

STATEMENT OF WITNESS

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

Statement of : John Goetz

Age of witness
(if over 18 enter 'over 18') : Over 18

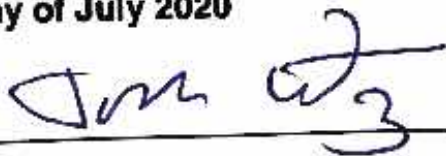
Occupation of witness : Investigative Journalist

Address : Is known to the solicitors in the case and to be made available only to the Court and the parties to the proceedings when required.

This statement, consisting of 6 pages signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 17th day of July 2020

Signed



Signature witnessed by

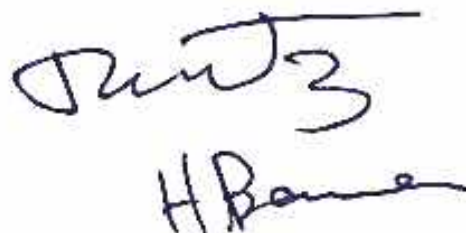


Introduction

1. This is the second statement I have made in proceedings in the case of USA v Julian Assange. In the first, dated February 12th 2020, I provided details of my work and my recollections of the journalistic collaboration between WikiLeaks and Der Spiegel in the years 2010 to 2011. I do not repeat my background details or the matters dealt with in that first statement. I have been asked for

further recollections of my work and its relationship with the work of Julian Assange and WikiLeaks that concern the investigation of particular acts of grave criminality by the USA.

2. As I have explained previously, an important body of my work as an investigative journalist, has been to seek to discover and unravel the detail of disturbing state conduct in the circumstances of war. The starting point for enquiries that may lead to otherwise undetected evidence of grave state criminality has been sometimes triggered by public events in which the true facts have nevertheless been concealed, such as the German-ordered bombing in Kunduz I described previously. The starting point for others has been triggered by a fragment of information about an individual.
3. Such was the case of Khalid el-Masri.
4. The investigation into what happened to him was as difficult as anything I have worked on. It was only years later, when WikiLeaks published US diplomatic cables in 2010/2011, that I finally found an explanation about why there were so many difficulties during the investigation. It revealed not only that significant information had been suppressed, but I finally understood why there were no repercussions when that information was revealed. The US diplomatic cables revealed the extent of pressure brought upon the German authorities (and in parallel, relevant Spanish authorities) not to act upon the clear evidence of criminal acts by the USA even though by then exposed.
5. Ultimately, nearly a decade after the perpetration of those acts, the Grand Chamber of the European Court of Human Rights unanimously found that Mr el-Masri had been subjected to forced disappearance, unlawful detention, extraordinary rendition outside any judicial process and inhuman and degrading treatment. The Court found Mr el-Masri's account of what happened to him *"to be established beyond reasonable doubt and that Macedonia had been responsible" for his torture and ill treatment both in the country itself and after his transfer to the US authorities in the context of an extra judicial "rendition"*. The Court ruled *"El-Masri's treatment at Skopje Airport at the hands of the CIA rendition team – being severely beaten, sodomised, shackled and hooded and*



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subjected to total sensory deprivation – had been carried out in the presence of state officials of Macedonia and within its jurisdiction.” Its government was consequently responsible for those acts performed by foreign officials. Those measures had been used with pre-meditation, the aim being to cause Mr el-Masri severe pain or suffering in order to obtain information. In the Court’s view such treatment had amounted to torture in violation of Article 3 ECHR”.

6. I have been shown a statement that Mr el-Masri himself is giving in these court proceedings which sets out his experiences. It sets out accurately, in summary, facts, many of which over a number of years I myself investigated, and for which I was able to discover corroboration. I do not therefore reproduce Mr el-Masri’s narrative. As is clear from his statement, his ordeal did not end in 2004 after he found himself again in Germany. I have maintained contact with Mr el-Masri since the time of my investigation and confirm, in addition to the accuracy of his account of his rendition and torture in 2004 that what he describes of his frustrated quest for acknowledgment by those in a position to do so can also be corroborated. As he describes, every impediment has been and continues to be placed in the appropriate resolution and conclusion of his case including acceptance of responsibility by the primary perpetrator of the atrocities against him, the USA.
7. I do not repeat what is set out in his statement but note that the impediments have taken a further and disturbing course to this day, with threats and intimidatory measures being announced by the relevant minister, US Secretary of State Pompeo, threatening retribution upon those party to bringing cases (of which Mr el-Masri’s case is currently one) to the International Criminal Court. Thus the intimidation surrounding his case, frequently intruding in the past as he has described, at times covert, is now manifestly overt.

The obtaining of evidence

8. In his statement, Mr el-Masri refers to the task of investigation that was required to establish even the basic propositions of an ordeal that was regarded as unbelievable. Macedonia itself denied all knowledge of its detention of Mr el-


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Masri; the US provided no information. Instead, only as a result of following with great difficulty the trail of suspected CIA rendition flights, was it possible ultimately to trace 13 CIA agents who carried out the kidnapping. I myself knocked on doors in different countries, eventually in the USA where I discovered those agents and questioned them about their role. As Mr el-Masri has detailed however, attempts to bring litigation against the actions of those agents and the head of the organisation at the time failed on the basis of claims for the necessity of US state secrecy.

9. I comment upon two aspects within my knowledge and observation; that the crimes that I and others were seeking to investigate were crimes for which the international community places the highest importance of their exposure. In relation to torture, each signatory state has an obligation to investigate, report and prosecute. Instead, my experience of the investigation, attempted prosecutions and attempts to litigate this matter demonstrate that in Mr el-Masri's case, the US has acted in what has been widely commented on as a breach of its obligations under the Torture Convention. Secondly, I note that the denial of the "right to truth" referred to by the European Court in relation to Mr el-Masri has had severe and enduring effects upon Mr el-Masri and his family. It remains difficult even for those closely reporting on the history of the last 15 years for Mr el-Masri, to fully explain the extent of his continuing trauma and the need for it to be addressed and recognised by those responsible – to "acknowledge the truth".

10. Without publication of information that the US Government intended to be kept secret for national security reasons, the entire truth would still be buried. Because it was only when reading the diplomatic cables that we saw the role the US Government was playing behind the scene.

WikiLeaks publications/their relevance and significance

11. The importance of the exposure of state criminality of the kind that occurred in Mr el-Masri's case cannot be overstated. Amongst other effects of its publications a number of cables published by WikiLeaks threw light on the pressures and bullying techniques brought by the US in more than one country



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to prevent the prosecution of CIA agents involved (in the el-Masri case). These detailed revelations threw light on otherwise inexplicable actions by the countries involved. Together with other information re the Afghan/Iraq wars and Guantanamo Bay and in relation to other renditions and rendition flights, the full picture could finally be seen and understood.

12. In relation to CIA activity, that further detail showed the extent of pressure on many countries, beyond Germany and Spain in Mr el-Masri's case, to hide the truth about US actions – including the path of rendition flights, the location of black sites – and to interfere with any retribution – including prosecution of CIA defendants and even when courts had proceeded to convictions in absentia and were pursuing extradition.

13. As a result of the huge database of the conduct of the Afghan/Iraq wars and in relation to Guantanamo, giving the potential for an otherwise unattainable overview based on detail, I and other journalists were able to build upon that detail, and prise open further evidence of state criminality.

Assange political opinion

14. I am informed that the US prosecution of Mr Assange has asserted in the extradition proceedings that he does not have "political opinions" of relevance to challenges made in his extradition. On the basis of my conversations and dealings with Mr Assange I regard his thoughts, ideas and actions to have been consistent with an overall political philosophy of seeking to bring to light the hidden criminal actions of states and in particular (and central to the publications with which he is charged) by the exposure of criminal conduct in war, to persuade the government concerned to alter the policies and bring war and those particular wars in question, and their consequences, to an end.

15. My view is that the way in which he and WikiLeaks elected to make public the Manning data was in order to achieve the maximum effect to produce maximum impact in order to inform the public in turn to bring about change of US policies and practices.


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The "Most Wanted" list

16. I am aware that the US prosecution seeks to make an equation between WikiLeaks' "Most Wanted" list and Manning's provision of data to argue that they were in an agreement. Since the "Most Wanted" list included Guantanamo detainee records, interrogation videos and Rules of Engagement, for US forces in Afghanistan and Iraq, I for one, can confirm that those items were part of a "Most Wanted" list for many investigative journalists at the time who were trying to uncover unlawful American conduct after September 11, 2001.

Jon [signature]
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