

(Amended) **STATEMENT OF WITNESS**

(Criminal Procedure Rules, r.27.2
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, S.5B)

STATEMENT OF: **GARETH PEIRCE**

Age of Witness: **Over 18**

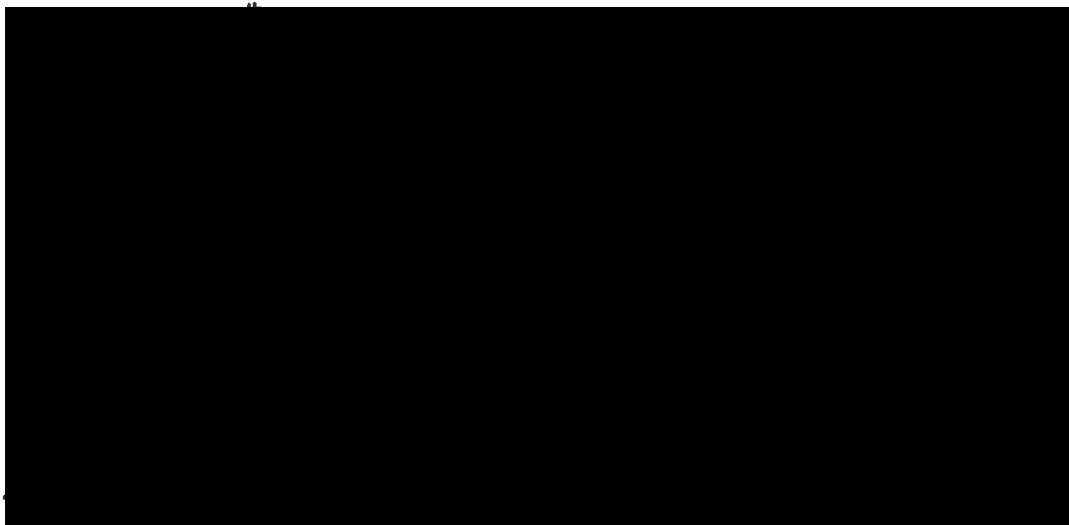
Occupation: **Solicitor**

Address: **Birnberg Peirce & Partners**
 14 Inverness Street
 London NW1 7HJ

This statement consisting of 7 pages is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

1. I make this second statement in the present proceedings.
2. In my first statement dated 18th October 2019, I summarised the position relating to the ongoing investigation of a criminal complaint by the Spanish High Court.

3.



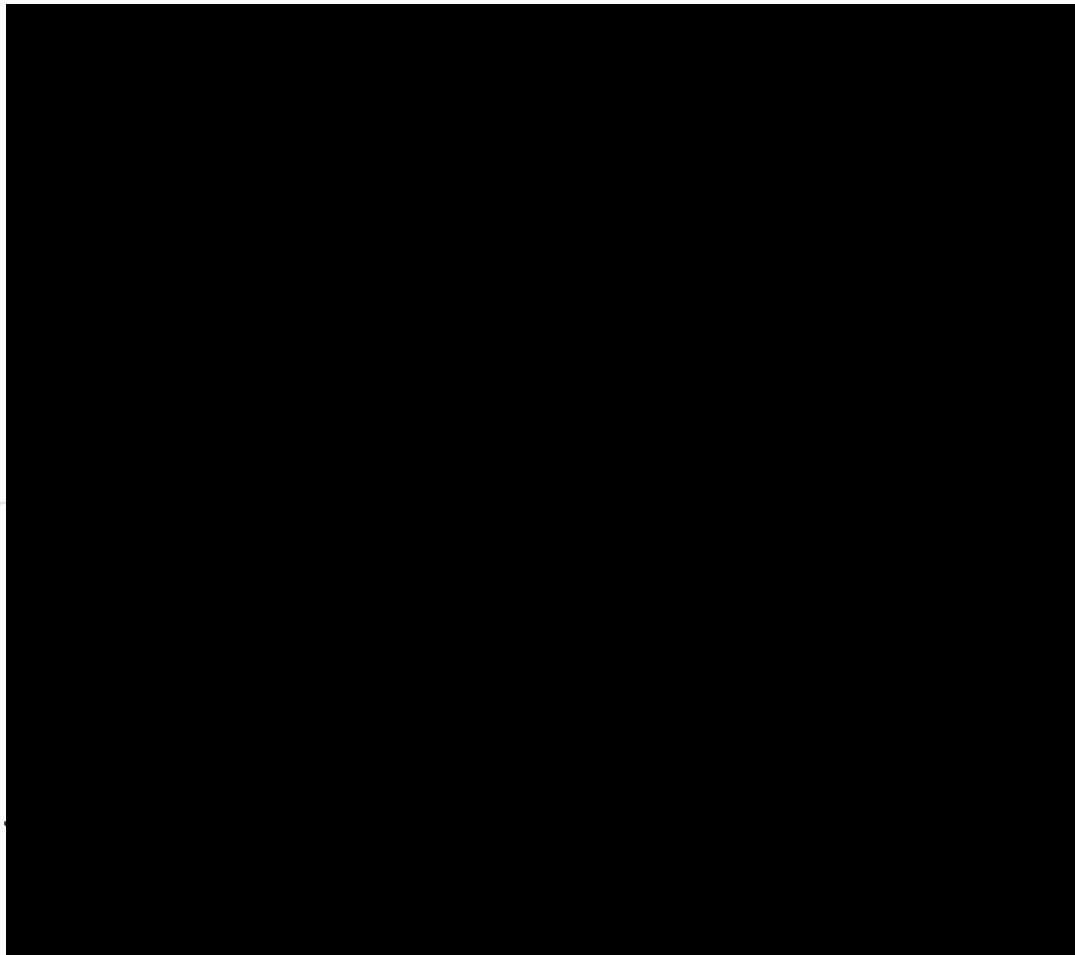
[REDACTED] exhibit the grant of asylum herewith at **Exhibit**

1.

4. It was indicated to this Court in October and again in December 2019, that investigations were ongoing, and that further information of relevance to the extradition proceedings might be made available subsequently by the Spanish High Court and in turn to Mr Assange's lawyers.
5. I here set out a chronology of what occurred at and after the time of Mr Assange's arrest in relation to legal documentation, material and data subject to legal privilege. That derives from my own direct contact with the Ecuadorean Embassy after Mr Assange's arrest, and recent enquiries made by lawyers acting for Mr Assange in Ecuador as well as in Spain.
6. When on April 11th 2019 Mr Assange was arrested I made immediate contact with the Embassy in regard to legally privileged material, an issue of huge concern to Mr Assange that it be identified and released to his lawyers (and in addition, confidential medical data). Repeated requests by telephone, email and recorded delivery mail, were entirely ignored by the Embassy. They have never been responded to. In consequence on behalf of Mr Assange our firm was compelled to ask the Australian Consulate in London for their intervention on his behalf. In due course the Consul was able to confirm (in answer to a parallel request for information) that the Metropolitan Police had provided a formal assurance that they had played no role in the seizure and retention of any property. **(Exhibit 2)**
7. On the 9th May 2019 the UN Special Rapporteur on Privacy, having previously made a request to visit Mr Assange in the Embassy, wrote to the Ecuadorean authorities requesting to be present to monitor the requested seizure of property but was refused by Ecuador. **(Exhibit 3)**

8. Eventually the Australian Consulate was informed, we understand on the 20th May 2019, that a judicial request had been received for Mr Assange's property to be transferred to Ecuador. Our firm was some time thereafter invited to make arrangements to collect the remaining possessions attributed to Mr Assange. Upon collection of those possessions all legally privileged material was missing save for two volumes of Supreme Court documents and a number of pages of loose correspondence. (Photographs of Mr Assange's possessions in the Embassy, after his arrest, it appears released by the Ecuadorean authorities to the press, show specific files and material clearly labelled "Legally Privileged".) **(not currently available)**

9.



10. In the absence of any response or information in the UK, Mr Assange's lawyer in Ecuador applied for information and access to all the material taken to Ecuador in order to identify and ensure safe preservation and retrieval. Carlos Poveda, the lawyer acting for Mr Assange in Ecuador were able to inspect five

files, each said to contain 100 pages and said to represent the record of what had been taken from the Embassy in London. Mr Poveda was informed that none of the material was being held by the Ecuadorean authorities for an Ecuadorean enquiry, but that all evidence taken from the Ecuadorean Embassy in London was subject to a request for Mutual Legal Assistance from the USA. Mr Poveda was informed no copies were to be taken and retained in Ecuador, before being sent to the US.

11. An application to the Ecuadorean courts was made by Mr Poveda on Mr Assange's behalf to prevent the transfer of data. The application raised the question of the seizure of legally privileged material having been seized. [REDACTED]

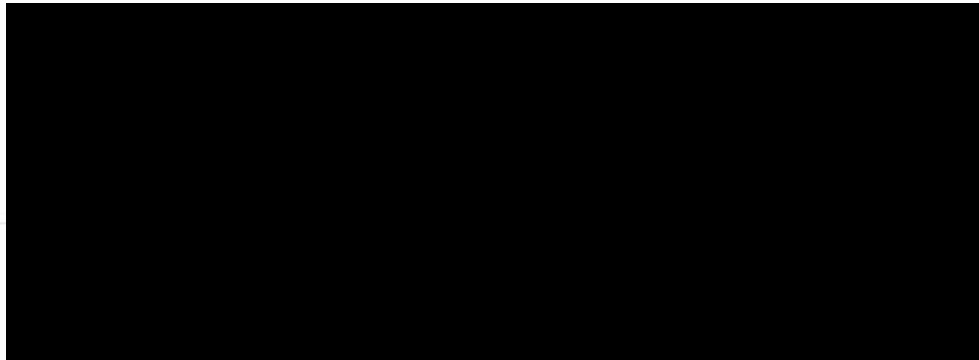
[REDACTED] Nevertheless on finally being allowed to inspect the files, I am informed by Mr Poveda that of what was listed as 100s of documents having been within the five different volumes of files, most of the listed categories of contents which Mr Poveda was allowed to inspect were not there.

12. I am advised by Mr Poveda who attended last to inspect the files on the 16th December 2019, that although copies were not permitted to be given to them, notes were allowed to be made. I am advised by him that the file records include the following:

- (i) On the 8th April 2019, (three days before Mr Assange's arrest on the 11th April), the US Department of Justice indicated it anticipated his arrest imminently and requested that Ecuador seize property and that "these evidences be handed over to a representative of the UK FBI to hand over the property to the USA".
- (ii) A file note contained a list of Ecuadorean civil servants who participated in the seizure of property (six were named). The six named persons do not include the following individuals or circumstances of which contact with Mr Assange's property we have been made aware as a result of subsequently interviewing other individuals employed at the time in the Embassy.

- (iii) We have been made aware that:
- a) Security guards employed by Prom Security, (the provider in 2018/19 of security to the Embassy at the time of the arrest) went in and out of the relevant rooms from the outset;
 - b) An individual Pablo Roldan (related to an Ecuadorean Ambassador and a close associate of the Ecuadorean President) went in and out of the relevant rooms to make an inventory, but no inventory is noted into any system seen by Mr Assange's lawyers in Ecuador.
 - c) Although rooms were purported to be sealed, Embassy staff who were not permitted to return for approximately one week, saw the original seals had been replaced, the re-seals being marked "for judicial purpose".
 - d) Highly unusually, two diplomatic pouches were taken in person to Quito from the Embassy containing USB sticks, one by Jose Luis, an employee of the Ecuadorian Intelligence and the second by Pablo Roldan shortly after Mr Assange's arrest.

(iv)



- (v) On the 16th December 2019 Mr Poveda whilst inspecting the remaining contents of the files in Ecuador and being informed that Ecuador would retain nothing including lists of the requests and being informed all would go to the USA, Mr Poveda requested of the Ecuadorian prosecutor that a copy be made of the information for production within these extradition proceedings in London. The ^{Ecuadorian} prosecutor refused that request.
- (vi) In the request of 9th April 2019 referred to at 12(i) above (the request dated 08.04.2019), headed "Highly confidential from the Deputy Director's Office of International Affairs", the DoJ in predicting Mr

Assange's imminent arrest, gave directions as to the preservation of evidence and that it should be, provided to FBI personnel in the UK for further delivery to the US.

- (vii) On 17th April 2019 the Ecuadorean prosecutor formally made contact with the Ecuadorean judicial system to request authorisation for the prosecutor to access the premises and seize evidence.
- (viii) The inventory contained in the remaining records in the Ecuadorean files refers to "plastic bag with legal documents 2010 to 2018".
(On the 17th May 2019 the UN Special Rapporteur on Privacy wrote to Ecuador requesting to be present to monitor the requested seizure of property but was refused by Ecuador.)
- (ix) On the 20th May the investigative measure confirming the seizure in London was formally signed by the Ecuadorean judicial authority.
- (x) June 12th 2019 the seized material was transferred to Ecuador to its Criminal Division.
- (xi) Within the documents inspected by Mr Assange's lawyer in Ecuador were a number of photographs, for instance of the seals on doors of rooms from which contents were being seized. Those seals show that they were already broken, in particular for Room A, (the front room at the embassy) and Room B (a room in which computers were held). It is possible to see in the photographs, folders, portfolios and notebooks some clearly marked WGAD (UN Working Group on Arbitrary Detention) "Pompeo", "Legal Planning".

13. I am informed that a separate criminal investigation in Spain, relating to associates and employees of a successor security firm (Prom Security employed in the Ecuadorean Embassy after UC Global from mid 2018 to 2019) has been formally opened before Madrid Court number 8 and is now expected to be soon joined for consideration in Court 5 by the same Judge in the Spanish High Court currently conducting the first investigation evidenced in these proceedings. [REDACTED]

[REDACTED]

the

material [REDACTED] was

made public, [REDACTED]

[REDACTED], including photographs taken of the pages of Mr Martinez' legal file whilst he and Mr Assange had left the room for a private consultation during Mr Assange's giving of evidence by videolink to the Ecuadorian District Court for Constitutional Protection, for the hearing of his application on 20th October 2018 for a protective order against the actions of both Ecuador and the US, [REDACTED] (Exhibit 5).

14.

[REDACTED]

Signed: *Greta Perie*

Date: *January 14th, 2020*

Signed: *Rene Plumeri* (witness)

Date: *14/01/2020*

