https://pressfreedomfoundation.org/sites/default/files/07-31-13-AM-session.pdf>

⁸⁴ See Philip Shenon, 'U.S. Urges Allies to Crack Down on WikiLeaks', The Daily Beast, 10 August 2010 <http://www.thedailybeast.com/articles/2010/08/10/a-western-crackdown-on-wikileaks.html>

*across international borders, American officials say.*⁸⁵

73. In addition to the stated intention to restrict my freedom of movement, the US government attempted to convince its allies not to allow me entry into their territory as a warning to me, to those working with me and WikiLeaks, and to our supporters.⁸⁶

Through diplomatic and military channels, the Obama administration is hoping to convince Britain, Germany, and Australia, among other allied governments, that Assange should not be welcome on their shores either, given the danger that his group poses to their troops stationed in Afghanistan, American officials say.

They say severe limitations on Assange's travels might serve as a useful warning to his followers that their own freedom is now at risk.

74. The Australian government publicly entertained the possibility of cancelling my passport, reportedly as a result of pressure placed on Australia by the United States. Australian Attorney General Robert McClelland assured the United States that the Australian government would "provide every assistance to United States law-enforcement authorities", including by exploring the possibility of cancelling my passport.⁸⁷

75. Not only was the US seeking to put pressure on me and other individuals associated with my organisation directly and pressuring its allies to do the same, the US also considered reviewing its diplomatic relations with Iceland because of the connection WikiLeaks had with that country:

An American military official tells The Daily Beast that *Washington may also want to closely review its relations with Iceland in the wake of the release of the Afghan war logs.*⁸⁸

⁸⁵ Philip Shenon, 'U.S. Urges Allies to Crack Down on WikiLeaks', The Daily Beast, 10 August 2010 <http://www.thedailybeast.com/articles/2010/08/10/a-western-crackdown-on-wikileaks.html>

⁸⁶ Philip Shenon, 'U.S. Urges Allies to Crack Down on WikiLeaks', The Daily Beast, 10 August 2010 <http://www.thedailybeast.com/articles/2010/08/10/a-western-crackdown-on-wikileaks.html#sthash.K900qoyI.dpuf>

⁸⁷ Mr McClelland also said the Australian government had considered cancelling Mr Assange's passport, but there were "issues in respect of serving a notice of cancellation":

"More importantly, there (are) issues as to whether it would be constructive or counter-productive to the law enforcement," he said.

Assange's passport would set off alarms if presented at an airport, and Mr McClelland questioned "whether it would be counter-productive to remove the identification that would in fact trigger the law-enforcement process". <http://news.smh.com.au/breaking-news-national/australia-to-help-us-over-assange-20101204-18k3w.html>

⁸⁸ See 'U.S. Urges Allies to Crack Down on WikiLeaks', The Daily Beast, 10 August 2010 <http://www.thedailybeast.com/articles/2010/08/10/a-western-crackdown-on-wikileaks.html>

11 August 2010

76. On 11 August 2010, former CIA general counsel Jeffrey Smith told National Public Radio that although the law does not permit the US government to go after me with the sole intent of harassment or putting me out of business, “I think it is entirely appropriate for us to be very aggressive”.⁸⁹ He went on to say:

*If I were the US government, I would be trying to make it as difficult as possible for the WikiLeaks founder to continue to do business... **To the extent we can persuade our allies to consider prosecution**, I think that's all to the good.*

77. US pressure even resulted in public attempts to influence decisions based on human rights considerations where I and WikiLeaks were concerned. The US pressured Switzerland not to grant me political asylum:⁹⁰

The United States ambassador to Switzerland, Donald Beyer, has also entered the Wikileaks debate. He has warned the Swiss government against granting Assange asylum, which the Australian founder of Wikileaks has said he was considering requesting. “Switzerland should very carefully consider whether to provide shelter to someone who is on the run from the law,” Beyer told the newspaper Sonntag.

78. Friends and associates of mine and volunteers of the organisation were regularly targeted at borders from this moment on.⁹¹ Border searches and interrogations have affected security researcher Jacob Appelbaum, who had given the keynote speech in my

⁸⁹ See 'WikiLeaks Faces Growing Pressure Over War Files', NPR, 11 August 2010

<http://www.npr.org/templates/story/story.php?storyId=129135378>

⁹⁰ For example, the Swiss paper NZZ am Sonntag published an article entitled 'Pressure mounts on WikiLeaks and Assange':

http://www.swissinfo.ch/eng/politics/Pressure_mounts_on_WikiLeaks_and_Assange.html?cid=28956246

and in June 2012 the Washington Post Editorial Board advocated applying coercive measures (suspending special trade preferences) to influence Ecuador's sovereign decision, based on human rights considerations, as to whether to grant me asylum http://articles.washingtonpost.com/2012-06-20/opinions/35460325_1_asylum-for-julian-assange-ecuadoran-extradition

⁹¹ On 29 July 2010 US citizen Jacob Appelbaum was detained at Newark Liberty International Airport and questioned about me for three hours by Department of Homeland Security and Army CID agents. His laptop and three cell phones were seized. https://www.nytimes.com/2010/08/02/world/02wiki.html?_r=2&
31 July 2010 – US citizen Jacob Appelbaum was questioned by two FBI agents at Defcon. http://news.cnet.com/8301-27080_3-20012253-245.html

September 2010 onwards – US citizen David House of the Bradley Manning Support Network was detained and questioned at the border on each of the seven occasions he re-entered the US after foreign travel. On 3 November 2010 – he was detained on the border by two agents, one from Homeland Security and a second from the FBI Joint Terrorism Task Force: http://www.democracynow.org/2011/3/3/bradley_manning_hit_with_new_charges The American Civil Liberties Union (ACLU) filed a civil lawsuit, which resulted in a settlement with the US government.

Early 2012 – Jeremie Zimmermann, who appears in the Collateral Murder video credits, and Smari MacCarthy, who briefly volunteered for WikiLeaks in Iceland, were both detained and questioned in US airports. <http://www.abc.net.au/4corners/stories/2012/07/19/3549280.htm>

place at the HOPE conference on 16 July 2010.⁹² In an interview for *Democracy Now!*, Appelbaum described the targeting he experiences at airports:

In the period of time since [the HOPE conference on 16 July 2010] they've started detaining me, around a dozen-plus times... I was put into a special room, where they frisked me, put me up against the wall. One guy cupped me in a particularly uncomfortable way. Another one held my wrists. They took my cellphones. I'm not really actually able to talk about what happened to those next.... And they took my laptop... then they interrogated me, denied me access to a lawyer. And when they did the interrogation, they have a member of the U.S. Army, on American soil. And they refused to let me go. They ... implied that if I didn't make a deal with them, that I'd be sexually assaulted in prison."

79. This practice has even affected my legal advisor, Jennifer Robinson, who was placed on an 'inhibited' list at Heathrow airport.⁹³ Robinson has been affected in other ways as well. In November 2010 she received an inappropriate letter from the State Department, which prompted the Lawyers Rights Watch Canada (LRWC) to issue a statement to US Secretary of State Hillary Clinton and Attorney General Eric Holder that the State Department letter had interfered with my right to counsel.⁹⁴

80. Jeremie Zimmermann, who was reported on by US intelligence at the 2009 26C3 meeting in Berlin alongside me, was subsequently ambushed at Washington Dulles airport, by individuals purporting to be FBI agents. The agents attempted to gain cooperation from Mr Zimmermann in relation to WikiLeaks through intimidating tactics. Mr Zimmermann was told that his name was mentioned in the Virginia Grand Jury against WikiLeaks. Mr Zimmermann was allowed to board his plane but was asked to contact the agents upon his arrival in France, where Mr Zimmermann lives.⁹⁵

⁹² Philip Shenon, 'U.S. Urges Allies to Crack Down on WikiLeaks', *The Daily Beast*, 10 August 2010 <http://www.thedailybeast.com/articles/2010/08/10/a-western-crackdown-on-wikileaks.html>

⁹³ See 'Who stopped Robinson? The inhibition of responsibility', *Crikey*, 20 April 2012 <http://www.crikey.com.au/2012/04/20/who-stopped-robinson-the-inhibition-of-responsibility/>. See also the transcript of ABC 4 Corners, 'Sex, Lies and Julian Assange' <http://www.abc.net.au/4corners/stories/2012/07/23/3549280.htm>

⁹⁴ The statement notes that the LRWC was "alarmed by actions of US State Department Legal Advisor Harold Hongju Koh that put British barrister Jennifer Robinson in jeopardy and interfere with the right of her client Julian Assange to be represented." <http://www.lrwc.org/statement-linking-lawyer-jennifer-robinson-with-her-client-julian-assange-violates-advocacy-rights-2/>

⁹⁵ See J. Assange with J. Appelbaum, A. Muller-Maguhn and J. Zimmermann, "Cypherpunks", ed. O/R Books at p. 27: 'Harassment of Jacob Appelbaum and Jeremie Zimmermann'.

4. Extended stay in Sweden

11 August 2010 - 27 September 2010

81. In the context of my heightened concerns about US activities in the United Kingdom I left the country on 11 August 2010. Within days of arriving in Sweden I became concerned about my safety and security there, in particular because of the pressure being brought to bear on US allies, including Sweden.

82. I was aware of the publicly stated attempts to track my movements. I used a number of risk minimisation procedures, including relying on the goodwill of friends and their circles for my safety and to protect the confidentiality of my whereabouts and communications.

83. My contacts in Sweden had arranged for me to stay in two safe houses during the few days I had intended to stay in Sweden. One of the safe houses belonged to a journalist who I knew and another to a Social Democrat party figure unknown to me who had lent her apartment while she was away. However, because these two original safe houses arranged prior to my arrival became known very soon, I stayed in three additional safe houses between 11 and 20 August 2010.

11 August 2010

84. I travelled to Sweden to put in place a legal strategy to try to protect our publishing servers, some of which were in Sweden. I believed these assets were at risk as a result of the intense political pressure from the US described above. I met with representatives of the Swedish Pirate Party, which is represented in the European Parliament, who agreed to host WikiLeaks servers in order to further protect our publishing work.⁹⁶ I also felt it was best to leave the United Kingdom at that time because the FBI was known to be carrying out operations in connection with the investigation into our publications.⁹⁷ I intended to stay in Sweden for less than a week.

85. On the same day I arrived in Sweden, 11 August 2010, I received information from an Australian intelligence source that extra-legal actions might be taken against me by the US or its allies. This was later reported in the Australian newspaper *The Age*:

An Australian intelligence official privately warned Wikileaks on August 11 last year that Assange was the subject of inquiries by the Australian Security Intelligence Organisation, and that information relating to him and others associated with Wikileaks had been provided to the US in response to requests through intelligence liaison channels.

⁹⁶ See 'Swedish Pirate Party to Host New WikiLeaks Servers', Christian Engstrom, Pirate Party Member of the European Parliament, 17 August 2010

<https://christianengstrom.wordpress.com/2010/08/17/swedish-pirate-party-to-host-new-wikileaks-servers/>

⁹⁷ See <http://www.dailymail.co.uk/news/article-1299311/FBI-question-WikiLeaks-mother-Welsh-home-Agent-interrogate-distressed-woman-search-sons-bedroom.html>

The Australian intelligence official is also claimed to have specifically warned that Assange could be at risk of "dirty tricks" from the US intelligence community.
98

13 August 2010

86. My dependency on other people while in Sweden was aggravated when, shortly after my arrival in Stockholm, my personal bank cards were blocked. On 13 August 2010, the WikiLeaks organisation's Moneybookers account could no longer be accessed. That same day, I contacted the company, who replied: "following recent publicity and the subsequently (sic) addition of the Wikileaks entity to blacklists in Australia and watch lists in the USA, we have terminated the business relationship". I requested further information from MoneyBookers on 13 August and 16 August regarding the closure, including which blacklists and watchlists my accounts and/or WikiLeaks' account had been added to, but I was refused this information (Appendix H).

87. The freezing of WikiLeaks' Moneybookers account was an early example of what in December 2010 would become a concerted extra-judicial global economic blockade against WikiLeaks by US financial service companies, including VISA, MasterCard, PayPal, Bank of America, Western Union and American Express. The blockade is the subject of several court actions, a European Commission investigation, a resolution by the European Parliament, and condemnation by the United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression and the Inter-American Commission on Human Rights Special Rapporteur for Freedom of Expression.⁹⁹ On 24 April 2013 the Supreme Court of Iceland found the blockade to be unlawful.¹⁰⁰

88. As a result of being suddenly cut off from personal and organisational funds upon arriving in Sweden, I had to rely on others not only for shelter, but also for food, safety and telephone credit. Unfortunately, my closest associates were reporters who were only sporadically in the country.

89. On 13 August 2010 one of the main Swedish newspapers, *Svenska Dagbladet*, published an article entitled 'Defence ministry prepared for the next leak', which detailed that a group within the Swedish Ministry of Defence was preparing for WikiLeaks' next publication and had analysed 76,000 previous publications from WikiLeaks in relation to

⁹⁸ See 'Assange told of ASIO snooping', *The Age*, 11 March 2011

<http://www.theage.com.au/national/assange-told-of-asio-snooping-20110315-1bvyb.html>

⁹⁹ See, for example, UN Special Rapporteur on the Promotion and Protection the Right to Freedom of Opinion and Expression and the Inter-American Commission on Human Rights Special Rapporteur for Freedom of Expression, 'Joint Statement On Wikileaks',

<http://www.oas.org/en/iachr/expression/showarticle.asp?artID=829&IID=1> and the European Parliament resolution of 20 November 2012 on 'Towards an integrated European market for card, internet and mobile payments' (2012/2040 (INI)) <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2012-0426+0+DOC+XML+V0//EN>

¹⁰⁰ Reporters Without Borders, 'Court orders Visa subcontractor to lift block on payments to WikiLeaks', 26 April 2013 <http://en.rsf.org/iceland-court-orders-visa-subcontractor-to-lift-block-on-payments-to-wikileaks-26-04-2013,44440.html>

Swedish troops in Afghanistan.¹⁰¹

18 August 2010

90. Swedish state television published a segment entitled 'We risk United States relationship deteriorating', which argued that the presence of WikiLeaks in Sweden would negatively affect the strategic relationship between Sweden and the United States.¹⁰²

91. Through the diplomatic cables I also learned of secret, informal arrangements between Sweden and the United States. The cables revealed that Swedish intelligence services have a pattern of lawless conduct where US interests are concerned. The US diplomatic cables revealed that the Swedish Justice Department had deliberately hidden particular intelligence information exchanges with the United States from the Parliament of Sweden because the exchanges were likely unlawful.¹⁰³

92. The US diplomatic cables, reports by major human rights organisations, and the UN's own findings made me aware that Sweden had been complicit in torture as a result of its participation in secret CIA renditions from 2001 through to at least 2006.¹⁰⁴ The rendition of the Swedish political refugees Agiza¹⁰⁵ and Alzery resulted in strong condemnation by the UN Committee Against Torture, Amnesty International, Human Rights Watch, and others.¹⁰⁶ There is still complete impunity for the officers of the Swedish state involved and their US counterparts. No charges have been laid although the complicity of the Swedish state has been well established in successful civil litigation. I recently learnt that Sweden was partly implicated in CIA renditions of its own citizens

¹⁰¹ See 'Försvarsmakten redo för nästa läcka', SvD, 13 August 2010

http://www.svd.se/nyheter/inrikes/forsvarsmakten-redo-for-nasta-lacka_5130211.svd

¹⁰² See 'Piratpartiets samarbete med Wikileaks: "Risk för sämre relation till USA"'

<http://www.svt.se/nyheter/sverige/piratpartiets-samarbete-med-wikileaks-risk-for-samre-relation-till-usa>

¹⁰³ See <http://wikileaks.org/cable/2008/11/08STOCKHOLM748>;

<http://wikileaks.org/cable/2007/05/07STOCKHOLM506.html>

¹⁰⁴ See <http://wikileaks.org/cable/2006/04/06STOCKHOLM527.html>

¹⁰⁵ On 18 December 2001, 45-year-old Ahmed Agiza was secretly apprehended in Sweden by Swedish Security Police. Agiza was then handed over to agents of the US CIA, who stripped him, dressed him in overalls and chained and shackled him before transporting him in a Gulfstream V aircraft to Egypt, where he was severely tortured. At the time of his unlawful rendition, Agiza, an Egyptian citizen, was living in Sweden with his wife and five young children, waiting for a determination on their political asylum application. See Binyam Mohamed et al. vs. United States and JEPPESEN DATAPLAN, INC. <https://t.co/Bi85LEMx6k>

¹⁰⁶ *Agiza v. Sweden*, Committee Against Torture, No. 233/2003, at para. 13.4, UN Doc. CAT/C/34/D/233/2003 (May 20, 2003) <http://www.unhcr.org/refworld/docid/42ce734a2.html>; *Mohammed Alzery v. Sweden*, CCPR/C/88/D/1416/2005, UN Human Rights Committee (HRC), 10 November 2006, available at: <http://www.refworld.org/docid/47975afa21.html>. The EU Parliamentary report from 2007 endorsed the findings from both the Human Rights Council and the Committee Against Torture that Sweden had violated the ban on torture in both cases: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P6-TA-2007-32>. It also suggests that Sweden's refusal to investigate or indict a single person in the matter is likely an ongoing breach of its international obligations. See also, Binyam Mohamed et al. vs. United States and JEPPESEN DATAPLAN, INC., of which Agiza was a petitioner. See <https://t.co/Bi85LEMx6k>

from Djibouti earlier this year.¹⁰⁷

93. Through an intelligence source, I became aware that on 19 August 2010, the Swedish Security Service (SÄPO) requested information about me from an Australian intelligence organisation. The Australian intelligence organisation responded to the request with information about me on 21 August 2010.

20 August 2010

94. On 20 August 2010, Swedish police opened a 'preliminary investigation' against me. The next day, the more serious allegation was dropped, but after an intervention police authorities reopened the closed preliminary criminal investigation against me on 1 September 2010. Three years have passed. Although I have not been charged with any crime, I have spent ten days in solitary confinement, more than 500 days under house arrest and over a year unable to leave the protection of the embassy of Ecuador in London as the British government refuses to abide by its international law asylum obligations.

95. According to the 'Agreed Facts' filed to the UK Supreme Court, to which the prosecutor in Sweden has agreed, the circumstances of the opening of the investigation are as follows:

*During his visit he had sexual intercourse with two women [AA and SW]. After AA and SW spoke to each other and realised that they had both had intercourse with the Appellant during the currency of his visit in circumstances where respectively they had or might have been or become unprotected against disease or pregnancy, SW wanted the Appellant to get tested for disease. On 20th August 2010 **SW went to the police to seek advice. AA accompanied her for support. The police treated their visit as the filing of formal reports for rape of SW and molestation of AA.***¹⁰⁸

On 20th August, police related the reports to the on-duty assistant prosecutor (Maria Kjellstrand) over the telephone who, at 5pm, ordered that the Appellant should be arrested.

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

¹⁰⁷ Two Swedish citizens, Ali Yasin Ahmed and Mohamed Yusuf, and one Briton, Mahdi Hashi, were held without charge for three months, physically abused, and then unlawfully renditioned to the US from Djibouti. Just days before their detention in Djibouti, Sweden dropped their own criminal investigation into these individuals, which suggests Swedish cooperation in the seizure of its own citizens in Djibouti for their subsequent rendition to the US. The case has been reported in the Independent newspaper's article 'Rendition gets ongoing embrace from Obama administration' from 2 January 2013 (<http://www.independent.co.uk/news/world/americas/rendition-gets-ongoing-embrace-from-obama-administration-8434963.html>) and in the Open Society Justice Initiative's 'CIA Secret Detention and Extraordinary Rendition' from February 2013

<http://www.opensocietyfoundations.org/sites/default/files/globalizing-torture-20120205.pdf>

¹⁰⁸ See paragraph 4, 'Agreed Statement of Facts and Issues' Submission by the parties to the Supreme Court of the United Kingdom <http://www.scribd.com/doc/80912442/Agreed-Facts-Assange-Case>. Neither of the women alleges she has been raped.

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

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);¹¹⁰

and that

she was “chocked [sic: shocked] when they arrested JA because she only wanted him to take a test (17:06)”.¹¹¹

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.¹¹²

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”.¹¹³

100. Although the police initially opened an investigation into 'rape' in relation to woman AA, there was no allegation in her testimony that she had been raped. She expressed in her statement to the police that she consented to sex (“frivilligt gått med på att ha sex med Assange”) and subsequently tweeted on 22 April in 2013 “I have not been raped”.¹¹⁴

101. The press was immediately and unlawfully informed that there was a warrant for

¹⁰⁹ My lawyers have been refused a copy of the phone records in full; the citation is paraphrased and is a direct quote from my lawyers' email.

¹¹⁰ My lawyers have been refused a copy of the phone records in full; the citation is paraphrased and is a direct quote from my lawyers' email.

¹¹¹ My lawyers have been refused a copy of the phone records in full; the citation is paraphrased and is a direct quote from my lawyers' email.

¹¹² See the women's reported testimony to the Swedish police investigation, <http://info.publicintelligence.net/AssangeSexAllegations.pdf> and versions in English: <http://rixstep.com/fup> and <http://nnn.se/nordic/assange/protocol.htm>.

¹¹³ My lawyers have been refused a copy of the phone records in full; the citation is paraphrased and is a direct quote from my lawyers' email. This SMS should read “allegations” given that I have not been charged.

¹¹⁴ The tweet was subsequently deleted, but archived as <http://archive.is/OTQWI/image>. See screenshot at Appendix K.

my arrest for the “rape of two” women. The Swedish government prosecutor unlawfully, and without any subsequent explanation or remedy, immediately confirmed to the press that there was a live warrant for my arrest. The prosecutor's breach triggered an avalanche of news reports.¹¹⁵ Within days there were millions of references online which associated my name with the word 'rape'. Immediately the police accusations were used to attack WikiLeaks' work and my reputation as its publisher.¹¹⁶ US Defense Secretary Robert Gates celebrated the news of my arrest warrant with a smile, telling reporters that the arrest “sounds like good news to me”.¹¹⁷ Various twitter accounts officially associated with the Pentagon spread descriptions of me as a “rapist” and a “fugitive”.¹¹⁸

21 August 2010

102. Less than 24 hours after the arrest warrant was issued, the chief prosecutor of Stockholm was appointed to take over the investigation and cancelled the arrest warrant, stating “I don't believe there is any reason to suspect that he has committed rape”.¹¹⁹ The Agreed Statement of Facts and Issues submitted to the UK Supreme Court states:¹²⁰

*A preliminary investigation was commenced and both women were interviewed (SW on 20th August, and AA on 21st August). At the conclusion of those interviews, on 21st August 2010, the case was taken over by the Chief Prosecutor of Stockholm (Eva Finne). Having assessed the evidence, she cancelled the arrest warrant against the Appellant; she having made the assessment that the **evidence did not disclose any offence of rape**.*

25 August 2010

103. Four days later, Chief Prosecutor Eva Finne dismissed the 'rape' investigation altogether: “I have discontinued the preliminary investigation of the charge (sic) originally designated as rape. There is no suspicion of any crime whatsoever.” The Agreed Statement of Fact and Issues submitted to the Supreme Court:

*The conduct alleged by SW **disclosed no crime at all and that file (K246314-10) would be closed**.*

¹²¹

¹¹⁵ Briefing to the Australian Parliament, 2 March 2011 <http://wlcentral.org/node/1418>

¹¹⁶ See <http://thelede.blogs.nytimes.com/2010/12/17/interviews-with-freed-wikileaks-founder/>

¹¹⁷ See <http://www.nytimes.com/2010/12/08/world/08military.html>

¹¹⁸ See <https://twitter.com/allmilitarynews/status/5284064529481729>;

<https://twitter.com/allmilitarynews/status/5315609218785280>;

<https://twitter.com/allmilitarynews/status/6020879939010560>;

<https://twitter.com/AllMilitaryNews/status/6020879939010560>.

¹¹⁹ See 'Assange inte längre misstänkt för våldtäkt', Svenska Dagbladet (SvD), 21 August 2010

http://www.svd.se/nyheter/inrikes/assange-inte-langre-misstankt-for-valdtakt_5167469.svd

¹²⁰ See paragraph 7, 'Agreed Statement of Facts and Issues' Submission by the parties to the Supreme Court of the United Kingdom <http://www.scribd.com/doc/80912442/Agreed-Facts-Assange-Case>.

¹²¹ Paragraph 9, 'Agreed Statement of Facts and Issues' Submission by the parties to the Supreme Court of the United Kingdom <http://www.scribd.com/doc/80912442/Agreed-Facts-Assange-Case>.

27 August 2010

104. A Swedish high profile Social Democrat politician Claes Borgström, who was running as a candidate in Sweden's imminent general elections along with AA¹²² was appointed counsel for the two women on 27 August 2010. He applied to re-open the investigation with a different prosecutor in the otherwise unrelated city of Gothenberg.

30 August 2010

105. I cancelled my other appointments and remained in Sweden where I appointed a Swedish lawyer, Leif Silbersky. I gave an interview to the police on 30 August 2010 in relation to the only remaining allegation. The Agreed Statement of Facts and Issues submitted to the Supreme Court of the UK states:

On 30th August 2010, the Appellant, who had voluntarily remained in Sweden to cooperate with the investigation, attended for police interview in respect of the ongoing Preliminary Investigation in respect of AA's report. He answered all questions asked of him.¹²³

106. I was highly concerned for my personal safety and the safety of WikiLeaks' operations while I remained in Sweden, but I stayed for another five weeks after the 'preliminary investigation' was initiated in order to clear my name and to cooperate with the police investigation. Only after I had obtained an assurance from the prosecutor Marianne Ny that I could leave the jurisdiction did I prepare to leave the country.

1 September 2010

107. In response to the Borgström application, Prosecutor Marianne Ny, decided to “resume” the 'rape' 'preliminary investigation' (SW) and expand AA's complaint with a number of additional allegations.¹²⁴

8 September 2010

108. The head of the Swedish military intelligence service (“MUST”) publicly denounced WikiLeaks in an article entitled 'WikiLeaks a threat to our soldiers'.¹²⁵ I

¹²² Claes Borgström appeared continuously in the media talking about my case in the run-up to the Swedish general elections, which were three weeks away. One of the two women applied for a new lawyer on 28 February 2013 because, she says, Borgström had “prioritised communicating with the media instead of with me... I no longer trust him.” According to his own estimation, Claes Borgström spent “at least 80 hours” speaking to the media about my case. See Claes Borgström's costing estimate submitted to Stockholm district court on 22 March 2013 <http://www.scribd.com/doc/134650160/Borgström-Assange-kostnadsrakning-2013>

¹²³ Paragraph 10, 'Agreed Statement of Facts and Issues' Submission by the parties to the Supreme Court of the United Kingdom <http://www.scribd.com/doc/80912442/Agreed-Facts-Assange-Case>.

¹²⁴ See 'Agreed Statement of Facts and Issues' Submission by the parties to the Supreme Court of the United Kingdom <http://www.scribd.com/doc/80912442/Agreed-Facts-Assange-Case>.

¹²⁵ See 'Wikileaks ett hot mot våra soldater', NyTeknik, 8 September 2010

became increasingly concerned about Sweden's close relationship to the US in military and intelligence matters.

109. Around this time I was warned by a trusted intelligence source that the Swedish intelligence service SÄPO had been privately told by its US counterparts that US–Sweden intelligence-sharing arrangements would be “cut off” if Sweden was viewed to be sheltering me. This is consistent with the reports I had read in the US press outlined above. I considered my continued presence in Sweden to be a serious risk to my personal safety and a risk to WikiLeaks' continued publications. I asked my lawyer to request permission for me to leave Sweden to attend planned engagements.

12 September 2010

110. While in Sweden, I continued to follow closely the international press, especially news about the US investigation against WikiLeaks and me. The article entitled 'The General Gunning for WikiLeaks' from 12 September demonstrated that my movements were being tracked and that there was intense interest in my actions and whereabouts. Pentagon officials said that:¹²⁶

[Assange] has been living openly in Europe for much of the summer and his newfound global celebrity means that he can be easily tracked.

111. I learnt that WikiLeaks' publications had created “anxiety” in the Obama administration and that, as a result, the Pentagon's “WikiLeaks War Room” had grown by 50 per cent since its announcement a month earlier:

*Officials say that in a sign of the anxiety WikiLeaks has created within the Obama administration, the staff of Carr's operation, known formally as the Information Review Task Force, **has grown by nearly 50 percent since its existence was first revealed by the Pentagon last month.***¹²⁷

112. The purpose of the Task Force was to determine what classified information WikiLeaks had received, as well as to gather information on “the workings of WikiLeaks that might someday be used by the Justice Department to prosecute Assange and others on espionage charges”.¹²⁸ I understand, having spoken to my legal advisors, that the mandate of the Pentagon's task force interferes with basic protections afforded to

<http://www.nyteknik.se/asikter/debatt/article2468311.ece>

¹²⁶ Philip Shenon, 'The General Gunning for WikiLeaks', The Daily Beast, 12 September 2010

<http://www.thedailybeast.com/articles/2010/09/12/pentagons-wikileaks-war-room-readies-for-new-document-dump.html>

¹²⁷ Philip Shenon, 'The General Gunning for WikiLeaks', The Daily Beast, 12 September 2010

<http://www.thedailybeast.com/articles/2010/09/12/pentagons-wikileaks-war-room-readies-for-new-document-dump.html>

¹²⁸ Philip Shenon, 'The General Gunning for WikiLeaks', The Daily Beast, 12 September 2010

<http://www.thedailybeast.com/articles/2010/09/12/pentagons-wikileaks-war-room-readies-for-new-document-dump.html>

publishers where free speech and freedom of the press are enforced, including the First Amendment in the US.

15 September 2010

113. My lawyer in Sweden Bjorn Hurtig obtained an agreement from the prosecutor Marianne Ny that I was free to leave Sweden.¹²⁹ I left Sweden on 27 September 2010.

5. Suspected seizure of suitcase, Stockholm/Berlin

27 September 2010

114. I had two long-standing appointments in Berlin relating to WikiLeaks' work scheduled for 27 September 2010, which I was required to attend. I had also scheduled to be in London by 30 September 2010 in order to give a prominent public talk on censorship at London's City University organised by Index on Censorship. Although there were risks attached to returning to the United Kingdom, intelligence treaties and practice meant that it would be unlikely that I would be harmed or kidnapped by the US while on UK soil. The talk offered political cover for re-entry into the UK.

115. On 27 September 2010 I arrived at Stockholm's Arlanda airport shortly after noon. It was on this flight that my suitcase, laptops, privileged attorney-client communications and other important information belonging to WikiLeaks disappeared.

116. I implement counter-intelligence practices when I am aware that there is an active intelligence interest in my activities and movements. As I have explained above, I had learned through WikiLeaks' own sources and through media reports that there were heightened activities of this nature directed at me. As an investigative journalist who specialises in intelligence reporting, one of the methods I use to reduce the chance of post-flight surveillance of my work is to buy or exchange tickets immediately before a flight, often at the airport, so that intelligence services do not have sufficient time to observe, understand, alert, authorise, equip and deploy.

117. I followed my routine counter-intelligence practice in this instance as well. I arrived at the airport just after noon with the intention of purchasing a ticket shortly before the departure on the early afternoon flight. However, I was not able to gain a seat on my preferred flight and had to wait until a later flight, SAS SK2679 departing at 17.25. As a result, I was forced to wait at the airport for many hours longer than I would prefer, given my security concerns.

118. I knew that Swedish intelligence services, and possibly other countries' intelligence

¹²⁹ See Agreed Statement of Facts and Issues, UK Supreme Court (February 2012) <http://www.scribd.com/doc/80912442/Agreed-Facts-Assange-Case>

agencies, were likely to monitor Arlanda airport and its ticketing system.¹³⁰ I was concerned that my continued presence at Arlanda would be noticed and would permit those monitoring the airport to inform US authorities of my presence, take action themselves and/or alert German counterparts or services operating unlawfully in Germany of my pending arrival.

119. I checked in one suitcase on SAS flight SK2679 to Berlin. I was in the middle of the check-in queue. The suitcase was a medium-size soft suitcase with tan colour, trolley wheels and an extendable handle. It weighed 13 Kg and contained three encrypted laptops, telephone power supplies, assorted electronics, additional encrypted hard drives, telecommunications equipment and clothing. The phones, documents and other materials, including a laptop, which were the most difficult to protect I carried with me on my person, up to the allotted carry-on weight.

120. My boarding pass states that I took flight “SK2679”, scheduled to depart 17:25 and shows that I had checked one bag weighing 13 Kg, PNR “ZR37P”, with tracking number “0117 SK 847249 SK 2679 /27SEP” (Appendix A).

121. I had no issues during check-in for the flight. The luggage that had been checked in was easily identifiable because it was under my name. Boarding was briefly delayed for reasons unknown to me.

122. When I arrived at Berlin Tegel airport I went directly to the designated luggage carousel. My luggage did not appear. I then immediately went to the airport luggage claim office. The claim office said there was no unclaimed luggage there and that no one else from my flight, a direct flight within the Schengen area, was missing their luggage. The office also told me that it was extremely unusual that luggage had disappeared from a direct SAS flight within the Schengen open border area between Stockholm Arlanda and Berlin Tegel. This was also conveyed to Mr Wahlstrom (Appendix G) and Mr Stark and Mr Rosenbach (Appendix F)

6. Efforts to recover the suitcase and file a police complaint

¹³⁰ See the controversial agreements between the US Department of Homeland Security and the EU in relation to sharing Passenger Name Records (PNR) with the US and the debate regarding the sharing deal. www.rue89.com/2008/03/04/a-divided-europe-wants-to-protect-its-personal-data-wanted-by-the-us. See also Sweden's controversial signals surveillance 'FRA' law introduced in 2008: <http://www.redicecreations.com/article.php?id=4076>. The US diplomatic cables show data retention reforms in Sweden were driven by US foreign policy <http://cablegatesearch.net/cable.php?id=09STOCKHOLM141&version=1314326040&q=09stockholm141>. See Rickard Falkvinge, 'Sweden's new wiretapping law “much worse than the Stasi”', The Local, 10 June 2008 <http://www.thelocal.se/article.php?ID=12334&print=true>

123. I filed a formal property irregularity report and received a copy of the complaint (Appendix B), which lists the baggage tag number as “SK847249” and the reference number as “TXLSK11342/27SEP10/1742GMT”. I provided details about how to contact me. The luggage claims office also gave me a small black bag containing toiletries and a T-shirt. I was told that the disappearance was highly unusual and that my suitcase would most likely arrive on the next flight from Stockholm. Over the next days, six people (including myself) made inquiries to try to track down the suitcase.

124. I sent a message through to a journalist colleague, Johannes Wahlstrom, who was in Sweden, informing him of the situation. I asked him to make inquiries in Sweden. His affidavit is attached in Appendix G.

125. From the airport I travelled to meet Stefania Maurizi of *L'Espresso*, who has also submitted an affidavit (attached in Appendix E) and Kristinn Hrafnsson of WikiLeaks (Appendix D). We met at Berlin's Best Western Hotel. I told Ms Maurizi that my luggage had disappeared without trace from a direct SAS flight flying Stockholm to Berlin. The next day I met again with the Italian journalist Stefania Maurizi to start a publishing partnership between WikiLeaks and her publication in relation to 15,000 unpublished documents relating to the war in Afghanistan. Stefania Maurizi subsequently wrote about our meeting and the suspected seizure of my luggage in an article published in the Italian newspaper *l'Espresso*.¹³¹

126. On 28 September 2010, I called my then-Swedish lawyer Bjorn Hurtig in Sweden to inform him of the suspicious disappearance of the luggage containing the WikiLeaks equipment and to ask him to make inquiries. Ms Stefania Maurizi was present during this call.

127. That same day, Kristinn Hrafnsson and I met as planned with Holger Stark and Marcel Rosenbach (whose affidavit is attached in Appendix F) from the publication *Der Spiegel*. We met at the home of Andy Muller-Maguhn (affidavit in Appendix C) from the Wau Holland Foundation. The purpose of the meeting with *Der Spiegel* was to discuss the publishing partnership between *Der Spiegel* and WikiLeaks, which involved the publication of 400,000 secret documents of the Iraq War and more than 251,000 confidential US diplomatic cables. I informed Mr Stark and Mr Muller-Maguhn about the disappearance of the WikiLeaks equipment and asked for their advice about how to track it from Germany.

128. The meetings with Stefania Maurizi of *l'Espresso* and Holger Stark and Marcel Rosenbach from *Der Spiegel* were pre-scheduled. WikiLeaks shares material it has obtained with publishing partners in order to maximise the coverage of WikiLeaks' material. In practice, entering a partnership has two components. The first is the signing of a document agreeing to the terms of publishing the material, such as the publishing schedule and information-sharing relating to the coverage of the material. The second is a handover of material. These meetings had been arranged through various means of

¹³¹ See 'L'eversore' published in *L'Espresso* magazine, 9 December 2010 (available in print only, see Appendix J).

communication. Mr Muller-Maguhn's affidavit estimates that the meetings were set up in early September 2010 (Appendix C). The meeting with Stefania Maurizi was arranged over open email, which meant that this correspondence was interceptable. The intelligence services could have had ample time to prepare an operation through monitoring these communications, for example by trying to seize material which was going to be handed over (just such an interception and seizure operation occurred on 18 September 2013 of alleged US classified documents being carried by David Miranda for journalistic purposes – a matter also connected to me and to the *Guardian* newspaper¹³²). The first contact was made by Stefania Maurizi on 26 July 2010, and I replied on 7 August, four days before flying to Stockholm. The date of the meeting was confirmed for 27 and 28 of September over a month before, on 25 August 2010 (Appendix L).

129. On my behalf, Mr Muller-Maguhn, Holger Stark and Marcel Rosenbach made several calls that night and over the coming days to those responsible in Germany for lost property claims. They told me that these inquiries revealed that there was no record of the suitcase after it entered Stockholm Arlanda airport.

130. I refer to Appendix F, in which the affidavit of Mr Stark and Mr Rosenbach explains that they spoke to a Miss Kahland, the supervisor for lost and found luggage at Tegel airport. Miss Kahland was reachable on the phone number +493088756140. Mr Stark and Mr Rosenbach explain in their affidavit that they were told that the company in charge was GlobeGround. GlobeGround in Berlin made multiple inquiries with the ground staff at Stockholm Arlanda, but were given no response at all. (See Appendix D and page 4 of Appendix C.)

131. The only information the GlobeGround company could provide was that the suitcase was correctly labelled and scanned when I checked in at Stockholm Arlanda (Appendix C).

132. Further inquiries by Mr Stark and Mr Rosenbach led to a company called Acciona. The Duty Manager at Acciona, who was reachable on +493041013718, claimed that according to the records, my suitcase appeared not to have left Stockholm. Neither Acciona nor GlobeGround could provide a reason why (Appendix F).

133. Andy Muller-Maguhn (Appendix C) learned through his inquiries that the disappearance of my luggage on a flight with these characteristics was highly unusual: where luggage goes missing there is a 12-hour policy in place for the Star-Alliance partners. If inquiries are not dealt with within this time frame, the inquiry is prioritised. It seemed that this had not happened in my case. My suitcase had simply disappeared from the system. The lack of response or resolution on the part of the authorities and handling companies compounded these unusual characteristics.

134. Kristinn Hrafnsson, who was with Mr Muller-Maguhn at the time, said that the latter “quoted someone working for the luggage handler saying that he had never

¹³² Glenn Greenwald, 'Detaining my partner will have the opposite effect to that intended', *The Guardian*, 18 August 2013 <http://www.theguardian.com/commentisfree/2013/aug/18/david-miranda-detained-uk-nsa>

encountered anything like this before” (Appendix D).

135. Mr Wahlstrom (Appendix G) called the air carrier SAS from Sweden to inquire about my luggage. The airline representative said that the bag was checked in but she didn't know where it was. The representative told Mr Wahlstrom that it was the first time in her life that she had seen this happen, because usually the computer system will give an indication of where the luggage has been misplaced. Since the representative could not see the bag in her computer system she said that there was nothing she could do, but if it showed up she would contact him. He left his address and telephone number (Appendix G). Mr Wahlstrom called the airline on several other occasions in the subsequent days. He informed me that the luggage had not been found.

136. Given that Johannes Wahlstrom's inquiries had not yielded any results, I asked him to report the matter to the Swedish police. Mr Wahlstrom explains in his affidavit that he contacted the police approximately one week after the luggage went missing (Appendix G). Mr Wahlstrom spoke to police detective Mats Gehlin. He explained that I was concerned that an intelligence operation was behind the seizure and that I was concerned that WikiLeaks' material had been stolen. He also explained that I felt uneasy about trusting the Swedish authorities with this matter, given the possible involvement of the Swedish secret services and the previous events. Detective Mats Gehlin told Johannes Wahlstrom that if the security services were involved in the seizure of my luggage, he would be aware of it. Gehlin promised to make inquiries. Mr Wahlstrom was given no explanation or contacted thereafter (Appendix G). Police detective Gehlin was actively involved in the 'preliminary investigation' of the sex case against me. He had easy access to my lawyer. He could have contacted my lawyer if he was unwilling to contact Mr Wahlstrom regarding the matter. Mr Wahlstrom was not contacted, and my lawyer Bjorn Hurtig informed me that he had not been contacted about this matter either.

137. I understand by my lawyers that the failure to explain or remedy this situation by all of the authorities involved, including the Swedish police, constitutes a failure to enforce my right to an effective remedy. I understand that I am within my rights to challenge those authorities that were responsible for the safe delivery of my property across borders.

7. Continued US efforts to stop WikiLeaks' publications

October – December 2010

138. A large escalation of resources in the military and intelligence community occurred during my stay in Sweden and following my departure. As the reported spying and tracking intensified it became clear that the US was attempting to stop our publishing activities, as we had yet to publish the *Iraq War Logs* and the US diplomatic cables. This

resource escalation was matched by US officials' belligerent messages.¹³³

22 October 2010

139. WikiLeaks published the *Iraq War Logs* from London. The War Logs record 109,000 violent deaths, including 66,081 civilian deaths. The release was later credited as ultimately leading to the end of the Iraq War.¹³⁴ The UN High Commissioner for Human Rights, Navi Pillay, stated formally on 26 October 2010 that the US is under an obligation to investigate the human rights violations documented in WikiLeaks' *Iraq War Logs*:¹³⁵

The files reportedly indicate that the US knew, among other things, about widespread use of torture and ill-treatment of detainees by Iraqi forces, and yet proceeded with the transfer of thousands of persons who had been detained by US forces to Iraqi custody between early 2009 and July 2010. The files also allegedly include information on many undisclosed instances in which US forces killed civilians at checkpoints and during operations.

The US and Iraqi authorities should take necessary measures to investigate all allegations made in these reports and to bring to justice those responsible... in line with obligations under international human rights law, including the International Covenant on Civil and Political Rights to which both the US and Iraq are parties.

140. During this time, the intelligence activities against me and WikiLeaks by the US and other governments made known to me increased. US National Security Agency (NSA) officials reportedly stated¹³⁶ that they had evidence that the Russian intelligence agency FSB was closely surveilling WikiLeaks and myself:

*National-security officials say that the **National Security Agency**, the US government's eavesdropping agency, has already picked up tell-tale electronic evidence that **WikiLeaks is under close surveillance by the Russian FSB***

who, it was reported, was

capable of organizing “the right team” to target WikiLeaks and “shut it down forever.”

¹³³ See footnotes 12, 35 and 144.

¹³⁴ See 'Obama: Iraq war will be over by year's end; troops coming home', CNN, 22 October 2011 <http://edition.cnn.com/2011/10/21/world/meast/iraq-us-troops>; and 'WikiLeaks cables and the Iraq War', Salon, 23 October 2011 http://www.salon.com/2011/10/23/wikileaks_cables_and_the_iraq_war/ and 'Iraq refuses to extend US military diplomatic immunity after WikiLeaks exposed crimes', Bradley Manning Support Network <http://www.bradleymanning.org/press/update-102511-iraq-refuses-to-extend-u-s-military-diplomatic-immunity-after-war-crimes-exposed-through-wikileaks-cable>

¹³⁵ See <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10477>

¹³⁶ See <http://www.thedailybeast.com/articles/2010/11/30/moscows-bid-to-blow-up-wikileaks-russians-play-by-different-rules.html>

4 November 2010

141. I continued to give talks, believing publicity to be partly protective against the assassination and kidnapping threats levelled against me and my staff, and to travel, but I took increased precautions: I moved around with professional bodyguards. On 4 November 2010 I gave a talk in Geneva on the theme “The USA and Human Rights” at the United Nations Universal Periodic Review (UPR). I was invited to speak because the human rights record of the United States was being reviewed as part of the ninth session of the UPR, and because WikiLeaks was in the process of exposing human rights violations in different countries.¹³⁷ United Nations and Swiss security officials, also concerned for my safety, supplemented my two bodyguards with another four (two Swiss, two working for the United Nations).

22 November 2010

142. On 22 November 2010, the WikiLeaks Twitter account announced that the coming publication would be seven times bigger than the *Iraq War Logs*.¹³⁸ The tweet was referring to the imminent publication of *Cablegate*.

28 November 2010

143. WikiLeaks commenced publishing *Cablegate*, 251,287 US diplomatic cables of the period 1966-2010.¹³⁹ The classified diplomatic dispatches related to every country in the world. In terms of content, it was the largest set of classified documents ever to be published.

29 November 2010

144. State Department spokesman P.J. Crowley stated that “we are investigating aggressively” into WikiLeaks and that a State Department “War Room”, which is different from the Pentagon “War Room”, had been set up.¹⁴⁰

30 November 2010

145. On 30 November 2010, two days after WikiLeaks started publishing *Cablegate*, Interpol issued a Red Notice to 188 countries for my arrest in relation to the Swedish “preliminary investigation” (for which no charges or indictment existed). Interpol also

¹³⁷ See <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRSessions.aspx>

¹³⁸ See 'WikiLeaks Promises Release 7x the Size of Iraq War Logs Leak', PCMag, 22 November 2010
<http://www.pcmag.com/article2/0,2817,2373147,00.asp>

¹³⁹ See <http://wikileaks.org/cablegate.html>

¹⁴⁰ Daily Press Briefing, Washington DC, 29 November 2010
<http://www.state.gov/r/pa/prs/dpb/2010/11/152085.htm>

published a press release translated into five languages promoting the Red Notice.

2 December 2010

146. Sweden issued a European Arrest Warrant on 2 December 2010, which was certified by the UK Serious Organised Crimes Agency (SOCA).

147. Days later in early December 2010, the economic persecution against WikiLeaks and me personally started to commence.¹⁴¹ VISA, MasterCard, Bank of America, Western Union, PayPal and others implemented an arbitrary blockade against WikiLeaks' donations at the peak of the donations period. The blockade was imposed outside of any administrative or legal process. The blockade also affected my personal economic freedoms. I was placed into Thomson Reuters World-Check's database, which has prevented me from opening new bank accounts or registering new businesses. World Check is a confidential blacklisting service used by banks and accountancies to check for "Politically Exposed Persons" or PEPs. I was placed on World-Check's list without my knowledge, even though I do not fit the formal definition of a PEP.¹⁴²

148. The blockade against WikiLeaks is imposed without an underlying judicial or administrative order in the United States or anywhere else, although instances of political pressure on these companies have come to light.¹⁴³ The effects of this persecution are global. Prominent politicians in the United States attempted to formalise the blockade in law.¹⁴⁴ These attempts failed after the US Treasury found that there were no lawful

¹⁴¹ Paypal discontinued its service on 3 December 2010 and the next day blocked the German Foundation Wau Holland Stiftung's (WHS) access to its PayPal account, which received donations for other projects in addition to WikiLeaks. PayPal also attempted to freeze the remaining money in the account for 180 days. The money was released immediately after a WHS lawyer intervened. On 6 December, Swiss Post Finance froze my Legal Defence Fund account. The following day, VISA and MasterCard stopped processing donations to WikiLeaks (7 December). On 15 December, Germany's FA Kassel tax authority initiated an investigation into WHS's charitable status. The investigation, WHS representatives were privately told, was politically motivated. On 18 December, Bank of America discontinued "transactions of any type that we have reason to believe are intended for WikiLeaks". Three days later, Western Union added WikiLeaks to its 'Interdiction List'. See <http://www.spiegel.de/international/germany/hamburg-revokes-2010-tax-exemption-for-wikileaks-supporter-a-865671.html>; <http://wikileaks.org/Banking-Blockade.html>

¹⁴² "Politically Exposed Persons" (PEPs) are individuals who are or have been entrusted with prominent public functions in a foreign country, for example Heads of State or of government, senior politicians, senior government, judicial or military officials, senior executives of state owned corporations, important political party officials.", World-Check, "Refining the PEP Definition" (Ed. II), 2008 http://www.world-check.com/media/d/content/whitepaper/reference/Refining_the_PEP_Definition_-_EditionII.pdf

¹⁴³ "MasterCard Incorporated had conversations with certain Congressional staff" (Congress Homeland Security Committee Chairman, Peter T. King). MasterCard's submission to the European Commission, 25 August 2011 <http://wikileaks.org/IMG/pdf/EUPreliminaryDecision1.pdf>

¹⁴⁴ The Chairman of the US Congress Committee on Homeland Security, Peter T. King, called for WikiLeaks, and me personally, to be placed on the Specially Designated National and Blocked Persons List (SDN List), and stated "The US government should be making every effort to strangle the viability of Assange's organization." 'King Calls on Treasury Secretary Geithner to Act to Disrupt WikiLeaks', 12 January 2011 <http://homeland.house.gov/press-release/king-calls-treasury-secretary-geithner-act-disrupt-wikileaks> and 'Congressman wants WikiLeaks listed as terrorist group', CNet, 28 November 2010 http://news.cnet.com/8301-13578_3-20023941-38.html#ixzz16keYyAPb

grounds to blacklist the WikiLeaks organisation.¹⁴⁵ The blockade has been in force since December 2010, but has been weakened significantly after WikiLeaks won a Supreme Court case in Iceland against VISA subcontractor Valitor in April 2013.¹⁴⁶

7 December 2010

149. The day after UK authorities certified the Swedish arrest warrant, I appeared at the police station, having made a prior appointment. This is the first time I was informed of the accusations against me in Sweden. I was arrested and placed in solitary confinement in Wandsworth high security prison for ten days.

8 December 2010

150. One day after I was imprisoned, the UK newspaper *The Independent* reported that the US and Sweden had entered informal talks regarding my extradition from Sweden to the United States in connection with the US Grand Jury and FBI investigation against WikiLeaks.¹⁴⁷

151. The matter of whether the warrant issued by the Swedish prosecutor was valid would become the subject of three UK court cases over the next year and a half.¹⁴⁸

¹⁴⁵ See 'Treasury: We 'don't have the evidence' to launch WikiLeaks embargo', The Hill, 14 January 2011 <http://thehill.com/blogs/hillicon-valley/technology/137969-treasury-dept-we-dont-have-the-evidence-to-launch-wikileaks-embargo>

¹⁴⁶ The economic blockade remains in place, but it has been weakened as a result of WikiLeaks' ability to challenge the blockade before the courts in certain jurisdictions, Iceland in particular. On 24 April 2013, Iceland's Supreme Court ordered VISA subcontractor Valitor to reopen the gateway for WikiLeaks donations, one of the arms of the economic blockade (<http://en.rsf.org/iceland-court-orders-visa-subcontractor-to-26-04-2013.44440.html>). The Supreme Court of Iceland confirmed the previous ruling that Valitor had breached its contract in discontinuing the processing of donations to WikiLeaks. Valitor complied with the Supreme Court order and reopened its payment gateway, but gave formal legal notice that it would terminate its contract and re-close the gateway on 1 July 2013, citing a unilateral termination clause in the contract. Valitor subsequently reversed its position after MasterCard notified Valitor that it has decided to put an end to its WikiLeaks blockade. The blockade of VISA and others is still in force (<http://wikileaks.org/MasterCard-breaks-ranks-in.html>; <https://www.datacell.com/news/victory-over-credit-card-companies-wikileaks-donations-possible-again/>). The European Parliament has similarly expressed that credit cards may not arbitrarily cease processing payments. The Parliament passed a resolution on 20 November 2012 'Towards an integrated European market for card, internet and mobile payments' (2012/2040 (INI)) to remedy this (<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2012-0426+0+DOC+XML+V0//EN>). A court claim for compensation is currently being prepared. Damages are estimated at \$72.7m USD.

¹⁴⁷ See 'Assange could face espionage trial in US', The Independent, 8 December 2010 <http://www.independent.co.uk/news/uk/crime/assange-could-face-espionage-trial-in-us-2154107.html>

¹⁴⁸ See <http://www.supremecourt.gov.uk/news/379.html>

7.1. Known US intelligence operations against WikiLeaks in Europe since 2011

152. I learnt through a Parliamentary Inquiry in Iceland in February this year details of illegal FBI operations in Iceland in connection with its investigation into WikiLeaks. WikiLeaks spokesman Kristinn Hrafnsson was present at the inquiry. On 24 August 2011, six FBI agents and two US Department of Justice prosecutors flew by private jet to Iceland. Over the next days the Interior Minister was made aware that the operations being carried out were different from those initially presented by the US authorities. The FBI purported to be investigating a breach of the Icelandic Parliament's computer system, while in reality it was carrying out interrogations relating to the FBI's WikiLeaks investigation. The Icelandic Interior Minister stated that the FBI operations were illegal and violated Icelandic sovereignty. The FBI and US prosecutors were then expelled from the country.

153. A recent article in Slate magazine about the incident interviewed the then-Interior Minister, Ögmundur Jónasson, who explained that:

*Icelandic authorities initially believed the FBI agents had come to the country to continue their investigation into the impending LulzSec hacking attack on Icelandic government computers. But **once it became clear that the FBI agents were in fact engaged in a broader swoop to gather intelligence on WikiLeaks... the agents were asked to immediately remove themselves from the country.**¹⁴⁹*

154. According to newspaper reports, the inquiry revealed that

*The FBI agents interrogated the man, who is twenty years old, **for five days after the Ministry of the Interior declined to cooperate with the FBI.** The interrogations took place in hotels around Reykjavik but never at the US embassy.¹⁵⁰*

155. The Icelandic government considered the FBI's unauthorised activities in Iceland illegal:

Mr. Ossur Skarphedinsson, the Minister of Foreign Affairs, said** to a local newspaper today that **the FBI's stay in Iceland was illegal.

Mr. Skarphedinsson added: "Therefore, we at the Ministry of Foreign Affairs thought that these conversations should be prevented, to protect this Icelandic

¹⁴⁹ Slate, 'WikiLeaks' Teenage Benedict Arnold', 9 August 2013

http://www.slate.com/articles/technology/future_tense/2013/08/sigurdur_thordarson_icelandic_wikileaks_volunteer_turned_fbi_informant.single.html

¹⁵⁰ News of Iceland, 'FBI told to leave Iceland – Took a boy with them', 5 February 2013

<http://www.newsiceland.com/home/politics/foreign-affairs/item/691-fbi-told-to-leave-iceland-took-a-boy-with-them>

citizen, because **the conversations took place at very unusual places and without authorization.**¹⁵¹

156. The Icelandic Parliamentary inquiry into the incident, held in February 2013, revealed that the FBI was attempting to entrap me through Sigurdur Thordarson:¹⁵²

*Minister of the Interior [of Iceland] Ögmundur Jónasson stated his opinion at Alþingi, the Icelandic parliament, that **the FBI had intended to use the young man they questioned, known as Soggi 'the hacker', as bait in their investigation of WikiLeaks.***¹⁵³

157. Then-Interior Minister Jónasson told Slate:

“I think it was a question of trying to frame Julian Assange... And they wanted Icelandic authorities to help them with that.”

158. In a different article, Jónasson said that:

*"We made clear to the American authorities that this was not well-seen by us".*¹⁵⁴

159. After the FBI was expelled from Iceland, Thordarson was flown to Denmark. There he stayed at the Hilton hotel near Copenhagen airport, where the FBI interrogated him further. He was flown to Copenhagen for further FBI interrogations on 3 October 2013, and on 18 March 2012. I understand by my lawyers that if these interrogations were not approved by the state of Denmark then they would be unlawful.¹⁵⁵

160. Thordarson was flown to Washington where he was interrogated for four more days. During this time he reportedly stayed at the Marriott hotel in Arlington, Virginia.¹⁵⁶

¹⁵¹ News of Iceland, 'FBI told to leave Iceland – Took a boy with them', 5 February 2013
<http://www.newsoficealand.com/home/politics/foreign-affairs/item/691-fbi-told-to-leave-iceland-took-a-boy-with-them>

¹⁵² Iceland Review, 'Iceland Minister: FBI Used Hacker to Bait WikiLeaks', 14 February 2013
http://www.icelandreview.com/icelandreview/daily_news/Iceland_Minister_FBI_Used_Hacker_to_Bait_WikiLeaks_0_397837.news.aspx

¹⁵³ Iceland Review, 'Iceland Minister: FBI Used Hacker to Bait WikiLeaks', 14 February 2013
http://www.icelandreview.com/icelandreview/daily_news/Iceland_Minister_FBI_Used_Hacker_to_Bait_WikiLeaks_0_397837.news.aspx

¹⁵⁴ Associated Press, 'Minister: Iceland refused to help FBI on WikiLeaks', 1 February 2013
<http://bigstory.ap.org/article/minister-iceland-refused-fbi-aid-over-wikileaks>

¹⁵⁵ The Copenhagen Post, 'FBI met WikiLeaks informant in Copenhagen', 15 August 2013
<http://cphpost.dk/international/fbi-met-wikileaks-informant-copenhagen>

¹⁵⁶ Slate, 'WikiLeaks' Teenage Benedict Arnold', 9 August 2013
http://www.slate.com/articles/technology/future_tense/2013/08/sigurdur_thordarson_icelandic_wikileaks_volunteer_turned_fbi_informant.single.html

161. Further details about the FBI's dealings with Thordarson have recently emerged after Thordarson has agreed to give interviews about his FBI collaboration:¹⁵⁷

Thordarson says the agents also wanted information about WikiLeaks' technical and physical security and the locations of WikiLeaks' servers; they asked him, too, for names of individuals linked to WikiLeaks who might be open to becoming informants if approached by the FBI.

Once, he says, he told the agents that he was planning a visit to see Assange at Ellingham Hall. Eager to take advantage of the trip, they asked him to wear a recording device and make copies of data stored on laptops used by WikiLeaks staff.

Before his penultimate meeting with US authorities, in early February 2012, Thordarson says he was instructed to build relationships with people close to WikiLeaks in order to gather information for the feds.¹⁵⁸

162. Thordarson's final meeting with the FBI took place in Aarhus in Denmark, where the FBI acquired data that had been stolen from staff, friends and associates of WikiLeaks. At least some of the material had been stolen at Ellingham Hall, the house where I was staying under house arrest in Norfolk. The material allegedly included information relating to publishing partnerships, chat communications and private information such as copies of passports, video footage taken in secret, and bills. The FBI allegedly obtained the material in exchange for two payments amounting to US\$5,000.

163. Danish authorities have refused to comment on whether they were aware that the FBI repeatedly conducted interrogations with Thordarson in Denmark and whether they authorised the FBI's operation, which involved acquiring stolen property belonging to a publishing organisation. I understand by my lawyers that conducting such operations without the authorisation of the Danish authorities would be illegal.

164. Danish media reports have speculated over whether the FBI's acquisition of the stolen material may have compromised the protections of Danish publications and journalists.¹⁵⁹ Wikileaks entered into publishing partnerships and I had had dealings with several Danish journalists in relation to *Cablegate*.¹⁶⁰

¹⁵⁷ Thordarson has also tweeted about his collaboration: <http://archive.is/KHWhZ>, <http://archive.is/fovxc>, <http://archive.is/582eA>.

¹⁵⁸ Slate, 'WikiLeaks' Teenage Benedict Arnold', 9 August 2013 http://www.slate.com/articles/technology/future_tense/2013/08/sigurdur_thordarson_icelandic_wikileaks_volunteer_turned_fbi_informant.single.html

¹⁵⁹ See 'FBI spionerede mod Assange via Danmark' [FBI spied on Assange via Denmark], Journalisten.dk, 14 August 2013 <http://journalisten.dk/search/node/assange%20fbi>

¹⁶⁰ See 'FBI met WikiLeaks informant in Copenhagen', The Copenhagen Post, 15 August 2013 <http://cphpost.dk/international/fbi-met-wikileaks-informant-copenhagen>

7.2. Known intelligence operations in the United Kingdom

June 2013 – present

165. On 24 August 2012 I gave a public speech from the Ecuadorian embassy. A high resolution camera operated by the British Press Association captured a police document (Appendix I). The document indicated that the Metropolitan Police's counter-terrorism protective security command (S020) and the unknown 'SS10' unit were involved in surveilling the embassy. In addition to the unexplained presence of the counter-terrorism unit and other police units deployed on this day, the document revealed that the police force was instructed to violate the Vienna Convention on Diplomatic Relations in order to arrest me:

“Action required Assange to be arrested under all circumstances” including if “He comes out with dip immune [diplomatic immunity] as dip bag in dip bag in dip vehicle.”

166. UK reports speculated whether SS10 was in fact S010 – the Metropolitan Police's covert operations group, given that the leaked police document states:

“Discuss possibilities of distraction [in relation to arresting Assange] - SS10 to liaise.”

167. These instructions to police units were revealed after a week of diplomatic tension between the UK and Ecuador. Ecuador's Foreign Minister disclosed on 15 August 2012 that an official communication from the UK Foreign Office had threatened to breach the embassy mission if Ecuador did not hand me over to the UK police.¹⁶¹ Resolutions by ALBA, UNASUR and the OAS condemned the UK's communication.¹⁶² The real intent to enter the embassy was confirmed by a former UK ambassador.¹⁶³

168. The UK has reportedly spent more than £4 million on embassy police surveillance alone between June 2012 and June 2013, not including the constant covert surveillance of the mission.¹⁶⁴ The mayor of London, Boris Johnson, commented in an ethics committee this year that the expenditure of surveillance on the embassy is

¹⁶¹ 'Ecuador ratifica su posición frente a amenaza del Reino Unido', 15 August 2012 <http://cancilleria.gob.ec/es/ecuador-ratifica-su-posicion-frente-a-amenaza-del-reino-unido/> ; 'Canciller Patiño denuncia amenaza del Gobierno británico de arrestar a Julián Assange en la Embajada del Ecuador', 18 August 2012 <http://cancilleria.gob.ec/es/canciller-patino-denuncia-amenaza-del-gobierno-britanico-de-arrestar-a-julian-assange-en-la-embajada-del-ecuador/>

¹⁶² 'Declaracion del IX Consejo Político Extraordinario de la Alianza Bolivariana para los Pueblos de Nuestra América', 18 August 2012 <http://cancilleria.gob.ec/es/declaracion-del-ix-consejo-politico-extraordinario-de-la-alianza-bolivariana-para-los-pueblos-de-nuestra-america/>

¹⁶³ See <http://www.craigmurray.org.uk/archives/2012/08/americas-vassal-acts-decisively-and-illegally/>

¹⁶⁴ See 'Julian Assange police guard cost nears £3m', BBC, 15 February 2013 <http://www.bbc.co.uk/news/uk-21480648>

“absolutely ridiculous, that money should be spent on frontline policing... It’s completely wasted.”¹⁶⁵

169. On 14 June this year a hidden microphone was discovered by Ecuadorian security staff inside the embassy where I live.¹⁶⁶ According to the information disclosed at a press conference in Quito, the device had GSM activation and was discovered in an electrical socket, where it had been active for two months. The UK private company Surveillance Group Ltd was said to be associated with the make of the bugging device. Ecuador initiated an investigation and sought the cooperation of the UK authorities to ascertain the origin of the device and the circumstances of the breach of the Vienna Convention in relation to the inviolability of diplomatic premises.

¹⁶⁵ See

http://www.london24.com/news/politics/mayor_s_office_may_launch_ethics_committee_to_deal_with_police_complaints_1_2271509

¹⁶⁶ 'UK security firm bugged our embassy: Ecuador', Sydney Morning Herald, 4 July 2013 <http://www.smh.com.au/it-pro/security-it/uk-security-firm-bugged-our-embassy-ecuador-20130704-hv0pw.html>

8. Concluding remarks

170. I am submitting this affidavit for the reasons set out in the opening section. My legal advisors have informed me that as well as the rights enjoyed by individuals, as a publisher and journalist, my work is protected by the corresponding laws that are binding upon Sweden and Germany and other European countries as well as the US. I have also been informed that in submitting this document, I am seeking to exercise my right to an effective remedy, which has so far been denied to me in relation to this matter. Icelandic authorities have confirmed that the FBI acted illegally in Iceland in relation to their intelligence activities against me and the WikiLeaks organisation in August 2011. The FBI also potentially acted unlawfully in Denmark during 2011 and 2012, where it interrogated Sigurdur Thordarson and obtained stolen material belonging WikiLeaks and other publishing organisations and private information belonging to third parties. Those who bugged the embassy in which I reside acted with evident illegality. There is a clear pattern of extraterritorial and extra-legal interference with my work. This contributes to a view that the US likely acted in an unlawful manner in its monitoring of me and Mr Zimmermann in Germany during December 2009 and that my and WikiLeaks' property was likely unlawfully seized on 27 September 2010

171. A White House press release announced on 15 August 2013 that US President Barack Obama will travel to Sweden on 4 and 5 September together with a US delegation, which is expected to contain numerous US officials from the White House and US State Department.¹⁶⁷ President Obama and other senior officials from the White House and the State Department have been directly involved in the US response to WikiLeaks' publications. Members of the delegation may have information relevant to an investigation of this matter.

172. I am informed by my legal advisors that this formal document may trigger an investigation and that independent judicial bodies may seek explanations of the responsible authorities as a result. I file this affidavit in the knowledge that there will likely be pressures for this matter not to be investigated, but in the knowledge that the law requires an investigation. I request that Swedish judicial authorities act swiftly to question and arrest if necessary those who are likely to have information about or bear criminal responsibility for the actions taken against WikiLeaks and my person as detailed in this affidavit.

Julian Paul Assange
AFFIRMED this 2nd day of September 2013
at the Embassy of Ecuador in London

¹⁶⁷ See 'Statement by the White House Press Secretary on the President's Travel to Sweden', 15 August 2013 <http://www.swedenabroad.com/en-GB/Embassies/Washington/Current-affairs/News/President-Obama-to-Sweden-sys/>

9. Appendices

- 9.1 Appendix A: Airline ticket Flight SK2679
- 9.2 Appendix B: Property Irregularity Report (Ref. TXLSK11342/27SEPT10/1742GMT)
- 9.3 Appendix C: Affidavit of Andy Muller-Maguhn
- 9.4 Appendix D: Affidavit of Kristinn Hrafnsson
- 9.5 Appendix E: Affidavit of Stefania Maurizi
- 9.6 Appendix F: Affidavit of Marcel Rosenbach and Holger Stark
- 9.7 Appendix G: Affidavit of Johannes Wahlstrom
- 9.8 Appendix H: Moneybookers correspondence relating to termination of services and indication of WikiLeaks appearing on a hidden watchlist and blacklist
- 9.9 Appendix I: Photo of police clipboard indicating intelligence operations directed at apprehending me in the Ecuadorian embassy
- 9.10 Appendix J: Articles by Stefania Maurizi containing references to our meeting in Berlin on 27 and 28 September 2010
- 9.11 Appendix K: Woman AA's tweet "I have not been raped" screenshot
- 9.12 Appendix L: Correspondence between Stefania Maurizi establishing meeting in Berlin on 27 and 28 September 2010
- 9.13 Appendix M: Washington Times article snapshot "Assassinate Assange" and illustration "Wanted Dead (or Alive)"
- 9.14 Appendix N: Relevant excerpts from Bradley Manning's trial transcript 10 and 11 June 2013

9.1 Appendix A: Airline ticket Flight SK2679



0117 SK 847249SK 2679/27SEP



ASSANGE/JULIANPAUL

Boarding Pass



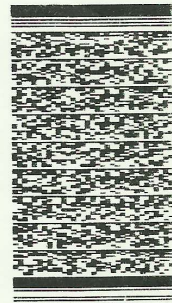
STAR ALLIANCE

PNR
ZR37P

Notes

ARN020

Flight	Date	Time	From	To	Class	Seq#	Gate	Seat	Boarding
SK2679	27SEP	17:25	Stockholm	Berlin	M	M	BN45	08B	17:05
Scandinavian Airlines			ARN	TXL	Economy				ETKT



0117 SK 847249SK 2679/27SEP



Ticket no 117-2344035358 Tag no 847249 1 bag(s) 13 kg

9.2 Appendix B: Property Irregularity Report

(Ref. TXLSK11342/27SEPT10/1742GMT)

PROPERTY IRREGULARITY REPORT◀
SAS BAGGAGE SERVICE HANDLED BY ACCIONA AIRPORT◀
SERVICES◀
PHONE 49 304 101 3718◀
OPENING HOURS 0730-2245◀

FILE REFERENCE - TXLSK11342/27SEP10/1742GMT◀
NAME - ASSANGE/◀
TITLE/INITIALS - MR JULIAN/JA/◀
FLIGHT/DATE - SK2679/27SEP/◀
NUMBER OF BAGS - 1◀
TICKET NUMBER - ◀
COLOUR/TYPER - BE22HWX◀
TAG NUMBER - SK847249/◀
YOUR INTERNET INFORMATION ABOUT THE BAGGAGE TRACING STATUS◀
HTTP://WWW.WORLDTRACER.AERO/FILEDSP/SK.HTM◀



[Handwritten signature]
Acciona Airport Services, Berlin GmbH
Flughafen Tegel, Gebäude Z1
13405 Berlin

Lost & Found TXL

9.3 Appendix C: Affidavit of Andy Muller-Maguhn

ANDY MUELLER-MAGUHN

Postfach 64 02 34
D-10048 Berlin

T: +49-30-30871710
F: +49-30-30871718

AFFIDAVIT OF Andy Mueller-Maguhn

I, **Andy Mueller-Maguhn of address** WILL STATE ON OATH THAT:

I am a journalist and IT-consultant.

I make this Affidavit to the best of my knowledge, information and belief.

I met Julian Assange in my former function as member of the board of the Chaos Computer Club e.V. several times during the yearly Congresses the CCC organized (end of 2008 and end of 2009) and was in non-regular contact with him through electronic means in 2010 also on behalf of the german non-profit Wau Holland Foundation.

As my communication with Mr. Assange has almost entirely been running through encrypted chat without logfiles, this statement is based on my memory and the chain of events might have to be precised with other statements.

In early September 2010 I scheduled a meeting with Mr. Assange to be held in the last week of that month (27.09.-01.10.2010) in Berlin to discuss organizatorial questions in the context of the foundation. Mr. Assange also asked me to arrange a meeting with two journalists of der SPIEGEL Mr. Holger Stark and Mr. Marcel Rosenbach, who at that time where also wrote a book about Wikileaks and had asked for a meeting.

As i'm on unrelated matters anyhow in regular contact and cooperation with them, I arranged a meeting with Mr. Stark and Mr. Rosenbach for Tuesday September 28th.

In the evening of Monday the 27th of September, Mr. Assange called me and informed me that he was already in Berlin. I confirmed him the scedule as discussed earlier, including the meeting with Mr. Stark and Mr. Rosenbach for the following day around noon time.

In the morning of Tuesday September 28th Mr. Assange and Mr. Kristinn Hrafnson came to my office (around 10 or 11) and we discussed the events and some organizatorial questions before Mr. Stark and Mr. Rosenbach came. In the context of this pre-discussion i also learned, that Mr. Assange had lost his baggage on the flight from Stockholm to Berlin on the previous day (27th), which not only contained all his clothings but also several laptops with encrypted harddisks.

When Mr. Stark and Mr. Rosenbach arrived about an hour later, I brought this issue immediatly to their attention, as it was obviously to be enlightened like everything else that happened in Sweden.

So when Mr. Stark and Mr. Rosenbach came, we went through the chain of events together and both Mr. Stark and myself noted the details to follow it up:

Assange flew in on Monday September 27th with SAS Flight Number SK 2679 from Stockholm-Arlanda (ARN) to Berlin-Tegel (TXL) arriving in the early evening (shortly after six o'clock).

When he arrived in Berlin and realized that his checked-in suitcase was not coming with the luggage of the other passengers, he went to the office in charge of the lost baggage of GlobeGround handling this on behalf of Star Alliance / SAS in Berlin-Tegel airport.

The GlobeGround Staff in Berlin-Tegel Airport noted the identifying details of the baggage identification tag (0117 SK 84729 SK 2679 / 27 SEP), but was not able to locate the baggage immediately.

GlobeGround told Assange, that they had to inquire about Mr. Assange's baggage through SAS and the ground-staff in Stockholm-Arlande and asked for his local address in Berlin. He gave the address of the Hotel he was staying together with Mr. Hrafnsson. As this was still normal procedure, they gave him a small "survival kit" of two shirts and some liquid soap and told him, that his suitcase would surely be sent in one of the next flights and would then immediately be delivered to the Hotel.

In the meeting of Tuesday morning we agreed to follow it up with GlobeGround Berlin, but we did not want to call right away as it seemed unwise to disclose even more locations than necessary to third parties.

As neither the suitcase arrived to the hotel nor any message from them came about it, further inquiries were made in the coming days.

Mr. Stark found out that GlobeGround Berlin never received a reply from ground-staff of SAS in Stockholm-Arlanda, although they inquired multiple times.

In this context i learned that this was totally unusual, as there is a 12 hour policy in place among the Star-Alliance partners, meaning that inquiries among them have to be answered within 12 hours, and violations of this policy trigger an automatic escalation to prioritize the inquiry in order to keep customers happy.

The only thing that GlobeGround in Berlin could say was, that the suitcase had been correctly labelled and scanned when Mr. Assange checked-in in Stockholm, but the suitcase never made it to the plane.

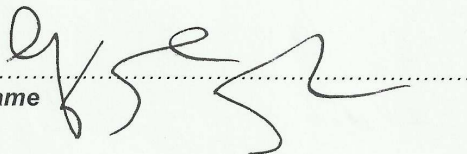
The incident and the circumstances surrounding the disappearance of Mr. Assange's suitcase at Arlanda airport is also described in the book that Mr. Rosenbach and Mr. Stark wrote:

"Staatsfeind Wikileaks -

Wie eine Gruppe von Netzaktivisten die mächtigsten Nationen der Welt herausfordert" - ISBN 978-3-421-04518-8) on pages 267-268.

SWORN this day of 12th of October 2012

Name

A handwritten signature in black ink, written over a horizontal dotted line. The signature is stylized and appears to be 'E. Stark'.

9.4 Appendix D: Affidavit of Kristinn Hrafnsson

AFFIDAVIT OF Kristinn Hrafnsson

I, **Kristinn Hrafnsson** of Miklubraut 68, 105 Reykjavik, Iceland WILL STATE ON OATH THAT:

I am the Spokesperson of WikiLeaks.

I make this Affidavit to the best of my knowledge, information and belief.

After 5 weeks in Sweden, Mr. Julian Assange flew from Stockholm to Berlin on September 27th. I planned and arranged for Mr. Assange's travel to Berlin so that we could conduct important meetings for WikiLeaks. One of the meetings scheduled in Berlin was with members of the Wau Holland Foundation to discuss the organisation's finances. From Berlin, we were to fly to London to continue the planned release of the Iraq War Logs.

A meeting with an Italian journalist of L'Espresso newspaper, Stefania Maurizi, was also arranged in Berlin. Mr. Assange arrived an hour or two ahead of me to Berlin, at a different airport. I met with him and Ms Maurizi at a hotel in Berlin early in the evening the same day we arrived. There I learned from Mr. Assange that his luggage had not arrived, - luggage that contained several of his small laptop computers.

The day after, we met board members and associates of the Wau Holland Foundation. Andy Muller-Maguhn was present. Upon hearing about the disappeared luggage he offered to make phone calls to try to track down the missing luggage, both to the airline and the handling company at the airport that handles luggage.

As far as I can recollect, the inquiry revealed that the luggage had been checked into the system at Arlanda airport but did not show up in the system at Berlin airport. When the handling company tried to make further inquiries from the Swedish counterparts, their inquiries were met with non-replies. It all seemed very spurious; that luggage was lost on a short, direct flight with a respected airline between two advanced airports, that the luggage could not be located, and that inquiries led to strange replies or non-replies. I recall, Mr. Muller-Maguhn quoted someone working for the luggage handler saying that he had never encountered anything like this before.


Kristinn Hrafnsson

SWORN this 16nd day of October 2012

at Reykjavik, Iceland

9.5 Appendix E: Affidavit of Stefania Maurizi

Rome, 5th of May 2011

I, the undersigned Stefania Maurizi, born in Città della Pieve (PG, Italy),
permanent address: _____ Italy, Italian citizen, passport number _____
mobile phone _____ personal email address: _____

Having learned that:

- a court hearing was held on the 7th of February 2011 in London to decide whether Mr. Julian Assange, founder of WikiLeaks, should be extradited to Sweden
- in the court hearing and in his ruling as well, the judge, Howard Riddle, argued that the defense of Mr. Assange had not sufficiently proven that Assange had made himself available for interview by the Swedish prosecutor and he even left Sweden on the 27th of September 2010, thus leaving judge Riddle with the impression that Mr. Assange had tried to avoid questioning
- an appeal hearing is due to be held on the 12th of July 2011 in London to decide on Mr. Assange extradition

hereby declare that:

- I am an Italian journalist working for the major Italian newsmagazine l'Espresso, based in Rome, address: via C. Colombo, 90, 00147 Rome, Italy, switchboard: +39-0684781, website: <http://espresso.repubblica.it>
- On the 27th of September 2010 I flew from Rome to Berlin to meet Mr. Assange and Mr. Kristinn Hrafnsson, spokesman of WikiLeaks.
- That appointment with the WikiLeaks staff had been booked one month before as my email exchange with the WikiLeaks staff can demonstrate. I still keep that email exchange, my boarding pass and the invoice of the hotel I had booked in Berlin: 'Best Western Hotel am Spittelmarkt'.
- Mr. Assange arrived very late in the evening (between 10,30 and 11 pm Berlin-time, I would say) and together with Mr. Hrafnsson we met in the Best Western Hotel am Spittelmarkt lounge. I noticed that he had no luggage, a part from his laptop and a small plastic bag containing a t-shirt, a toothbrush and two or maybe three small bottles of liquid soap. During our meeting, Mr. Assange explained me that although he had opted for a direct

flight from Sweden, his luggage got lost during that flight. Once he arrived at the Berlin airport he was given that small plastic bag.

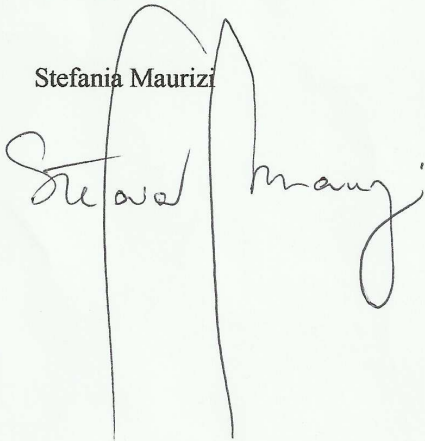
- Mr. Assange and Mr. Hrafnsson spent the night of the 27th September in the Best Western hotel, where I was staying.

- The morning after (28th of September 2010), we went to an internet café where Mr. Assange and I signed a 'Gentlemen Agreement' witnessed by Mr. Hrafnsson. After that agreement, Mr. Assange gave me access to a database of 92,000 files of the so-called "Afghan War Logs", including the 15,000 files never published by WikiLeaks. I still have a copy of that agreement. As a journalist, I used those files to write an investigative work titled "Afghanistan: ecco la verità", published in l'Espresso (in the 21st of October issue). In that article I also told to my readers the story of my meeting in Berlin with the founder of WikiLeaks.

- The morning of the 28th September, during my meeting with Mr. Assange in the internet café, I witnessed a phone call between him and someone else. "Why didn't they interrogate me before?", Mr. Assange told to the person he was talking to. "I was in Sweden for six weeks, couldn't they interrogate me?", he continued, speaking on his mobile phone. After the call ended, Assange told me it was his lawyer, Mr. Hurtig, on the phone. I wrote about this conversation in one of my articles concerning the arrest of Julian Assange in December 2010. The article was titled "L'eversore" and was published in my newsmagazine, l'Espresso (9th of December 2010 issue).

In faith,

Stefania Maurizi

A handwritten signature in black ink, appearing to read 'Stefania Maurizi', written in a cursive style. The signature is positioned below the typed name 'Stefania Maurizi'.

9.6 Appendix F: Affidavit of Marcel Rosenbach and Holger Stark

Marcel Rosenbach, Holger Stark
DER SPIEGEL
Berliner Büro
Pariser Platz 4a
10117 Berlin
Germany

Berlin, 9.10.2012

STATEMENT

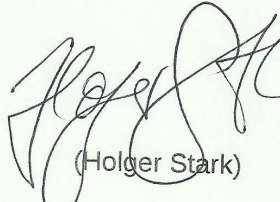
To whom it may concern: We, Marcel Rosenbach and Holger Stark, in our capacity as researchers for and authors of the Book "Staatsfeind WikiLeaks", hereby confirm the following facts:

We have met Julian Assange on September, 28, 2010 in Berlin, in the offices of Andy Müller-Maguhn. The Meeting has been arranged beforehand by Mr. Maguhn and Mr. Stark. Mr. Assange was already in the office, eating an asian dish, when we (Rosenbach, Stark) arrived. With him was Kristinn Hrafnsson, a WikiLeaks spokesman. Both were agitated, because, as Assange told us immediately on arrival, his luggage did not make it to Berlin. Upon request, he showed us his ticket and luggage-number. The ticket was issued for Julian Paul Assange for a flight from Stockholm to Berlin on 27th of September, seat 8b, according to the ticket boarding time has been 5:05 pm. The baggage tag was SK847249. Assange told us that he had paid the ticket in cash at the airport as he would usually do for security reasons. During our meeting, Mr Assange and Mr Müller-Maguhn tried to find out about the whereabouts of the luggage. The research led to a company called GlobeGround which is responsible in Tegel airport for missed luggage. A conversation with the supervisor for lost and found luggage, Miss Kahland, who was reachable under +49-30-88756140 didn't lead to a result. The research led to a second possibly involved company called Acciona. We called the number +49-30-41013718 and spoke to a manager on duty. The only reliable information during this research was that Mr Assanges luggage never left Stockholm. Neither firm, Globe Ground nor Acciona, could tell us any reason.

Besides the fact, that he was furious about the missing luggage, Assange seemed to be composed and focused on the next publications of Wikileaks. We talked about the last publication (of the Afghan War Files) and plans for publications to come (Iraq Files). We fact-checked several questions we had regarding Passages of the Book. He told us that his plans were to travel on to the UK. The meeting went on for around one and a half hours. It was the last time we met Assange in Germany.



(Marcel Rosenbach)



(Holger Stark)

9.7 Appendix G: Affidavit of Johannes Wahlstrom

AFFIDAVIT OF Johannes Wahlstrom

I, **Johannes Wahlstrom of Hornsgatan 92, Stockholm, Sweden** WILL STATE ON OATH THAT:

I make this Affidavit to the best of my knowledge, information and belief.

On the 27th of September 2010, I was in Stockholm, when I got a phone call from Mr Assange, who had earlier left the country for Germany. He called from the airport in Berlin and said that his luggage had not arrived to Berlin. The people he spoke to in Germany in the luggage department had told him that it had not arrived to Germany but they could see that the luggage had been checked in in Sweden. Mr Assange asked me to contact the airline and the Swedish airport on his behalf to help him track the missing luggage, he gave me the tracking number for the luggage and the flight details.

On the same day I called the airlines and made an inquiry about the luggage. The airline representative said that the bag was checked in but they didn't know where it was. The representative said it was the first time in her life that she had seen this happen, because usually the computer system will give an indication of where the luggage has been misplaced. Since the representative could not see the bag in the computer she said that there was nothing she could do, but if it showed up she would contact me. I left my address and telephone number.

I called the airline a few more times in the subsequent days, but they had still not found the luggage. After this I did not have any additional communication with the airlines.

I told Mr Assange what I had learned from the airline company and he asked me to speak to the Swedish police about the matter. Mr Assange was very worried that there had been an intelligence operation to take his laptops.

About 1 week after 27th of September 2010, I spoke to police officer Mats Gehlin about the missing luggage. I explained Mr Assange's concerns about the Swedish security services being involved in the disappearance of his luggage, since Mr Assange had laptops and hard drives in the luggage. I also explained that Mr Assange felt concerned about whether he could trust the Swedish authorities and was feeling uneasy about this matter. Mats Gehlin answered that if the security services were involved in the disappearance of his luggage, he would be aware of it, but he promised to make inquiries.

I had no further contact with Mats Ghelin after that. No results of Gehlin's inquiry were communicated to me or to anyone else that I am aware of.

SWORN this day of 26th of September 2012

Johannes Wahlstrom
Name

9.8 Appendix H: Moneybookers correspondence

Relating to termination of services and indication of WikiLeaks appearing on a hidden watchlist and blacklist

- **Email String 2:**

Thanks, all done.

Med vänliga hälsningar / Best regards,

Daniel Strömberg
eCommerce Manager - Nordics
Moneybookers Ltd.

Phone: +46 (0)8 525 03 245
Mobile: +44 782 594 4141
Fax: +44 207 608 1603

Email: daniel.stromberg@moneybookers.com
LinkedIn: Daniel Stromberg

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Services Authority (FSA), Register No. 214225

P Please consider the impact on the environment before printing this e-mail

-----Original Message-----

From: Xxx
Sent: 13 August 2010 10:16
To: Daniel Stromberg; Xxx; Xxx
Subject: RE: Regarding Wikileaks

Hi Daniel,

You can inform him that initially his account was suspended due to being accessed from a blacklisted IP address.

However following recent publicity and the subsequently addition of the wikileaks entity to blacklists in Australia and watch lists in the USA, we have terminated the business relationship. They are now able to withdraw the funds and should remove all logo and references to Moneybookers from their site.

Regards
Xxx

-----Original Message-----

From: Daniel Stromberg
Sent: 13 August 2010 07:56
To: Xxx; Xxx; Xxx
Subject: Fw: Regarding Wikileaks

Hi Xxx.

just got contacted from WL regarding their MB account. How should I proceed/tell them?

/ Daniel

----- Original Message -----

From: Julian Assange

To: Daniel Stromberg

Sent: Fri Aug 13 06:16:47 2010

Subject: Re: Regarding your MB account

Dear Daniel

We are trying to figure out where the problem is with the account.
There may have been an unauthorised attempt to use it.

Is there a good time to ring you to speak voice?

We would like to sort this out as soon as possible to get things going again.

Thank you

Julian

- **Email string 3:**

Hi Julian,

Got your mail today, thanks for all the details.

I have attached two additional documents.

One is a business proposal where you will act as a merchant and accept debit/credit card payments and other major local payments across Europe and internationally. It also includes the fees that we would charge you per transaction. This will happen instantly and we will not be sending monthly invoices. This contract is not binding and there is no administrative fees involved. We only charge per transaction.

The second document is a merchant questionnaire where you explain what websites are linked to your organisation and some other information that we need.

You can either send it this to me in the mail or you can scan and email it to me. As soon as I have received it I will provide you with the full technical manuals so you or someone in your organisation can do the integration into your website. Of course we will provide you with technical support during this.

I suggest that you have a quick read through and if you have any questions then you or for example Sue could give me a call on my mobile where I try to be available most of the times or she could provide me with a time and number and I'll give her a call and you can keep cost to a minimum.

/ D

Med vänliga hälsningar,

Daniel Strömberg
Sales Manager - Nordics
Moneybookers Ltd.

Phone: +46 8 525 03 245
Mobile: +44 782 594 4141
Fax: +44 207 608 1603
Email: Daniel.stromberg@moneybookers.com
LinkedIn: Daniel Stromberg

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Registered in England and Wales, Company No. 4260907 Authorised and regulated by the Financial Services Authority (FSA), Register No. 214225

P Please consider the impact on the environment before printing this e-mail

-----Original Message-----

From: Julian Assange
Sent: 26 May 2010 17:13

To: Daniel Stromberg; wl-donations@wikileaks.org; [REDACTED]; wl-supporters@sunshinepress.org; wl-legal@sunshinepress.org
Subject: Re: Regarding your Moneybookers account

Hi Daniel,

This is Julian.

Your letter is very timely..

WikiLeaks is actually a registered non-profit in Australia, although its much more flexible for us if that doesnt have to be the case (when we push donatiosn through the non-profit there is an unbelievable maount of paperwork to do and we have outhter foundations in other countries that we may want to retarget the account to if there are any legal issues in australia that come up).

How can we activate credit card processing? That is the most important thing we are missing. Previous solutions we have used have not proved to be reliable (i.e paypal, tipit.to).

On Tue, Apr 20, 2010 at 04:51:23PM +0100, Daniel Stromberg wrote:

> Hi all,

>

> Would like to get in touch with someone from Sunshine Press / Wikileaks in regards to your Moneybookers account for donations.

>

> I read an interview today in the Swedish magazine, "Aftonbladet" with Julian Assange regarding Wikileaks and remembered having looked at your site previously. Since your site is with PRQ in Sweden you fall under my sales territory and I thought you might have a similar need to Wikipedia for donations. After some research I found that you guys already have an account with us but all withdrawals has been locked.

>

> Now I might not be your next big whistleblower and I don't own server that you can use but I can help you with this to make sure you guys can continue to fight the good fight! I have already talked with our legal team who has decided to make an exception to our usual policy of not accepting non-registered charities in this case but there are a few outstanding issues.

>

> Would it be possible to have a quick call with the one that is or should be the account holder to solve these issues:

>

> - Documents I need to make sure our risk department will remove the ban on withdrawals of your current funds.

>

> - The possibility of perhaps offer you even lower rates for the receiving funds and also open up for the potential of receiving funds from non Moneybookers/Paypal members.

>

> I tried to call the number I had for the account +61 432369947 but just got voicemail .

>

> You can find my contact details below or I'm also available on Skype now and then on user id, dstrombe.

>

> Med vänliga hälsningar,
>
> Daniel Strömberg
> Sales Manager - Nordics
> Moneybookers Ltd.
>
>
> Phone: +46 8 525 03 245
>
> Mobile: +44 782 594 4141
>
> Fax: +44 207 608 1603
>
> Email: Daniel.stromberg@moneybookers.com<mailto:Daniel.stromberg@moneybookers.com>
>
> LinkedIn: Daniel Stromberg<<http://uk.linkedin.com/in/danielstromberg>>
>
>
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> -----
> P Please consider the impact on the environment before printing this e-mail
>

- **Email String 4**

From: xxx
Sent: Monday, August 02, 2010 7:32 AM
To: xxx
Subject: FW: Wikileaks

FYI. I have not had a response yet, so cannot comment on what they have and have not integrated.

Regards

Xxx

-----Original Message-----

From: Xxx
Sent: 31 July 2010 17:04
To: Daniel Stromberg
Cc: Xxx; Xxx
Subject: Wikileaks

Hi Daniel,

Can you please clarify whether Wikileaks is offering our eWallet logo as a payment option? Also what exactly they have integrated and how we appear on their site.

Reason I ask is that US authorities are paying them a lot of attention right now xxxxxxxx xxxxxxxxx
xx (example news article
link below). Though this is not a big account for us right now I would seriously consider informing
Xxx.

Not sure who is the AM here either, perhaps merchants services as xxx knows nothing about it. As I was not informed of this account until a week or so ago (just before my trip) please can you clarify what the deal is again?

Thanks.

<http://www.bbc.co.uk/news/world-us-canada-10825183>

Regards

Xxx

Cc: Xxx
Subject: RE: Wikileaks

Hi Daniel,

It's all direct processing through us, not really any eWallet stuff although it is offered as a pay method, they also offer Paypal, and I am sure these guys would pull out straight away if there were issues..

To suggest, that this would in any way damage our eWallet licences I think is stretching it a bit..

Thanks

Xxx

-----Original Message-----

From: Xxx
Sent: 31 July 2010 17:04
To: Daniel Stromberg
Cc: Xxx; Xxx
Subject: Wikileaks

Hi Daniel,

Can you please clarify whether Wikileaks is offering our eWallet logo as a payment option? Also what exactly they have integrated and how we appear on their site.

Reason I ask is that US authorities are paying them a lot of attention right now
xx (example news article link below). Though this is not a big account for us right now I would seriously consider informing Xxx.

Not sure who is the AM here either, perhaps merchants services as Xxx knows nothing about it. As I was not informed of this account until a week or so ago (just before my trip) please can you clarify what the deal is again?

Thanks.

<http://www.bbc.co.uk/news/world-us-canada-10825183>

Regards

Xxx

- Email string 6

From: xxx
Sent: 09 August 2010 16:54
To: xxx
Subject: FW: 1 DIGMB 20100806 607.001 1/1

Hi xxx

Please find this company and close immediately.

Regards

Xxx

From: Xxx
Sent: 09 August 2010 16:47
To: Xxx; Xxx xxx; Xxx
Cc: Xxx; Xxx
Subject: RE: 1 DIGMB 20100806 607.001 1/1

Hi Xxx,

This is very Critical. I agree whole heartedly, that we should closed the account. The possibility of being viewed as facilitating payments for a company like this would affect all of companies under the Moneybookers family especially where it concerns cross border and USD FX issues.

Xxx, Please immediately lock this account using the highest lock level. Please also write an investigation report citing negative news. Thanks.

Regards,

Xxx.

From: Xxx
Sent: Monday, August 09, 2010 9:55 AM
To: Xxx xxx; Xxx
Cc: Xxx; Xxx
Subject: FW: 1 DIGMB 20100806 607.001 1/1
Importance: High

Xxx,

Wikileaks is on the US watchlist for releasing questionable material about Afghanistan etc.. I was not aware that we allow them to receive their donations via Moneybookers. In my mind we should immediately turn them off.

Xxx: how critical do you see this in terms of potential aiding a company like this?

Thanks,

Xxx

From: DigitalClipping@ausschnitt.de [<mailto:DigitalClipping@ausschnitt.de>]
Sent: 06 August 2010 14:09
To: xxx; xxx; Xxx; Xxx; xxx; Xxx; xxx; xxx; Xxx
Subject: 1 DIGMB 20100806 607.001 1/1

Mit freundlichen Grüßen

Sujetblattabteilung

AUSSCHNITT Medienbeobachtung

Deutsche Medienbeobachtungs Agentur GmbH

Media Monitoring Agency - Agence d'Observation des Médias

Gneisenastr. 66, D-10961 Berlin

Germany - Allemagne

phone +49 (0) 30/20 39 87-0

fax +49 (0) 30/20 39 87-77

E-Mail sales@ausschnitt.de

++ <http://www.ausschnitt.de>

Firmensitz - Principal Office: Berlin ++ HRB Nr. - Commercial Register: 33 907 B Amtsgericht Charlottenburg

Geschäftsführer - Managing Directors: Thomas Henne, Andreas Westermann, Bruno Wirth

- **Email string 7:**

From: Daniel Stromberg
Sent: 10 August 2010 17:45
To: xxx; xxx; xxx
Subject: FW: Wikileaks locked by xxx

Hi,

See below, we need to terminate the agreement with Wikileaks.

How do we proceed?

Med vänliga hälsningar / Best regards,

Daniel Strömberg
eCommerce Manager - Nordics
Moneybookers Ltd.

Phone: +46 (0)8 525 03 245

Mobile: +44 782 594 4141

Fax: +44 207 608 1603

Email: daniel.stromberg@moneybookers.com

LinkedIn: [Daniel Stromberg](#)

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Please consider the impact on the environment before printing this e-mail

From: Xxx
Sent: 10 August 2010 17:38
To: Daniel Stromberg

Cc: Xxx; Xxx; Xxx

Subject: FW: Wikileaks locked by XXX

Daniel,

Please get this done, best to talk to Xxx in Risk and xxx re termination..

Let me know of any issues..

Thanks

Xxx

From: Xxx

Sent: 10 August 2010 17:32

To: Xxx

Cc: Xxx; Xxx

Subject: RE: Wikileaks locked by XXX

They just made it onto the FBI watch list and one of their founders have been arrested temporarily. There is a lot of bad press which mentions our name as well. With that xxxxxx xxxxxxxxxxxxxxxxxxxxxxxx which is not worth to be put at risk given the small revenue we generate out of it.

Please contact those guys and have the agreement terminated.

Let me know in case of any issues.

Thanks

Xxx

From: Xxx
Sent: Tuesday, August 10, 2010 2:17 PM
To: Xxx
Subject: FW: Wikileaks locked by XXX

Xxx,

FYI regarding the full story around Wikileaks...

Please read and advise, we can terminate, of course, but is there really a need?

Xxx

From: Daniel Stromberg
Sent: 10 August 2010 09:18
To: Xxx
Subject: Wikileaks locked by XXX

Hi Xxx,

Just to confirm what we touched on briefly yesterday.

It seems Wikileaks has been locked and I have a few comments regarding it:

- 1) They are not doing anything illegal or breaking any of our terms & conditions. They are protected by the free press laws, same one's which covers The Guardian, New York Times and all the other magazines. Should I take this as a sign that we will not work at all with the publisher/print business for donations and payments at all? This question is very important since some of Sweden's largest newspaper has premium paid for subscriptions that are getting very popular.
- 2) We only get 10% of their donations, the rest goes via PayPal who is their primary provider.

- 3) They are not using our eWallet.
- 4) At the time when this account got locked they had started to generate close to 500€/week in fees. Also, because of this lock we will probably lose Flattr (lead came from Xxx) which as an up and coming payment service (very popular in Germany) since they not only good personal friends with the Wikileaks journalists and also work actively together with them on other projects. We were also promised several more of the Flattr owner businesses which roughly would generate an additional 2-3k€/month in fees after the summer. (ecommerce retail web shops)
- 5) If we are not going to continue to accept this merchant I fully expect us to at least let them withdraw their current balance. This might if we are very lucky and can come up with a good enough reason let us keep Flattr and get the other businesses.

Lastly, I think something must be wrong in communication when I don't even get to know about what's happening to my accounts. Rather the decisions and actions is taking after consulting a colleague in a completely different team who doesn't know all the details about the deal.

Med vänliga hälsningar / Best regards,

Daniel Strömberg
eCommerce Manager - Nordics
Moneybookers Ltd.

Phone: +46 (0)8 525 03 245

Mobile: +44 782 594 4141

Fax: +44 207 608 1603

Email: daniel.stromberg@moneybookers.com

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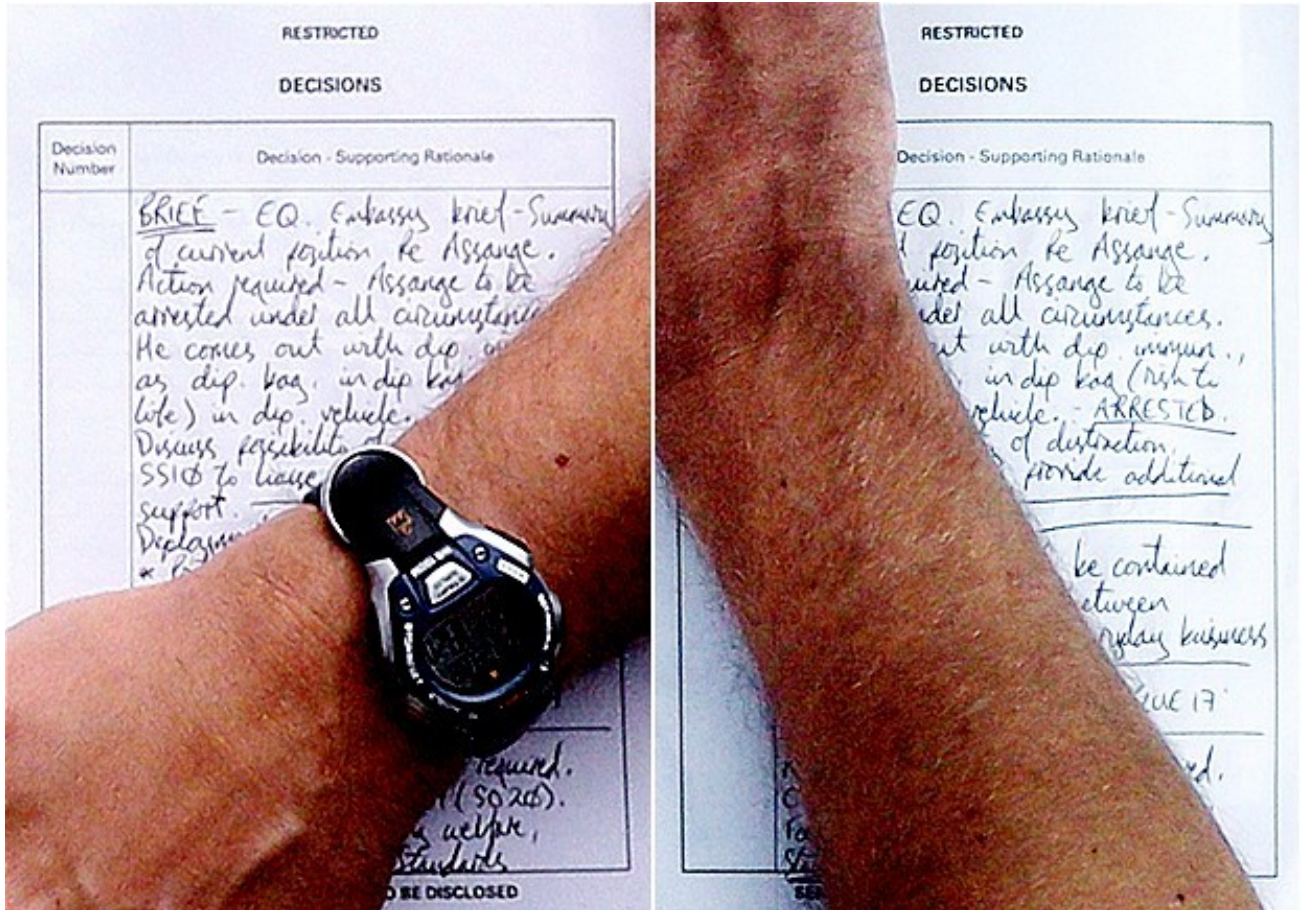
Please consider the impact on the environment before printing this e-mail

Appendix I: Photo of police clipboard

Indicating intelligence operations directed at apprehending me in the Ecuadorian embassy

Appendix I

Photo of police clipboard indicating intelligence operations directed at apprehending me in the Ecuadorian embassy on 24 August 2012 in violation of the Vienna Convention on Diplomatic Relations.



9.10 Appendix J: Article by Stefania Maurizi containing references to our meeting in Berlin on 27 and 28 September 2010

Consiglia

0

Il personaggio **Il nostro incontro col fondatore di Wikileaks**

di Stefania Maurizi

Julian Assange è sempre in movimento da una città all'altra. Con il computer portatile in cui sono nascosti tutti i suoi segreti. E il terrore che i suoi avversari gli nascondano qualcosa nel bagaglio per poterlo incastrare

(14 ottobre 2010)



L'ultimo appuntamento è in una grande capitale europea. Al buio, come tutti i contatti lanciati dai suoi ragazzi. Dopo la pubblicazione del primo database di documenti segreti sottratti al Pentagono, Wikileaks è diventato il pericolo pubblico numero uno delle autorità statunitensi. E il fondatore, Julian Assange, una sorta di leggenda, idolatrata e odiata: il capo dei pirati informatici che hanno

beffato la più grande potenza mondiale o l'uomo che mette a rischio la sicurezza internazionale.

Dopo il clamore per la fuga di notizie più massiccia mai avvenuta, che ha messo a nudo tutti i lati oscuri della guerra condotta in Afghanistan dalla Nato, Assange si è inabissato. Poi la vicenda oscura delle accuse di stupro, lanciate contro di lui da due ragazze svedesi, immediatamente confermate dai magistrati di Stoccolma e smentite dagli stessi neppure ventiquattr'ore dopo. Il tempo di una veloce autodifesa in pubblico ed è scomparso.

Alla fine "L'espresso" è riuscito a incontrare l'uomo che la Cia e l'Nsa vorrebbero torchiare.

"Ecco il mio bagaglio", dice, mostrando una bustina di plastica trasparente, che contiene solo una t-shirt e quattro flaconcini di sapone: è tutto quello che gli hanno consegnato all'aeroporto di arrivo, perché, racconta, la sua valigia si è smarrita. "Strano che si sia persa", commenta: "Per venire qui ho preso un volo diretto". Poi apre una borsa a tracolla e tira fuori l'armamentario su cui tutte le agenzie d'intelligence del mondo vorrebbero mettere le mani: un computer Mac e una valigetta minuscola da cui estrae foglietti di carta tipo pizzini.

__img__ La sua arma segreta è quella. "Questo computer invece sta sempre con me, non può sparire". Poi si infila le mani nel maglione a collo alto e tira fuori una chiavetta Usb fissata a un cordoncino. "Anche questa sta sempre con me". Un sorriso fugace e si rabbuia di nuovo: "Forse nella valigia vogliono metterci qualcosa?", commenta, "una microspia o materiale pedopornografico?".

Eccolo Julian Assange: si materializza lui e, fedele come la sua ombra, si materializza la paranoia.

Afghanistan | Julian Assange | Wikileaks

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Consiglia

Registrati per vedere cosa consigliano i tuoi amici.

9.11 Appendix K: Woman AA's tweet "I have not been raped" screenshot

Appendix K

Woman AA's tweet “I have not been raped” (22 April 2013) screenshot

Source: <http://archive.is/OTQWI/image>.

Original source (deleted): <https://twitter.com/therealardin/status/326570327083712512>



9.12 Appendix L: Correspondence between Stefania Maurizi establishing meeting in Berlin on 27 and 28 September 2010

Oggetto: Re: Italian journalist

Mittente: Julian Assange <editor@wikileaks.org>

Data: Sun, 8 Aug 2010 04:03:09 +0100 (BST)

A: Stefania Maurizi <info@stefaniamaurizi.it>

CC: daniel@wikileaks.org,

please do this

On Sat, Aug 07, 2010 at 09:45:31PM +0100, Stefania Maurizi wrote:

Julian,

I'm currently away for a major investigative work until Monday, the shortest notice I can fly is Tuesday and I can stay in London Tuesday the 10th of August (afternoon) and Wednesday the 11th (the entire day) . Is this fine with your UK team? If not, please suggest another day. But please let me know VERY soon, as I had to book my flight and August is a complicated month to book flights here in Italy.

Can you also tell me where exactly I can meet your UK team in London and give me a mobile phone or a landline number to reach them while in London?

THANK YOU VERY MUCH! 😊

Stefania Maurizi (+39-349-517 70 28)

Il 07/08/2010 19:27, Julian Assange ha scritto:

Stefania, can you come to meet with our uk team, immediately?

On Sat, Aug 07, 2010 at 09:47:38AM +0100, Stefania Maurizi wrote:

hello Julian!

First of all, let me tell you that following the verbal attacks against you and Wikileaks, I am close to you all and, as a journalist, I am doing whatever I can to put you under the lights here in Italy in order to protect you to avoid that verbal abuse will escalate into physical threats against you...

As for the help I am asking to you, I was finally able to book an appointment with Daniel Schmitt in order to properly discuss the issue in person. I'll meet Daniel the 25th of August in Berlin (Daniel, if you are reading this message please confirm our appointment: I'm going to book my flight in the next days).

Hope very much you can help.

Stefania (+39-349-517 70 28)

skype: stefy.ma

Il 07/08/2010 07:48, Julian Assange ha scritto:

yes.

how soon could you leave?

On Mon, Jul 26, 2010 at 01:03:57PM +0100, Stefania Maurizi wrote:

Hello Wikileaks guys!

This is Stefania Maurizi, the Italian journalist working for the major Italian newsmagazine L'ESPRESSO who collaborated with you in many occasions and wrote a profile about Julian and WIKILEAKS:

<http://espresso.repubblica.it/dettaglio/contro-il-bavaglio-fate-come-me/2130295>

First of all, CONGRATULATIONS! 😊😊😊 I think you did a great job with the last release of the Afghanistan files!

Second, we at L'ESPRESSO asked in many occasions about a possible partnership with WIKILEAKS in order to bypass the censorship Italy is going to approve against journalists and magistrates. Is there any hope to discuss this partnership in details as soon as possible? If so, I'll be happy to fly wherever you think it is convenient.

Please help me: I need your collaboration,

Stefania Maurizi

Re: Italian journalist: still me...

Oggetto: Re: Italian journalist: still me...
Mittente: daniel@wikileaks.org
Data: Wed, 25 Aug 2010 00:14:23 +0100 (BST)
A: Stefania Maurizi <info@stefaniamaurizi.it>
CC: daniel@wikileaks.org

Hi Stefania,

sorry for not getting back in touch earlier. 27th/28th is perfectly fine with me.

Looking forward to seeing you!

daniel

On Thu, Aug 19, 2010 at 04:56:34PM +0100, Stefania Maurizi wrote:

Daniel,

Let's book for the 27th late afternoon in Alexanderplatz as you suggested, however I'm in Berlin also the 28th of September, so both of them are fine with me as well.

I do look forward to hearing from you!

stefania (+39-349-517 70 28)

Il 19/08/2010 12:41, daniel@wikileaks.org ha scritto:

Hi Stefania,

27th or 28th are both fine with me. As you prefer.

Looking forward to seeing you!

daniel

On Thu, Aug 19, 2010 at 09:22:04AM +0100, Stefania Maurizi wrote:

Thank you once again! I'll quote what you wrote me 😊

When ready, please let me know which day is fine with you for meeting each other in Berlin. I have suggested the 27th or the 28th of September or even 12th or the 13th of October. But if none of these is fine with you, please suggest a day between the last week of September-first three weeks of October. Thanks!

Bye for now,
Stefania (+39-349-517 70 28)

Il 19/08/2010 02:14, daniel@wikileaks.org ha scritto:

On Wed, Aug 18, 2010 at 07:18:17PM +0100, Stefania Maurizi wrote:

Hi Daniel!

Sorry for bothering again while on holidays. I am writing a feature article in which I explore why you at WIKILEAKS are able to leak secrets on very sensitive and current issues like Afghanistan, whereas we Italians even fail to let emerge secrets that go back to the last 60 years of our history.

I would be interested in quoting you in my article. Could you just answer to this questions via email? I'll quote your answer in my article and I don't need a lengthy answer: a brief one is perfectly fine with me.

MY QUESTION:

WHAT MAKES PEOPLE TO TAKE THE RISK OF LEAKING SECRETS TO WIKILEAKS?

Wikileaks was designed to protect the anonymity of the people leaking information to us and to ensure an uncensorable publication of the documents. These two aspects make Wikileaks more attractive than classic media outfits. Whistleblowers, as people that break rules, contracts or oaths for moral reasons, present something like natural error correction mechanisms in any system that relies on secrecy to cover up misdeeds, corruption or abuse of power. These people therefore are immensely important for the health of any just society, but these people in many countries do not receive any legal protection. It is paramount to protect these people

>from prosecution, which is one of Wikileaks tasks.

Secondly, when taking such a risk,whistleblowers want their leak to have maximum impact, to basically make as much difference as possible. This is why it is very important to not let a publication be censored.

Thank you,

Stefania Maurizi (+39-349-517 70 28)

Hope that helps you!

best ones

daniel

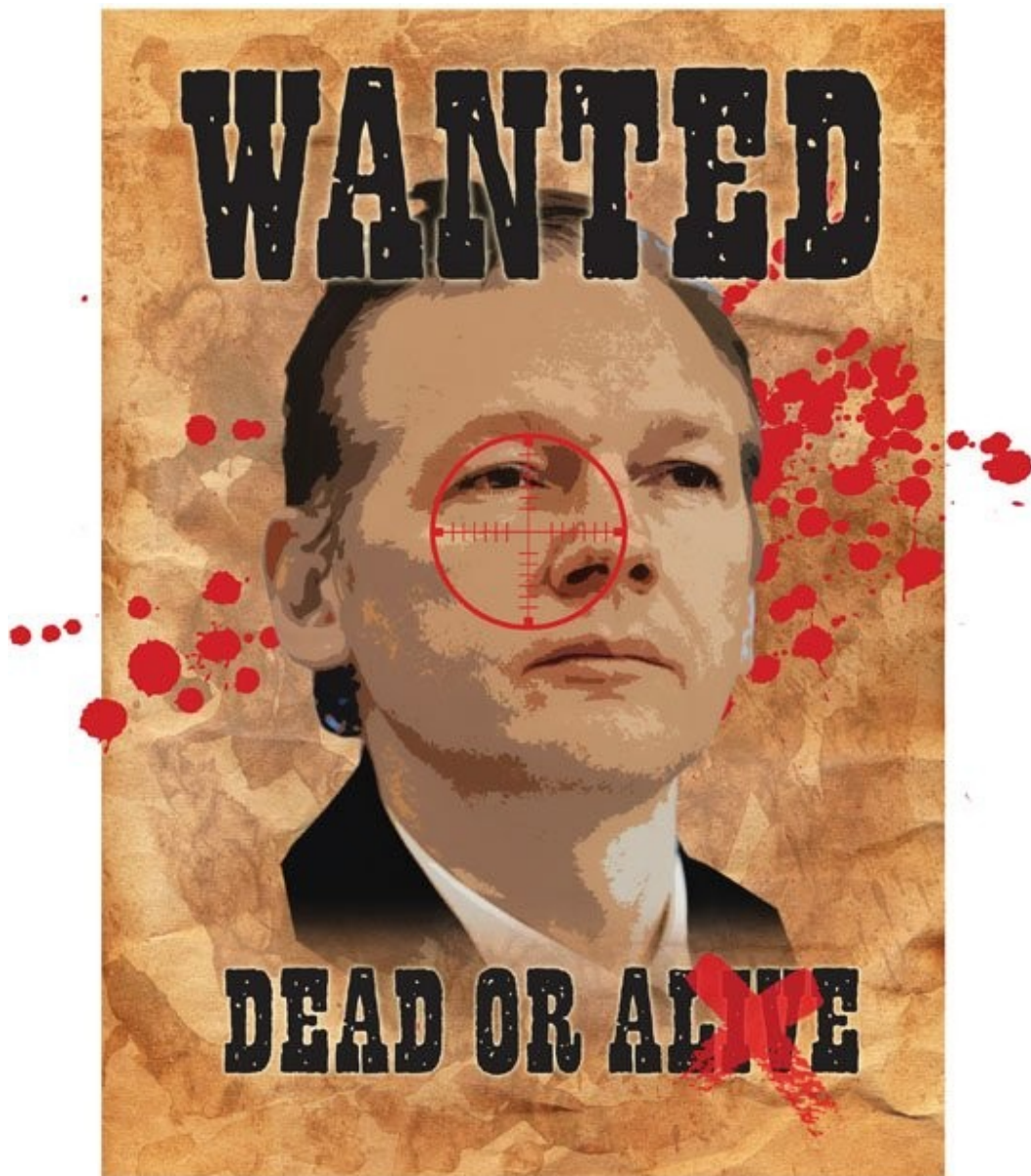
9.13 Appendix M:

Washington Times article snapshot “Assassinate Assange”; illustration “Wanted Dead (or Alive)”; and TIME correspondent drone strike tweet.

Appendix M:

Illustration “Wanted Dead (or Alive)”

Washington Times illustration “Wanted Dead (or Alive) accompanying “Assassinate Assange ” article above, from 2 December 2010.



The Washington Times, "Assassinate Assange" by Jeffrey T. Kuhner, 2 December 2010
Original article snapshot "Assassinate Assange"

The Washington Times

ivcc
question

NEWS

OPINION

SPORTS

CULTURE

BOOKS

BLOGS

COMMUNITIES

MULTIMEDIA

EDITORIALS

COMMENTARY

LETTERS

WATER COOLER

DECKER

KUHNER

NUGENT

MAS

HOME ► OPINION ► COMMENTARY

LOG IN | E-MAIL ALERT

KUHNER: Assassinate Assange

Web provocateur undermines war on terror, threatens American lives

By Jeffrey T. Kuhner - The Washington Times

6:21 p.m., Thursday, December 2, 2010

Julian Assange poses a clear and present danger to American national security. The WikiLeaks founder is more than a reckless provocateur. He is aiding and abetting terrorists in their war against America. The administration must take care of the problem - effectively and permanently.

The recent WikiLeaks document dump is the latest example of Mr. Assange's dangerous behavior. His release of more than 250,000 U.S. diplomatic cables, many of them containing classified information, is a major blow to our foreign policy. The essence of diplomacy - especially that of a great power - is the ability to conduct negotiations and hold



Illustration: Assange Wanted by Greg Groesch for The Washington Times

TIME journalist 'drone strike' defense tweet

Screenshot of tweet (17 August 2013) by TIME's senior national correspondent, Michael Grunwald: "I can't wait to write a defense of the drone strike that takes out Julian Assange"



Source: <http://archive.is/KtnuJ>

Original source (deleted): <https://twitter.com/MikeGrunwald/status/368876174081933312>

9.14 Appendix N: Relevant excerpts from Bradley Manning's trial transcript 10 and 11 June 2013

In The Matter Of:
United States vs.
PFC Bradley E. Manning

Vol. 4
June 10, 2013
UNOFFICIAL DRAFT - 6/10/13 Morning Session

Provided by Freedom of the Press Foundation

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June 10, 2013

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1 MR. FEIN: Your Honor, two CDs, CD one of two and
2 two of two. And 62 is a printout.

3 Your Honor, may I have a quick moment?

4 THE COURT: Yes.

5 All right. Prosecution exhibits 61 and 62 are
6 admitted.

7 Handing it back to the court reporter. Government,
8 are you ready to proceed?

9 MR. FEIN: Yes, ma'am.

10 MR. MORROW: Your Honor, the United States recalls
11 Special Agent David Shaver.

12 Whereupon:

13 DAVID SHAVER,
14 called as a witness, having been previously duly sworn
15 according to law, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. MORROW:

18 Q. Special Agent Shaver, you are still under oath.

19 A. Yes, sir.

20 Q. Agent Shaver, I want to begin by talking about some
21 SIPRNET Intelink logs collected as part of this case, but

1 first I need to ask a few preliminary questions.

2 Did you examine any SIPRNET computers associated
3 with PFC Manning as part of this investigation?

4 A. Yes, sir, I did.

5 Q. And what were the IP addresses of those computers?

6 A. They were ending in dot 22 and dot 40.

7 Q. And again for the record, what is an IP address?

8 A. That's like a telephone number for a computer.

9 Q. And are you familiar with Intelink?

10 A. Yes, sir, I am.

11 Q. And what is Intelink?

12 A. It's Google of the SIPRNET.

13 Q. And did you examine any logs collected from the
14 SIPRNET Intelink site in this case?

15 A. Yes, sir, I did.

16 Q. And what did those logs contain generally?

17 A. They generally contained the source IP, the computer
18 making the request, date and time of the request and some of
19 the search list.

20 Q. Now, were the Intelink logs you examined all of
21 Intelink or just associated with a particular IP?

1 A. They were just associated with dot 22 and dot 40.

2 Q. And what time period roughly did the logs cover?

3 A. November 2009 to May 2010.

4 Q. And why was that time period collected as part of
5 this case?

6 A. Sir, that's when PFC Manning was in theater.

7 Q. When you received the log files, what do you do; do
8 you work off that copy or do you work off another copy?

9 A. Sir, for ease of review for this case I took them
10 and converted them to an Excel spreadsheet for ease of
11 review.

12 Q. Okay. So let's just back up a little bit though.
13 In what form did you receive the log files?

14 A. They were text files.

15 Q. And what is a text file?

16 A. Sir, it's just, just raw text, unformatted.

17 Q. And so what did you do once you found or at least
18 opened the files and they were text files, what did you do
19 next?

20 A. I imported them into Excel.

21 Q. And generally why do log files come to you in text,

1 is that standard?

2 A. Yes, sir, generally.

3 Q. And why is that?

4 A. Sir, just for ease of transferring information
5 between one -- for review and ease of transferring the data
6 from one computer to another. Text is a common format for
7 that.

8 Q. And when you received the log files and text, if you
9 had printed those text files -- first let me ask this
10 question. Was it one big file or several small file files?

11 A. There are several smaller files.

12 Q. If you had printed just one of those files,
13 approximately how many pages would that have come out to?

14 A. Quite a lot. Maybe a hundred or so, if not more.

15 Q. And that's just for one log file?

16 A. Yes, sir.

17 Q. Now, you said you converted these text files into
18 Excel?

19 A. Yes, sir.

20 Q. And once they were converted, if you had printed
21 that entire log sheet essentially or all the logs for the

1 time period, how many pages are we talking about?

2 A. A lot. Several hundred, if not more.

3 Q. And in your line of work, do you regularly transfer
4 text files from just the raw data format to Excel?

5 A. Yes, sir.

6 Q. And is that a difficult process?

7 A. No, sir.

8 Q. And when you transfer the information from text to
9 the Excel spreadsheet, did you alter the information in any
10 way?

11 A. No, sir.

12 Q. All right. So let's talk about the logs in the
13 Excel format. Once you had them in that format, what did you
14 do next?

15 A. I wanted to determine since this is Google
16 basically, I wanted to determine what keywords were used,
17 what was, what keywords were entered and what was searched.

18 Q. And how do you determine based on looking at the
19 logs what searches were made from these computers?

20 A. What I did is I went to Intelink on my SIPRNET
21 computer and I did some keyword searches and then I requested

1 my Intelink logs from my SIPRNET computer.

2 Q. Now, when you say you requested your Intelink logs,
3 did you have to go somewhere else to ask for --

4 A. I had to put a request in.

5 THE COURT: Just a moment. Yes.

6 MR. TOOMAN: Your Honor, if the government would
7 like to introduce the logs that Agent Shaver made, the
8 defense will stipulate to that.

9 THE COURT: You are laying a foundation?

10 MR. MORROW: I need to explain to the court
11 essentially what they are.

12 THE COURT: That's fine. Go ahead.

13 BY MR. MORROW:

14 Q. So, again, the process of finding a search?

15 A. Yes, sir. So I found the keywords that I searched
16 for and then I went to the logs and determined there's a
17 specific pattern that predates before the search, so once I
18 figured out what the pattern is, the keyword followed it and
19 I filtered it off of that.

20 Q. So you used the pattern to then filter off the logs
21 that you had already collected?

1 A. Correct.

2 Q. And once you had that pattern identified into the
3 raw logs essentially, what did you do next?

4 A. I extracted all the keywords out as a separate tab
5 on the Excel spreadsheet and then I started looking at what
6 keywords were entered.

7 Q. I am retrieving prosecution exhibit 81 for
8 identification from the court reporter.

9 Agent Shaver, if I could have you move to the panel
10 box, please.

11 A. Yes, sir.

12 MR. MORROW: Your Honor, this exhibit already been
13 shown to defense.

14 THE COURT: All right. Thank you. I notice Captain
15 Tooman nodding his head.

16 MR. TOOMAN: Yes, ma'am.

17 BY MR. MORROW:

18 Q. I am handing the witness what has been marked as
19 prosecution exhibit 81 for identification.

20 Agent Shaver, if you could just take a moment and
21 look that you that, please.

1 Agent Shaver, do you recognize that document?

2 A. Yes, sir, I do.

3 Q. And what is it?

4 A. Sir, this is the keywords, the spreadsheet that I
5 created that contains the keywords.

6 Q. When you say keywords, again, what does that mean?
7 What kind of activity is that capturing from the Intelink
8 logs?

9 A. Sir, if you went to the Intelink, it's a website,
10 you would put a keyword in, cat, dog, it would log that, the
11 word cat, and that's what I did was I pulled out those
12 individual searches. So you, again, this is go to the
13 website, you put in a keyword and hit enter.

14 Q. And, Agent Shaver, did you create that document?

15 A. Yes, sir.

16 Q. And, again, is that an accurate summary of all of
17 the Intelink searches on the SIPRNET from these two user
18 accounts?

19 A. Yes, sir. The two computers, sir.

20 Q. Dot 22 and dot 40?

21 A. Yes, sir.

1 Q. And when you extracted the searches from the full
2 logs, did you alter the information in any way?

3 A. I extracted out the information, but I did not alter
4 them.

5 MR. MORROW: Your Honor, at this time the
6 prosecution moves to admit prosecution exhibit 81 for
7 identification into evidence.

8 MR. TOOMAN: No objection, Your Honor.

9 THE COURT: Can I see it, please?

10 Prosecution exhibit 81 for identification is
11 admitted.

12 MR. MORROW: I'm going to hand the exhibit back to
13 the witness to ask a few questions.

14 BY MR. MORROW:

15 Q. Agent Shaver, can you generally just describe the
16 information and the columns just, you know, the headers
17 essentially left to right.

18 A. Sure. Yes, sir. The first field would be a number
19 field, that's something I put in there to make it easier so
20 you can reference the number.

21 The next field is IP address.

1 The next field is the date and time.

2 The next field is the time zone.

3 And the action, the keyword that was entered.

4 Q. Now, when you say date, I'm sorry, when you say date
5 and time, what do you mean by that, the date and time some
6 word was searched?

7 A. Yes.

8 Q. And when was the first search by either one of those
9 computers?

10 A. It would be 10 November 2009.

11 Q. And when was the last search?

12 A. 7 May 2010.

13 Q. And I want to talk about -- actually, first, let me
14 just ask this question. When was the first search for
15 WikiLeaks in that summer?

16 A. 1 December 2009.

17 Q. And are there any other searches based on your
18 review of those searches that you thought were of interest to
19 the investigation that were odd in any way?

20 A. Yes, sir. There were several that were odd,
21 searches for things like Iceland and Julian Assange, they

1 seemed out of place.

2 Q. And why do you say that?

3 A. Sir, it is my understanding these computers were at
4 FOB Hammer Iraq and should have been focused on events in and
5 around FOB Hammer Iraq.

6 Q. Thank you. I'm retrieving prosecution exhibit 81.

7 Agent Shaver, you can move back to the witness box.
8 Thank you.

9 Agent Shaver, I want to talk about some of the
10 searches for WikiLeaks and where they led on the SIPRNET.
11 What happens when the user at one of the IP addresses
12 searches through what comes back in the log?

13 A. There would be some search hits. If the user then
14 clicks on log files or clicks on a link, it will show that
15 link that has been clicked and things of that nature.

16 Q. Now, in this case at least for these SIPRNET logs,
17 does the activity after the search, is that always captured?

18 A. No, sir.

19 Q. And why would sometimes there be gaps, sir?

20 A. If the user went to a web page, entered Intelink,
21 entered a search term and it was directed to a new web page,

1 in essence they're now on that web server, no longer part of
2 the Intelink world.

3 Q. Okay. I'm retrieving what's been marked as
4 prosecution exhibit 45 for identification.

5 THE COURT: Captain Tooman?

6 MR. TOOMAN: I'm just standing up to look, Your
7 Honor.

8 BY MR. MORROW:

9 Q. I'm handing the witness what has been marked as
10 prosecution exhibit 45 for identification.

11 Agent Shaver, just take a look at that, please.

12 Do you recognize that document?

13 A. Yes, sir, I do.

14 Q. And what is it?

15 A. It's the Army Counter Intelligence Center report on
16 WikiLeaks.

17 Q. And was this document accessible via the SIPRNET?

18 A. Yes, sir.

19 Q. And based on your review of the Intelink logs, did
20 any searches for WikiLeaks lead to the discovery or the
21 access of this document on the SIPRNET?

1 A. Yes, sir.

2 Q. And how did you go about identifying this particular
3 document in the Intelink logs?

4 A. This document was provided to me for examination to
5 compare against a document that was released by WikiLeaks,
6 and the original document that was provided to me a unique
7 name was provided.

8 Q. So it wasn't titled at least whatever the title of
9 the document was?

10 A. No, sir.

11 Q. Do you recall what the title was?

12 A. It started with R B O 8 and there were some numbers
13 after that.

14 Q. Okay. I am retrieving prosecution exhibit 45 for ID
15 from the witness and I am retrieving, again, prosecution
16 exhibit 84 for identification from the court reporter.

17 I am handing the witness what has been marked as
18 prosecution exhibit 84 for identification to the witness.

19 Agent Shaver, do you recognize that document?

20 A. Yes, sir, I do.

21 Q. And what is it?

1 A. This is another document I created based upon the
2 searches for the R B document from the Intelink logs.

3 Q. So what does that document show essentially?

4 A. It shows four different times in which the IP dot 40
5 viewed or attempted to view the R B document.

6 Q. Okay. I'm retrieving -- first can we publish this
7 to the court, Your Honor?

8 THE COURT: Proceed.

9 BY MR. MORROW:

10 Q. Agent Shaver, I want to start with line one. Can
11 you just describe for the court the activity, the action on
12 the very far right, please?

13 A. Yes, sir. You see the last -- how do you clear it?

14 Q. Don't worry about that.

15 A. The line I've managed to -- there you go. Thank
16 you, sir.

17 The last line there you see it says H T T P W W W
18 Intelink S dot gov search default, Q equals WikiLeaks, that
19 was the search query for this, the search terms WikiLeaks was
20 used, and these are the, the result was this document. And
21 if, again, if you look at that third from the bottom it says

1 the address, dot north dot Army not smil dot mil, a little
2 further down you see the document itself, R B 0 8 dot A S T
3 P, and a little further to the right you see where it was 200
4 and then there's numbers at the end. 200 means it's
5 successful, this document was viewed.

6 Q. And what's a dot A S P?

7 A. That's like a web page.

8 Q. In lines 2, 3 and 4, do you see the, is there also a
9 successful access in those cases?

10 A. No, sir. The 302, it's a redirect, so at this time
11 if they clicked on that link looking for that specific
12 document, it went somewhere else.

13 Q. Okay. So you can't tell if that was successful
14 access of that document?

15 A. No, sir.

16 Q. Now, again, in at least this summary, what, which
17 line is the successful access versus the --

18 A. It would be the first one, sir.

19 Q. And what's the date of that search?

20 A. 29 December 2009.

21 Q. Thank you.

1 THE COURT: My understanding the 29 December 2009
2 was successful and the other three were not?

3 THE WITNESS: They may have been, therein lies the
4 permutation of the log files. If you click on the link, it
5 redirected it to somewhere else and I don't know where.

6 THE COURT: Thank you.

7 THE WITNESS: So it may have been.

8 MR. MORROW: Your Honor, at this time the
9 prosecution moves to admit prosecution exhibit 84 for
10 identification into evidence.

11 MR. TOOMAN: No objection, Your Honor.

12 THE COURT: All right. Prosecution exhibit 84 is
13 admitted.

14 BY MR. MORROW:

15 Q. Agent Shaver, I want to talk about the Intelink
16 searches and the 14 February 2010 timeframe. First, based on
17 your review of the searches in these logs, did the logs
18 capture any searches for WikiLeaks on 14 February 2010?

19 A. Yes, sir, I believe they did.

20 Q. And generally again where did these searches lead on
21 the SIPRNET?

1 A. To websites that have information pertaining to
2 WikiLeaks.

3 Q. I'm retrieving what's been marked as prosecution
4 exhibit 85 for identification.

5 Agent Shaver, I'm handing you prosecution exhibit 85
6 for identification.

7 A. Yes, sir.

8 Q. Just take a moment and look at it, please.

9 I'm retrieving prosecution exhibit 85 for
10 identification with the witness. Permission to publish, Your
11 Honor.

12 THE COURT: Go ahead.

13 BY MR. MORROW:

14 Q. Agent Shaver, I won't go through all the lines in
15 this document, but just describe for the court what this,
16 first of all, again, what is the document?

17 A. Again, this is a subset of the Intelink logs for
18 February 14, 2010.

19 Q. And where does this subset of logs begin, what's the
20 first action?

21 A. Again, it's another search for WikiLeaks, you can

1 see that from the top line under the Q equals WikiLeaks in
2 this search, and the search ended up on an Army website.

3 Q. Can you just point out the line, please? It might
4 be easier if I just hand it back to you.

5 A. Yes. I'm sorry, it's a little blurry on here.

6 Q. Based on your review of the logs, were you able to
7 identify any documents accessed by the user of those IP
8 addresses in the logs?

9 A. Yes, sir.

10 Q. And what documents were you able to identify as
11 being accessed?

12 A. There is one called C C C here be dragons trip
13 report.

14 Q. And what line is that in that summary?

15 A. 12.

16 Q. And were there any other documents accessed as a
17 result of this search on Intelink?

18 A. There is an IIR as well, following a bunch of
19 numbers, classified documents on WikiLeaks dot PDF.

20 Q. And based on your review of the Interlink logs
21 generally, have you ever seen this document accessed at a

1 previous time other than February 14?

2 A. Yes, sir.

3 Q. And what timeframe was that?

4 A. I believe it was early December.

5 Q. Agent Shaver, I just want to, what created this
6 document?

7 A. I did.

8 Q. And how did you create it?

9 A. Sir, it was just filtered on the date for February
10 14.

11 MR. MORROW: Your Honor, at this time the
12 prosecution moves to admit prosecution exhibit 85 for
13 identification into evidence.

14 MR. TOOMAN: No objection.

15 THE COURT: May I see it, please?

16 BY MR. MORROW:

17 Q. Agent Shaver, I want to shift gears for a moment.
18 Other than searches made from the computers on Intelink, what
19 other activity was significant that you observed in the
20 Intelink logs?

21 A. There were a number of hits, there were a number of

1 downloads using the WGet utility.

2 Q. And what is WGet?

3 A. Sir, that is a command line program executable
4 designed to basically download files from web pages.

5 Q. And when you say something's a command line program,
6 what do you mean by that?

7 A. It's command line, so there is not a graphical user
8 interface. There's no need for a mouse. You have to type
9 the commands in from the command prompt. So if you were to
10 go to, you have a Windows computer, if you go to start, run,
11 type CMD, and hit enter, a little black window would open and
12 that would be command window. You could then type commands
13 from there.

14 Q. Now, is WGet -- what is it, is it software?

15 A. Yes, sir.

16 Q. And you also said something about executable.
17 What's an executable?

18 A. It's just a program that runs.

19 Q. And what's the difference between software and
20 executable?

21 A. Same thing, sir.

1 Q. It's just exactly basically?

2 A. Yeah.

3 Q. Now, based on your knowledge and experience, is WGet
4 a standard program on Army computers?

5 A. Not Windows computers, no, sir.

6 Q. Why do you say that?

7 A. Sir, part of our mission at CCIU was to find malware
8 on a computer, so we had access to the Army Gold Master. And
9 the Army Gold Master or AGM is how the Army distributes
10 software to include Office and operating systems themselves
11 across the Army network. So we had access to that. We would
12 use that to, once you know what's supposed to be there, it's
13 easier to figure out what's not supposed to be there.

14 Q. All right. Let's talk about the presence of WGet in
15 the logs. Do you recall the first example of WGet in the
16 logs?

17 A. I believe it was March 2010.

18 Q. I am retrieving what's been marked as prosecution
19 exhibit 83 for identification. I'm now showing them to
20 defense counsel.

21 I'm handing the witness what has been marked as

1 prosecution exhibit 83 for identification. Agent Shaver,
2 could you take a moment and look through that, please?

3 A. Yes, sir.

4 Q. Do you recognize that document?

5 A. Yes, sir, I do.

6 Q. And what is it?

7 A. Sir, this is, again, this is a filtered on WGet from
8 March 7 from the Intelink logs.

9 Q. And, again, when you say you filtered, so you
10 created that document?

11 A. Yes, sir, I did.

12 Q. And when you created the document, did you a filter
13 the information in any way from the original logs?

14 A. No, sir.

15 Q. So what was the filter you used to sort of create
16 that summary?

17 A. Basically WGet on March 7.

18 Q. And what does that document show, just generally,
19 and in a moment we'll go through it, but just generally what
20 does it show?

21 A. Sir, it shows a large number of files being

1 downloaded in an automated fashion.

2 Q. And what is the date of the first download of a
3 document using WGet?

4 A. That would be March 7, 2010.

5 Q. What time?

6 A. 3:18.

7 Q. And when is the last action of downloading using
8 WGet in the logs?

9 A. Last action is March 7, 2154.

10 Q. 2154?

11 A. I'm sorry. 7:06. I apologize.

12 Q. So approximately between the first and last action,
13 how much time elapsed?

14 A. Just a few hours.

15 THE COURT: Wait a minute. Let me stop you there.

16 So the first download is 7 March of 2010 at 3:18?

17 THE WITNESS: I apologize, ma'am, 7:06.

18 THE COURT: You mean military time or are you using
19 civilian time?

20 BY MR. MORROW:

21 Q. Agent Shaver, let's just go through it.

1 Permission to publish to the court, Your Honor. I'm
2 just going to show the first page of this exhibit, Your
3 Honor.

4 Agent Shaver, approximately how much time, based on
5 your review of these logs, how much time elapses between each
6 use of WGet?

7 A. Not a lot, sir. If you can see from lines seven
8 through 13, they're all 7:46. Excuse me. 3:46. So not a
9 lot of time between each one.

10 Q. And let's, if you could just look at those lines
11 specifically and just move to the right there, can you
12 describe the action at the very right of the screen? What
13 does the 200 mean and then describe going right, what does
14 that mean?

15 A. Yes, sir. Starting 200. 200 means success. The
16 number following is the size of the file. And a little
17 further to the right it shows what was used. In this case it
18 was WGet and that was the version, 1.11.4.

19 Q. Now, if you go to the left a little bit, I see a
20 number of lines sort of recreated, document ID equals 144708,
21 and then a number of document ID. What is the document ID?

1 A. The server this is being captured from is a
2 Sharepoint server pertaining to Guantanamo Bay detainees. As
3 such the documents are not stored by a common name, they're
4 stored by a document ID. So to retrieve it, if you were to
5 go to the website, you would click on the link that said
6 common name, need a person's last name. But actually
7 underneath it in the code it would say to retrieve a certain
8 document ID.

9 Q. So in this case what does the document ID represent?

10 A. A file name.

11 Q. Agent Shaver, approximately how many WGet actions
12 did you observe in this log on 7 March?

13 A. Over 700.

14 MR. MORROW: Your Honor, at this time the
15 prosecution moves to admit prosecution exhibit 83 for
16 identification into evidence as prosecution exhibit 83.

17 MR. TOOMAN: No objection, Your Honor.

18 THE COURT: Can I see it, please?

19 Thank you. Prosecution exhibit 83 for
20 identification is admitted.

21 BY MR. MORROW:

1 Q. Agent Shaver, you said that those document IDs
2 resolved or went back to the detainee assessments located on
3 the SIPRNET, correct?

4 A. Correct.

5 Q. Now, in any time in your review of the Intelink
6 logs, did you notice any other activity or accessing of
7 information on detainee records on Intelink?

8 A. Yes, sir.

9 Q. And what time was that?

10 A. 5 March 2010.

11 Q. I'm retrieving what's been marked as prosecution
12 exhibit 82 for identification.

13 I'm handing the witness what's been marked as
14 prosecution exhibit 82 for identification.

15 Do you recognize that document, Agent Shaver?

16 A. Yes, sir, I do.

17 Q. And what is that?

18 A. Sir, this is a document, a subset of the Intelink
19 for March 5, 2010.

20 MR. MORROW: Permission to publish to the court,
21 Your Honor.

1 THE COURT: Proceed.

2 BY MR. MORROW:

3 Q. Agent Shaver, I'm just going to show you the first
4 page of the exhibit. And if you would, Agent Shaver, using
5 this document, just describe the activity that you're seeing
6 in the logs.

7 A. The activity, somebody is on a computer assigned IP
8 dot 22 is downloading files. Again, you see the file
9 document again and you see their link to the website is there
10 and you see some 200s and you see some 000s. There's an
11 issue for that download didn't quite work right. And there's
12 time and dates associated with those downloads.

13 Q. Now, in terms of what the user is doing or what
14 you're observing in this activity on the Intelink versus the
15 7 March activity, what's the difference between those two
16 accessing -- the accessing of the detainee assessment on
17 those two dates?

18 A. This appears to be a lot of right clicking, save as.

19 Q. And why do you say that?

20 A. Because it's the time. It's not as fast and there's
21 some errors, so it looks, it appears to be somebody's

1 manually downloading these files.

2 Q. Did you observe WGet on 5 March?

3 A. No, sir.

4 Q. And how do you know that, again, these are detainee
5 assessments, where are the logs that show those are the files
6 being accessed?

7 A. It actually says that, action line, it says the
8 website week JDIV Gitmo detainee assessments.

9 Q. Thank you. Now, again --

10 THE COURT: Before you move that, I've got a
11 question. You have the 200s where you say were a success,
12 after some of the 200s then you have 000. What does that
13 mean?

14 THE WITNESS: There's a problem.

15 THE COURT: Thank you.

16 BY MR. MORROW:

17 Q. Agent Shaver, how was this, again, and you may have
18 answered this, how was this summary created?

19 A. I filtered based off the date and the action.

20 MR. MORROW: Your Honor, at this time the
21 prosecution moves to admit prosecution exhibit 82 for

1 identification into evidence.

2 MR. TOOMAN: No objection, Your Honor.

3 THE COURT: Prosecution exhibit 82 is admitted.

4 MR. MORROW: Thank you, Agent Shaver. Government
5 has no further questions at this time.

6 MR. TOOMAN: Your Honor, the defense would request a
7 ten minute comfort break.

8 THE COURT: Any objection?

9 MR. FEIN: No, ma'am.

10 THE COURT: All right. Agent Shaver, please don't
11 discuss your testimony or knowledge of the case with anyone
12 other than counsel or the accused while we are on the recess.
13 Court is in recess until five minutes to eleven.

14 (BRIEF RECESS.)

15 THE COURT: Court is called to order. Let the
16 record reflect all parties present when the court.

17 Captain Tooman, cross examination.

18 MR. TOOMAN: Thank you, Your Honor.

19 CROSS EXAMINATION

20 BY MR. TOOMAN:

21 Q. Good morning, Agent Shaver.

1 A. Good morning, sir.

2 Q. Agent Shaver, I'd like to start out by on direct you
3 talked a little bit about some of the computers that you had
4 associated with my client.

5 A. Yes, sir.

6 Q. You had associated the dot 22 machine?

7 A. Yes, sir.

8 Q. That was one. And the other was the dot 40 machine?

9 A. Yes, sir.

10 Q. I want to focus on the dot 22 machine for just a
11 moment. Now, on that machine, you didn't have any activity
12 that you would associate with my client before 2 March in the
13 allocated space, is that correct?

14 A. Okay.

15 THE COURT: Whoa, whoa, whoa.

16 Q. On the dot 22 machine there was a user account,
17 Bradley dot Manning, correct?

18 A. Right.

19 Q. And that user account didn't have anything in the
20 unallocated space before 2 March, is that correct?

21 MR. MORROW: Objection. Outside the scope of

1 direct.

2 THE COURT: Overruled.

3 THE WITNESS: Sir, your terminology I believe is
4 incorrect.

5 BY MR. TOOMAN:

6 Q. Okay.

7 A. You're asking -- may I ask? You're asking me are
8 there any files pertaining to the Bradley dot Manning user
9 account prior to 2 March?

10 Q. 2 March.

11 A. That are allocated.

12 Q. That are unallocated. Let me rephrase the question.

13 In the dot 22 computer, there's a user account,
14 Bradley Manning?

15 A. Correct.

16 Q. That user account didn't exist before 2 March,
17 correct?

18 A. Correct.

19 Q. And that user account didn't exist before 2 March
20 because that computer had been re-imaged?

21 A. Correct.

1 Q. And that computer was re-imaged by the G6 or whoever
2 was in charge of those computers?

3 A. That's correct.

4 Q. Okay. And you've been to Iraq?

5 A. Yes, sir.

6 Q. And you understand that there are a lot of reasons
7 why a computer would be re-imaged in Iraq?

8 A. Correct.

9 Q. It's a difficult environment for the machine?

10 A. Yes, sir.

11 Q. It's hot, that puts stress on the machine? It's
12 dusty, sandy?

13 A. Yes, sir.

14 Q. And those things could cause problems for the
15 machine?

16 A. Correct.

17 Q. And one way that an administrator might deal with
18 those problems is to re-image it?

19 A. Correct.

20 Q. That's what happened with the dot 22 machine?

21 A. Correct.

1 Q. And that wasn't anything my client did, that was
2 whoever was in charge of those machines?

3 A. Yes, sir.

4 Q. Now, you talked about, on direct you talked about
5 the Intelink logs and the searches, you talked about how you
6 created the Excel document where you were able to pull out
7 all of the actual searches?

8 A. Yes, sir.

9 Q. And to separate the wheat from the chaff, here are
10 the searches, correct?

11 A. Uh-huh.

12 Q. And you talked about a number of searches for
13 WikiLeaks?

14 A. Yes, sir.

15 Q. You talked about searches for ACIC documents?

16 A. Just WikiLeaks.

17 Q. Well, you talked about searches or activity on the
18 Intelink logs related to detainee assessments?

19 A. Correct.

20 Q. There were in total from May -- I'm sorry. From
21 November of 2009 to May of 2010 there were probably close to

1 800 searches?

2 A. Sounds right.

3 Q. And not all of those had to do with WikiLeaks?

4 A. Correct.

5 Q. A lot of those searches had to do with a lot of
6 other things?

7 A. Yes, sir.

8 Q. And with those Intelink logs, all you can really say
9 is that the dot 22 machine or the dot 40 machine did a search
10 for whatever term?

11 A. Correct.

12 Q. You can't say that that was PFC Manning who did the
13 search?

14 A. Correct.

15 Q. You can't say it was Captain Tooman who did the
16 search?

17 A. Correct.

18 Q. You could say if it was you that did the search, but
19 you don't know who did the search?

20 A. Correct.

21 Q. Okay. There were a lot of other searches done?

1 A. Yes, sir.

2 Q. There were searches for gender identity disorder?

3 A. Yes, sir.

4 Q. There were searches for APFT scores?

5 A. Yes, sir.

6 Q. There were searches for Green to Gold?

7 A. Yes, sir.

8 Q. Now, I want to focus on some more of those searches.

9 There were also a number of searches related to CENTCOM,
10 correct?

11 A. Correct.

12 Q. Now, CENTCOM is the command that oversees Iraq,
13 correct?

14 A. Yes, sir.

15 Q. Iraq falls underneath CENTCOM. So there would be a
16 lot of reasons why a computer user might search for CENTCOM?

17 A. Sure.

18 Q. I want to talk about some of those CENTCOM searches
19 a little more specifically. There was a search for CENTCOM
20 on or involving CENTCOM on 30 November 2009, is that correct?

21 A. Sounds right.

1 Q. There was another search on 9 December for CENTCOM
2 that was done by the 40 machine?

3 A. Okay.

4 Q. Is that -- do you have you --

5 A. I don't have the notes in front of me, sir.

6 THE COURT: Let me ask you to do something, please.
7 If you know something to be a fact and you're agreeing with
8 the questioner, say that. If you don't know or you're not
9 sure because you don't have something in front of you, don't
10 agree.

11 THE WITNESS: Okay.

12 BY MR. TOOMAN:

13 Q. Is there anything that would allow you to answer
14 those questions?

15 A. Yes, sir. One of the exhibits from earlier.

16 MR. TOOMAN: Okay. Your Honor, I'd like to retrieve
17 prosecution exhibit 81 and ask Agent Shaver to move to the
18 witness stand because I believe that's classified.

19 THE COURT: All right. Certainly.

20 MR. TOOMAN: Handing the witness what's been marked
21 as prosecution exhibit 81.

1 BY MR. TOOMAN:

2 Q. Agent Shaver, we'll start over. We'll start from
3 the top with searches that implicate CENTCOM. On the 30th of
4 November we have a search by the dot 40 machine related to
5 CENTCOM, is that correct?

6 A. (INAUDIBLE).

7 Q. No, I do not.

8 A. (INAUDIBLE).

9 THE COURT: Take your time.

10 THE WITNESS: Yes, sir.

11 Q. There's also a search on 9 December by the dot 40
12 machine and that's a search for S J A plus CENTCOM?

13 A. Yes, sir.

14 Q. And on the 15th of November -- I'm sorry -- the 15th
15 of December, again, the dot 40 machine, we have a search just
16 for CENTCOM?

17 THE COURT: Did you say the 14th of December?

18 MR. TOOMAN: 15th, Your Honor.

19 THE WITNESS: Correct. Yes, sir.

20 BY MR. TOOMAN:

21 Q. The very next day, again, the dot 40 machine

1 searched for CENTCOM plus S J A?

2 A. Yes, sir.

3 Q. Then on the 31st of December the dot 40 machine
4 searched for CENTCOM plus portal?

5 A. Correct.

6 Q. 2 January 2010 we see the 40 machine searching for
7 CENTCOM plus non-rel, N O N R E L?

8 A. Yes, sir.

9 Q. On the 4th the dot 40 machine searches for CENTCOM?

10 A. Yes, sir.

11 Q. Okay. Then our next search is the 19th of February,
12 still the dot 40 machine and it's just for CENTCOM?

13 A. What date again was that, sir?

14 Q. 19 February.

15 A. Yes, sir.

16 Q. And then on the 28th?

17 A. Yes, sir.

18 Q. We have one by the dot 40 machine as well?

19 A. Yes, sir.

20 Q. And that's a search for CENTCOM?

21 A. On 28 November, yes, sir.

1 Q. Then on 12 March, we see our first search from the
2 dot 22 machine, and that's for a long string, but you would
3 agree with me that that is basically searching for don't ask,
4 don't tell?

5 A. Yes, sir.

6 Q. Then on the 17th of March, the 22 machine searches
7 for, again, another long string E-Books plus site, percentage
8 three?

9 A. Yes, sir, I see that.

10 Q. And then on the 22nd of March we see a search for
11 Farah plus CENTCOM, and that was the 22 machine?

12 A. Yes, sir.

13 Q. Let me retrieve that exhibit from you. Handing
14 prosecution exhibit 81 back to the court reporter.

15 Now, Agent Shaver, those were the only searches for
16 CENTCOM on the Intelink logs that specifically talked about
17 CENTCOM, correct?

18 A. Looks that way, yes, sir.

19 Q. And there was only one that specifically searched
20 for Farah?

21 A. Correct.

1 Q. And that was on 22 March?

2 A. Yes.

3 Q. Agent Shaver, I want to talk a little bit more about
4 Farah. You talked on direct about there are ways that we can
5 tell, you can tell a search was done, but we can't really
6 tell what happened after that, is that correct?

7 A. That's correct.

8 Q. There's some indication that maybe a file was
9 viewed, but we have to look other places to find out what
10 happened as a result of that search, correct?

11 A. Correct.

12 Q. And one of those places would be Centaur logs, is
13 that correct?

14 A. Yes.

15 Q. Could you explain to the court what a Centaur log
16 is?

17 A. Yes, sir.

18 MR. MORROW: Your Honor, objection. There's been no
19 evidence to suggest that he examined something called a
20 Centaur log. Lack of foundation here. It's outside the
21 scope of direct examination.

1 THE COURT: How is it within the scope?

2 MR. TOOMAN: It's within the scope of direct
3 examination, Your Honor, because the government talked about
4 searches and then different ways that we can see what
5 happened with the searches.

6 Additionally, the government has already requested
7 judicial notice of the Centaur logs so that's already
8 something the court has considered. This witness has
9 reviewed the Centaur logs, he will talk about that.

10 THE COURT: I'm going to overrule at this point just
11 telling me what a Centaur log is. Do you dispute the fact
12 that he does know what it is?

13 MR. MORROW: No, Your Honor. I do dispute the fact
14 that we asked you to take judicial notice of the Centaur logs
15 though.

16 THE COURT: Do you have your consolidated judicial
17 notice list has that been put on as an appellate exhibit yet?

18 MR. TOOMAN: Your Honor, it's in the 18 July 2012
19 ruling, appellate exhibit 216.

20 THE COURT: May I see appellate exhibit 216, please?
21 216 is the one you're relying on, right?

1 MR. TOOMAN: Yes, ma'am.

2 THE COURT: All right. Government, I'm looking at
3 appellate exhibit 216. Number four talks about Centaur logs.

4 MR. FEIN: Yes, ma'am. So this was a government
5 motion to preadmit evidence, not judicial notice. The
6 government did move to preadmit and the court ruled that
7 based off the government's showing of relevance that this
8 evidence would otherwise be admissible. The government does
9 intend to admit this evidence, in fact, with the predicate
10 witnesses prior to Special Agent Shaver and then Special
11 Agent Shaver's testimony. I think my co-counsel's objection
12 was just based off it's outside the scope of this direct
13 because there's no context, no foundation, prior facts not
14 going to understand that the background is Centaur.

15 THE COURT: So you're going to be recalling this
16 witness to talk about Centaur logs?

17 MR. FEIN: Absolutely, Your Honor.

18 THE COURT: Why are we getting into it now?

19 MR. TOOMAN: Your Honor, the government believes the
20 government opened the door to Agent Shaver's investigation
21 and we'd like to talk to him about it.

1 THE COURT: The government didn't mention anything
2 about Centaur logs, so are you waiving your relevance
3 objection for these logs to come in?

4 MR. TOOMAN: Yes, Your Honor. We would, yes, Your
5 Honor.

6 THE COURT: I think it's beyond the scope of direct.
7 The government just didn't talk about it, so I'm going to
8 sustain the objection.

9 MR. TOOMAN: Okay.

10 BY MR. TOOMAN:

11 Q. Agent Shaver, I'd like to talk to you, you spoke on
12 direct about the ACIC report?

13 A. Yes, sir.

14 Q. And you saw a number of searches for that, one was
15 on 29 December, there was one on 14 February?

16 A. Correct.

17 Q. And then there were two on 1 March, correct?

18 Your testimony on direct was only one of those
19 searches was successful and that only one time did something
20 get pulled up?

21 A. No, sir.

1 Q. Okay.

2 A. I can show, number one, the first hit was a success.
3 The other ones are redirected. I don't know if they're
4 successful. They're redirected to another log file, another
5 server. I cannot tell you if it was successful or it was
6 not.

7 Q. Okay. So only that first search could you say for
8 sure this was successful?

9 A. Correct.

10 Q. Now, based on your review of the intel logs, you
11 couldn't say if that document was downloaded, correct?

12 A. It was viewed, so technically it was downloaded
13 because you see the bytes transferred. It was viewed upon
14 the computer itself.

15 Q. Okay. You couldn't tell if there was a right click,
16 save as?

17 A. No, sir.

18 Q. You couldn't tell if it was printed?

19 A. No, sir.

20 Q. You also couldn't tell how long that screen was up,
21 correct?

1 A. Correct.

2 Q. So it could have been up for a second, it could have
3 been up for five minutes?

4 A. Correct.

5 Q. The same would be true for the C3 report that you
6 talked about on direct as well, correct?

7 A. Correct.

8 Q. Can't tell how long it was viewed, is that correct?

9 A. Correct.

10 Q. You can't tell if it was saved?

11 A. Correct.

12 Q. You also couldn't tell if it was printed?

13 A. That's correct.

14 Q. And I believe you said that the 22 machine is the
15 one that did those things. Either way you can't associate
16 the viewing of those documents with any particular person,
17 correct?

18 A. Correct.

19 Q. Just with the machine.

20 A. Correct.

21 Q. I'd like to speak with you, you talked about WGet on

1 direct. I'd like to talk to you now about that.

2 You would agree with me that WGet is a program
3 that's used to download web pages?

4 A. Yes, sir.

5 Q. Archive pages?

6 A. Sure.

7 Q. Download things?

8 A. Sure.

9 Q. You wouldn't say that this is a program that's
10 synonymous with hacking, would you?

11 A. Correct. It's just a tool.

12 Q. Just a normal program that's used every day by a lot
13 of different people?

14 A. Yes, sir.

15 Q. Now, you talked about detainee assessment briefs?

16 A. Yes, sir.

17 Q. And you talked about the Intelink's logs show that
18 on 5 March there were attempts from your perspective of
19 clicking, opening and saving, that's what the Intelink log
20 suggested?

21 A. Correct.

1 Q. And then on 7 March you had, again, activity with
2 the detainee assessment briefs, but here it looked like WGet
3 was used to download those files, correct?

4 A. Yes, sir.

5 Q. You would agree with me that basically what WGet was
6 doing was clicking, opening and saving, it was just doing it
7 quickly?

8 A. In automated fashion.

9 Q. Faster than a human could do it?

10 A. Yes.

11 Q. But still the same action, essentially the click,
12 open, save?

13 A. Correct.

14 Q. Now, as part of your investigation, you actually
15 used WGet, didn't you?

16 A. Yes, sir, I did.

17 Q. And what you did with WGet was you tried to
18 download, you wanted to see if you could download the
19 detainee assessment briefs?

20 A. Correct.

21 Q. And you were able to do that?

1 A. Correct.

2 Q. And what you did was you wrote a script and you ran
3 the script and then you actually downloaded the detainee
4 assessment briefs?

5 A. Yes, sir.

6 Q. And that only took you a few minutes to do?

7 A. Yes, sir. Did not take very long.

8 Q. Didn't take very long to download over 700 detainee
9 assessment briefs?

10 A. Correct.

11 Q. And while that was happening, you were able to do
12 other things on your machine?

13 A. Yes, sir.

14 Q. So one could run WGet and it would run in the
15 background and you could do other things?

16 A. Yes, sir. You would take a performance hit, but,
17 yes.

18 Q. When WGet's running, you don't have to actually be
19 there, do you? You don't have to be sitting at the computer
20 actively doing anything, correct?

21 A. No, sir.

1 Q. And, again, it basically just automates the click,
2 open, save?

3 A. Correct.

4 MR. TOOMAN: No further questions, Your Honor.

5 THE COURT: All right. Redirect.

6 MR. MORROW: No, Your Honor.

7 THE COURT: All right. I have a couple.

8 We talked earlier about the 200 means it's
9 successful and the 000 means there's a problem.

10 You just said in response to Captain Tooman's
11 questions that when a search is redirected to somewhere else,
12 you don't know what happens to it. Can you just tell me,
13 give me an example of a search, you would search for
14 something and it would go somewhere else and what happens?

15 THE WITNESS: Yes, ma'am. So are you familiar with
16 Google?

17 THE COURT: Yes.

18 THE WITNESS: So you go to Google and you put in
19 Wolf Blitzer, it takes you to the CNN web page and now you're
20 on the CNN web page. Google is no longer tracking what
21 you're doing on CNN, but the redirect took you there. And in

1 this instance that R B document was directed to another site,
2 and once it's on the other site it's no longer part of
3 Intelink. Does that make sense?

4 THE COURT: Yes. Thank you.

5 You testified earlier that to assess whether a
6 program is authorized on a Army computer, I just want to make
7 sure I got your testimony correctly. What did you use the
8 Army Gold Master's program to determine?

9 THE WITNESS: We used that -- excuse me. When I
10 worked at CCIU, we would use that to determine what are the
11 authorized programs, those are the Army programs that are
12 commonly available to the users on the Army network. WGet
13 was never part of those.

14 THE COURT: If you're not the right witness to ask
15 this question to, tell me.

16 Are you familiar with, does that program say that if
17 it's not on here, you can't use it or you can't put it on the
18 computer?

19 THE WITNESS: No, ma'am. That would be considered a
20 certificate of networthiness, also called a CON. That would
21 be the final authority on what's authorized and what's

1 unauthorized.

2 THE COURT: I'm beginning to stray into areas that
3 the government mentioned on their direct, but were not fully
4 explored. Any objection to my continuing to question this
5 witness about them?

6 MR. MORROW: No, Your Honor.

7 MR. TOOMAN: No, ma'am.

8 THE COURT: Tell me what that was called again, a
9 certificate of --

10 THE WITNESS: Networthiness. Commonly referred to
11 as a CON, C O N.

12 THE COURT: Assume I'm a computer user, how do I go
13 about obtaining a CON?

14 THE WITNESS: It is a process through one of the
15 Army SERS, the Army regional at Fort Huachuca, Arizona. You
16 would put in a request to use a piece of software on the Army
17 network. They would evaluate it to make sure it's not -- it
18 meets certain criteria, whether you have to pay for it, what
19 it does on the network, does it create a vulnerability on the
20 network. And then they would eventually get back to you and
21 say yes or no.

1 THE COURT: The Army sometimes structures automation
2 such that the user does not have administrative rights to
3 insert, to add things in the computers that you examined that
4 you testified about today. Could the user, did the user have
5 administrative rights to add whatever they wanted to?

6 THE WITNESS: No, ma'am, they do not. However, WGet
7 is the, the executable itself does not need administrative
8 privileges to run, so you can use, anybody can download it,
9 anybody can run it.

10 THE COURT: Are you aware of any specific
11 authorization of or prohibition of program WGet?

12 THE WITNESS: When I looked at the certificate of
13 networthiness, WGet was not on that list.

14 THE COURT: So that certificate is one certificate
15 of --

16 THE WITNESS: The CON itself, the one I saw the
17 Excel spreadsheet of what was authorized and what was not
18 authorized for the Army network. I was looking at it for
19 another matter. I obtained it for another case. But WGet
20 was not present on that CON.

21 THE COURT: And that CON was applicable for what, a

1 particular unit or geographic area?

2 THE WITNESS: As far as I know, the Army.

3 THE COURT: Any follow-up questions from either side
4 based on my questions?

5 MR. MORROW: One moment, Your Honor.

6 Just a couple of questions, Your Honor.

7 REDIRECT EXAMINATION

8 BY MR. MORROW:

9 Q. Agent Shaver, when someone searches for something on
10 the SIPRNET, and we've probably have gone over this, but what
11 does the resulting, at least if you're on the Intelink
12 server, what does the resulting activity show in the logs?

13 A. It would show any hits pertinent to the search you
14 put in.

15 Q. Now, when you say hits, what do you mean by that?

16 A. Again, it's basically Google, so if you put a
17 keyword in, again, let's go back to Wolf Blitzer, everything
18 that pops up would be pertinent to the key term Wolf Blitzer.

19 Q. So you would have a number of results?

20 A. Yes, sir.

21 Q. And if you clicked on one of those results, what

1 would happen?

2 A. It would take you to the website or the document
3 pertaining to that information.

4 Q. Now, if it took you to the website or document
5 pertaining to that information, would that activity always be
6 captured by the Intelink logs?

7 A. No, sir.

8 Q. And why is that?

9 A. Depends, sir. Depends where the document is
10 located. Again, if it's not on -- if it's on another website
11 it would be captured, that information would be captured on
12 that other website.

13 Q. Agent Shaver, when you were talking about the
14 certificate of networthiness, what type of computer were you
15 referring to?

16 A. Windows computer.

17 Q. But SIPRNET, NIPRNET, what were you talking about?

18 A. Either or.

19 Q. Have you seen the certificate of networthiness for a
20 DCGS Alpha computer?

21 A. No, sir, I have not.

1 Q. And where does WGet come from, where does someone
2 acquire or obtain the WGet program?

3 A. You would find it, you would search for it on the
4 Internet and find it on the Internet.

5 Q. So it's available to anyone on the Internet?

6 A. That's correct.

7 Q. And if you were to put a program or an executable
8 like WGet on a computer, and you wanted it to be available to
9 all the users of that computer, anyone who logged in, where
10 would you put it on the computer?

11 A. Program files.

12 Q. And why would you put it in the program files if you
13 wanted it to be available to all the users?

14 A. It's a permission issue. Everybody can have access
15 to it. They can all execute that document. If for example
16 you put it in a user profile, one user profile just due to
17 permissions cannot see the contents of another user for
18 security reasons.

19 Q. So a computer may have any number of user profiles
20 because, at least in the government, people share computers,
21 right?

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A. Yes, sir.

MR. MORROW: Thank you.

MR. TOOMAN: Just a couple, Your Honor.

1 have an exception of policy to run a specific program on a
2 specific network for a specific reason. There would be a
3 signed document for that.

4 Q. And I guess a certificate of networthiness or the
5 lack of a certificate of networthiness doesn't mean if the
6 program were reviewed it wouldn't get one?

7 A. Correct.

8 Q. Now, you talked about WGet. WGet is an executable
9 file, is that correct?

10 A. That's correct.

11 Q. And you double click on it, it opens, and it runs,
12 correct?

13 A. Again, it's a command line, so if you double click
14 on it, a black window would open and close very quickly and
15 not do anything. You have to do it from the command line.

16 Q. You would agree with me that it's an executable
17 file?

18 A. Yes, sir.

19 Q. And Army systems can be configured to prevent the
20 running of executable files?

21 A. Yes.

1 Q. Now, you talked about where an individual can put a
2 file if they add something to their machine. They could put
3 it in their own personal user file or it could get added to
4 program files, correct?

5 A. Correct.

6 Q. If you wanted to add something to the program files,
7 I would need administrative rights for that, wouldn't I?

8 A. That's correct.

9 MR. TOOMAN: Nothing further, Your Honor. Thank
10 you.

11 THE COURT: Any redirect from the government?

12 MR. MORROW: No, Your Honor.

13 THE COURT: Let me just make sure I'm clear on this.
14 Based on the last question from Captain Tooman, am I
15 understanding this WGet program was in the user files as
16 opposed to the programs file on the computers you found?

17 THE WITNESS: Correct.

18 THE COURT: If the user attempted to put WGet on the
19 programs file, what would have happened?

20 THE WITNESS: They would ask for permission. They
21 would ask for administrator privilege or account to do this.

1 THE COURT: Well, did the user in this case have an
2 administrative privilege account?

3 THE WITNESS: No.

4 THE COURT: If the user tried to put that program on
5 a program drive without going through that process that you
6 just described, would the computer let him?

7 THE WITNESS: No.

8 THE COURT: Any further questions based on my --

9 MR. MORROW: No, Your Honor.

10 MR. TOOMAN: No, ma'am.

11 THE COURT: All right. Temporary excusal?

12 MR. MORROW: Temporary, Your Honor.

13 THE COURT: Special Agent Shaver, once again, you're
14 temporarily excused. Please don't discuss your testimony
15 with anyone but the accused or the counsel while the trial is
16 going on.

17 MR. WHYTE: Ma'am, the United States calls Mr. Chad
18 Madaras.

19 Whereupon:

20 CHAD MADARAS,
21 called as a witness, having been first duly sworn according

In The Matter Of:
United States vs.
PFC Bradley E. Manning

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June 11, 2013
UNOFFICIAL DRAFT - 6/11/13 Morning Session

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1 Whereupon:

2 MATTHEW HOSBURGH,
3 called as a witness, having been first duly sworn
4 according to law, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. Von ELTEN:

7 Q. For the record, you're Sergeant Matthew
8 Hosburgh of Denver, Colorado?

9 A. Staff sergeant.

10 Q. Where do you work?

11 A. I'm currently working for an oil and gas
12 company in Denver, Colorado.

13 Q. And what do you do there?

14 A. I do their IT security.

15 Q. And what does that entail?

16 A. It entails monitoring the networks as well as
17 threat and vulnerability research.

18 Q. And how long have you been in this position?

19 A. I've been there for about two months now, sir.

20 Q. And what was your position prior to that?

21 A. Prior to that I was a government contractor

1 where I did basically the same type of work for
2 citizenship and immigration.

3 Q. And what department does citizenship and
4 immigration reside in?

5 A. Department of Homeland Security.

6 Q. And how long were you there?

7 A. I was there for three years.

8 Q. And how was the work similar; what did you do?

9 A. Same type of thing, monitoring networks,
10 looking for threats, vulnerabilities and, yeah, that's
11 basically it.

12 Q. And what did you do prior to that?

13 A. Prior to that I was on active duty in the
14 Marine Corps.

15 Q. And for how long were you on active duty?

16 A. For eight years.

17 Q. What was your MOS in the Marine Corps?

18 A. I was a 2651.

19 Q. What is that?

20 A. It's a special intelligence system
21 administrator.

1 Q. What training did you receive in that
2 position?

3 A. I received numerous military schools as well
4 as civilian IT security related courses.

5 Q. And what kind of things did that schooling
6 teach you?

7 A. Everything from system administration,
8 servers, networks, to security, basic security and things
9 of that nature.

10 Q. What kind of work did being a 2651 entail?

11 A. Kind of ran the gamut as far as anything from,
12 you know, managing servers and network equipment to
13 information assurance and security accreditation and
14 threat and vulnerability research.

15 Q. What kind of systems did you work on?

16 A. Worked primarily on classified network
17 systems, servers and networks of that nature.

18 Q. And what kind of work did you do on those
19 classified systems?

20 A. Managed the systems, provided access to our
21 users as well as I was in charge of the security of those

1 systems, so we had to basically apply policy to those
2 systems as well as manage the vulnerabilities and risks
3 that the systems faced.

4 Q. What year did you leave active duty?

5 A. 2010.

6 Q. What is your current military status?

7 A. I'm a reservist.

8 Q. When did you join the reserves?

9 A. I joined in July of 2012.

10 Q. What do you do in the reserves?

11 A. I have the same MOS so I do the same type of
12 general work, but I'm currently working as a network
13 analysis or I'm a network analyst.

14 Q. Let's talk a little bit about a report you
15 wrote. Where were you stationed in late 2009, early
16 2010?

17 A. I was in Stuttgart, Germany.

18 Q. And what were you doing there?

19 A. I had been stationed there, started out in
20 2006.

21 Q. Do you remember attending a conference?

1 A. Yes, sir.

2 Q. What was the conference called?

3 A. It was, the title of the conference was called
4 here be dragons.

5 Q. And who hosted the conference?

6 A. It was hosted by the Chaos Computer Club.

7 THE COURT: What dragons?

8 THE WITNESS: Here be dragons.

9 Q. How else is the Chaos Computer Club referred
10 to?

11 A. It's either known as CCC or C3.

12 Q. How did you know about C3?

13 A. Through my research that I was doing just
14 trying to stay ahead of security threats, I noticed that
15 the conference was basically in our neck of the woods and
16 that's how I found out about it.

17 Q. And where was the conference?

18 A. It was in Berlin.

19 Q. And when did the conference occur?

20 A. It was roughly the 26th of December, 2009
21 through the 30th, if I remember correctly.

1 Q. What is the C3 conference?

2 A. So the C3 conference essentially, what it
3 actually stands for is the Chaos Communication Congress.
4 It's a conference that basically combines or brings
5 together people throughout the hacker community, security
6 researchers and just random people, brings them all
7 together and they talk about various topics ranging from
8 security, hacking, political issues. I mean you name it
9 and it's probably there.

10 Q. And how often is it held?

11 A. It's held yearly.

12 Q. And why did you attend?

13 A. I attended, it was an opportunity to not only
14 attend a conference that could potentially I guess show
15 some security vulnerabilities that we might be able to
16 apply to our command, but is also local and we had some
17 extra funds to go travel and go to that conference, so --

18 Q. How many days was the conference?

19 A. I believe it was five days.

20 Q. And how many days did you attend?

21 A. I was there for four days. One day was for

1 travel.

2 Q. How many people attended the conference?

3 A. Roughly about three to 5,000, I believe.

4 Q. What kind of facility hosted the conference?

5 A. It was your standard just conference center,
6 multiple rooms that could host various talks and
7 presentations.

8 Q. And where were the featured presentations
9 given?

10 A. The featured presentations? Those were
11 reserved for the bigger rooms of the conference center.

12 Q. And about how big was the bigger room, how
13 many people did it seat?

14 A. How many people? Okay. Roughly maybe five to
15 a thousand people.

16 Q. 500 to a thousand people?

17 A. I'm sorry. 500, yes, sir.

18 Q. What were some of the main presentations?

19 A. Some of the main presentations I recall
20 offhand they were talking about, one of the big ones was
21 WikiLeaks, they talked about net neutrality, Tor came up.

1 They talked about various topics related to GSM cellphone
2 networks. A few others, I just can't recall off the top
3 of my head.

4 Q. And what language were the talks given in?

5 A. They were given in English and some of them
6 were also in German.

7 Q. Let's talk a little bit about the net
8 neutrality presentation. How many speakers gave that
9 presentation?

10 A. I recall, I believe there was two speakers for
11 that one. One main presenter though.

12 Q. And how long did the presentation last?

13 A. That was about an hour if I remember that one
14 right.

15 Q. And what is net neutrality?

16 A. Well, net neutrality, the way I see it is a
17 way to keep the Internet open and free as far as
18 preventing any issues or ISPs, Internet service providers
19 from regulating it. So their issue or their whole talk
20 was about we need to keep the Internet open and free
21 instead of having various tiers of regulation on the

1 Internet.

2 Q. And what was the purpose of the presentation?

3 MR. HURLEY: Objection, ma'am. Hearsay.

4 THE COURT: Establish a foundation and his
5 personal knowledge.

6 MR. Von ELTEN: It goes to the effect on
7 listener.

8 THE COURT: What was the question?

9 MR. Von ELTEN: What was the purpose of the
10 presentation?

11 THE COURT: Ask for the foundation of
12 knowledge. How does he know that?

13 BY MR. Von ELTEN:

14 Q. How do you know that?

15 A. How do I know what the purpose is? Because
16 there's a summary of the talk before I went and I had
17 done some research about that topic.

18 Q. And where --

19 THE COURT: Overruled.

20 Q. Are where did you do your research?

21 A. Research just on the open Internet.

1 Q. And what was the purpose of the presentation?

2 A. It was more about awareness, I remember that
3 one. It was in English. The speaker was making a case
4 for global open Internet, but specifically for some of
5 the issues coming up in France at the time.

6 MR. HURLEY: Again, ma'am, hearsay. He's
7 just repeating what the presenter told him.

8 THE COURT: What are you offering it for?

9 MR. Von ELTEN: I'm offering it for, it goes
10 to explain why he wrote his report.

11 THE COURT: Overruled.

12 BY MR. Von ELTEN:

13 Q. Let's talk about the WikiLeaks presentation.
14 What room was that in?

15 A. It was in one of the larger conference rooms.

16 Q. About how many people attended the talk?

17 A. That one was probably closer to a thousand. I
18 remember it being pretty full.

19 Q. Who gave the talk?

20 A. The talk was given by Julian Assange.

21 Q. And how long did Mr. Assange speak?

1 A. It was about an hour or so.

2 Q. And how was the talk relevant to your work at
3 the time in the Marines?

4 A. It was relevant in the sense that I worked
5 with classified information at the time.

6 Q. And what was the purpose of the talk?

7 A. The main purpose of the talk was really to
8 explain what WikiLeaks was and the launch of their,
9 basically their new site is what I got from it. They
10 talked about what their intentions were and then
11 basically what the system provided.

12 Q. And what were their intentions?

13 A. The intentions were they basically were
14 eliciting support from the audience and then I guess
15 anybody listening to the conference to leak any type of
16 information, not only classified information but
17 proprietary trade secrets, anything of that nature.

18 Q. I am retrieving prosecution exhibit 43 for
19 identification, hand this to the witness.

20 Do you recognize the document I've handed
21 you?

1 A. Yes, sir.

2 Q. What is it?

3 A. This is my trip report, after action report I
4 wrote after I came back from the conference.

5 Q. When did you write it?

6 A. I wrote it approximately a week after.

7 Q. How do you know it's your report?

8 A. Well, it has my name on it and it's in the
9 format I'm used to.

10 Q. Where did you submit it?

11 A. Where did I submit it? I submitted it to
12 basically my chain of command when I got back.

13 Q. Retrieving prosecution exhibit 43 for
14 identification.

15 Retrieving prosecution exhibit 85.

16 Would you please take a minute to review
17 1A12? I believe it's on the second page.

18 A. Okay.

19 Q. How often were your reports posted online?

20 A. How often were they posted? Good question
21 because we had just implemented a new system, so we

1 didn't really have a frequency of necessarily posting
2 them, a standard procedure for that. Since that new
3 system, it was kind of became a de facto practice of
4 posted after the trip.

5 Q. And where were they posted?

6 A. We posted to a Sharepoint portal.

7 Q. And what was the address of that Sharepoint
8 portal?

9 A. It was something along the lines of M F E dot
10 USMC dot smil dot mil. And then your various section be
11 denoted by a G representing and then a number.

12 Q. Is that approximately the address (INAUDIBLE)?

13 A. Yes, sir.

14 MR. Von ELTEN: Retrieving prosecution
15 exhibit 85.

16 Your Honor, the United States would move to
17 enter prosecution exhibit 43 for identification into
18 evidence.

19 MR. HURLEY: No objection, ma'am.

20 THE COURT: May I see it, please?

21 Prosecution exhibit 43 for identification is

1 admitted.

2 BY MR. Von ELTEN:

3 Q. Let's talk a little bit about this report.
4 How did you organize the report?

5 A. I organized it basically chronologically so
6 the talks I went to, that's the first talk, and then so
7 on and so forth throughout the report.

8 Q. What information did you put in the summary
9 section?

10 A. The summary was generally a description
11 basically from the conference itself, and then if there's
12 anything I needed to add to make it, to make it make more
13 sense to my chain of command.

14 Q. And what was, how did you construct the
15 sections?

16 A. The analysis was based off of some of the
17 analytical work I had done in our section and also trying
18 to make that analysis fit within our organization
19 basically.

20 Q. What was the purpose of the counter measure
21 section?

1 A. That was basically -- the purpose behind that
2 was to identify if there was a potential threat, security
3 threat that maybe we were vulnerable to, and then to see
4 if we could actually fix it, fix that vulnerability.

5 Q. What was the purpose of drafting this report?

6 A. To basically summarize the trip so I could
7 show the command actually what I did there, and then also
8 to raise some awareness as far as what the issues I found
9 there were.

10 MR. Von ELTEN: Thank you. No further
11 questions, Your Honor.

12 THE COURT: Cross examination.

13 MR. HURLEY: Yes, ma'am.

14 CROSS EXAMINATION

15 BY MR. HURLEY:

16 Q. Staff Sergeant Hosburgh, good morning.

17 A. Good morning, sir.

18 Q. When it comes to the document that you were
19 just discussing with Captain von Elten, that's a document
20 that you wrote?

21 A. Yes, sir.

1 Q. By yourself?

2 A. Yes, sir.

3 Q. And it appears to be a reflection of your time
4 spent at this conference that you discussed with Captain
5 von Elten?

6 A. Yes, sir.

7 Q. It was rendered chronologically?

8 A. Yes, sir.

9 Q. The first thing that you covered was net
10 neutrality?

11 A. Yes, sir.

12 Q. Then WikiLeaks?

13 A. Yes, sir.

14 Q. Then you'll forgive my computer ignorance,
15 exposing crypto bugs through reverse engineering?

16 A. Yes, sir.

17 Q. And that was followed by some other more
18 technical topics of the conversation?

19 A. Yes, sir.

20 Q. And you started with paragraph one, as you
21 were writing you started with paragraph one?

1 A. Yes.

2 Q. And you wrote your report chronologically as
3 well?

4 A. Chronologically, yes, sir.

5 Q. In your discussion of net neutrality you
6 mentioned terrorist use of the Internet?

7 A. Yes, sir.

8 Q. And you mentioned that in paragraph one?

9 A. Yes.

10 Q. In your discussion of WikiLeaks you did not
11 mention terrorism or terrorist use of that site, correct?

12 A. Correct, sir.

13 Q. Now, let's talk about WikiLeaks; the presenter
14 you said was Julian Assange?

15 A. Yes, sir.

16 Q. And he did not mention terrorism in his
17 presentation?

18 A. Not that I can recall, sir.

19 Q. Or a desire to help terrorists?

20 A. No, sir.

21 Q. That would have been reflected in your report?

1 A. Yes, sir.

2 Q. WikiLeaks was focused on the public and the
3 public's access to information?

4 A. Yes, sir.

5 Q. Insuring openness?

6 A. Yes, sir.

7 Q. And keeping the public well informed?

8 A. That's what he said, yes, sir.

9 Q. And it wasn't exclusively focused on the
10 United States?

11 A. It wasn't. They did mention, there was more
12 of an emphasis for classified information, however.

13 Q. But it wasn't exclusively focused on
14 classified information?

15 A. Correct, sir.

16 Q. They were interested in trade secrets?

17 A. Yes, sir.

18 Q. And other corporate information?

19 A. Yes.

20 Q. So you mentioned, let's go back to that
21 paragraph one, terrorists and the use of the Internet.

1 You indicated that terrorists use the Internet?

2 A. Yes, sir.

3 Q. To communicate with each other?

4 A. Yes.

5 Q. You indicated that an open Internet allows for
6 hidden communication?

7 A. I believe I recall that, sir.

8 Q. It's sort of a, you created this idea that an
9 open network allows for terrorist communication on the
10 Internet.

11 A. Yes, sir, I did.

12 Q. Their communication with each other?

13 A. Yes.

14 Q. From one terrorist to another, and then
15 potentially from there to yet another terrorist?

16 A. Yes, sir.

17 Q. And the point as I understood it -- now, when
18 there was a discussion of net neutrality, did the
19 individual giving the net neutrality talk discuss
20 terrorism?

21 A. No, sir. That was more of an analytical

1 piece.

2 Q. Right. And what you were trying to show in
3 your analysis was essentially a cost benefit, right?

4 A. Trying to show that if it was open, that
5 communication could still exist, yes, sir.

6 THE COURT: What communication?

7 THE WITNESS: Communication between the
8 terrorists. Generally speaking, that's a very general
9 term.

10 BY MR. HURLEY:

11 Q. Right. And your point was that applying
12 filters to the Internet to make it less unneutral, to use
13 that expression, that would, you weigh what you get from
14 it with limiting terrorist communication against the
15 costs associated with making it less neutral?

16 A. Not necessarily a cost in my mind. They did
17 talk about costs. It was more along the lines of if it's
18 so restricted, they'll just find another communication
19 medium.

20 Q. And in your report you did mention that that,
21 this making the net less neutral would cost money?

1 A. Yes, sir.

2 Q. And you indicated also in your report that
3 there would be the potential for it impinging on the free
4 flow of speech?

5 A. Yes, sir.

6 Q. In your report what you didn't say is that
7 terrorists used the Internet to gather information; is
8 that idea reflected in your report?

9 A. Not specifically, but maybe more as a
10 (INAUDIBLE), yes, sir.

11 Q. And you didn't say that they used the Internet
12 to gather information from open source reporting?

13 A. Not specifically.

14 Q. And you didn't say that they used the Internet
15 or they use any specific website for this open source
16 collection?

17 A. Correct.

18 Q. The thrust of your point as you were talking
19 about net neutrality was terrorists and hiding their
20 communication on the Internet?

21 A. Yes, sir. Well, generally.

1 Q. You were involved in military intelligence
2 while you were on active duty in the Marine Corps?

3 A. Yes, sir.

4 Q. And how long were you at intel in CO when you
5 were in the Marine Corps?

6 A. Approximately about three years.

7 Q. And you're familiar with the term intelligence
8 gaps?

9 A. Yes, sir.

10 Q. And an intelligence gap is something we don't
11 know?

12 A. More or less, yes, sir.

13 MR. HURLEY: No further questions, ma'am.

14 THE COURT: Redirect?

15 MR. Von ELTEN: Nothing, ma'am.

16 THE COURT: All right. Temporary or
17 permanent excusal?

18 MR. Von ELTEN: Temporary.

19 THE COURT: All right. Staff Sergeant
20 Hosburgh, you are temporarily excused. Please don't
21 discuss your testimony or knowledge of the case with

1 anyone other than the accused or the lawyers in the case
2 while the trial is still going on.

3 I do have a question for the government. I'm
4 looking at government exhibits 43 and 44, they appear to
5 be the same thing, one is redacted and one is not.

6 MR. FEIN: Yes, ma'am.

7 THE COURT: I have a motion for prosecution
8 exhibit 43. Is that the intent?

9 MR. FEIN: The intent was to use it as a
10 substitute, yes, ma'am.

11 Ma'am, read a stipulation of expected
12 testimony for Lieutenant Commander Thomas Hoskins, United
13 States Navy Reserve dated 10 June 2013.

14 THE COURT: What exhibit is that?

15 MR. FEIN: Yes, ma'am. Prosecution exhibit
16 111 Bravo, the unclassified redacted version.

17 It is hereby agreed by the Accused, Defense
18 Counsel, and Trial Counsel, that if Lieutenant Commander
19 Thomas Hoskins, United States Navy Reserve, were present
20 to testify during the merits and pre-sentencing phases of
21 this court-martial, he would testify substantially as