

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

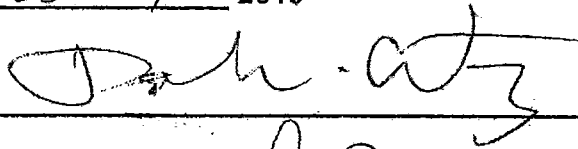
Occupation of witness: Investigative Journalist

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

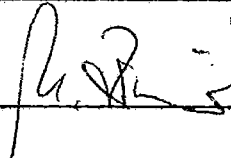
This statement, consisting of 8 pages signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the Feb 12, ~~2019~~ 2020

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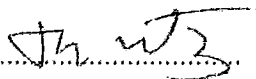


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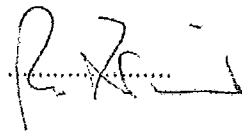


1. I am an American investigative journalist who has been based in Berlin since 1989. I am a staff member of one of Germany's largest public broadcasters – NDR – and have the title, Editor; Investigations. My work as a freelance journalist has appeared in the Los Angeles Times, the Sunday Times, the Guardian, the Süddeutsche Zeitung, and in television for "Dispatches", "Channel 4 News", the CBS "Evening News", "60 Minutes", the Canadian television show "fifth estate" and in Germany for the newsmagazine show "Panorama". From 2007 to 2011, I worked at Der Spiegel. In 2011, I left Der Spiegel to work for NDR as Editor of Investigations and founded the

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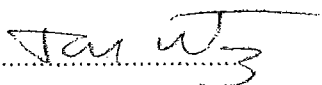
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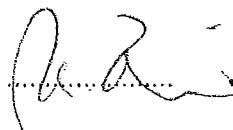
investigative cooperation between NDR and the Süddeutsche Zeitung, Germany's most read broadsheet newspaper. From 2011-2017, I was a member of the investigative team at the Süddeutsche Zeitung. My project "Secret Wars" looked at Germany's previously unknown role in the American war on terror in the form of a book, a web site, a film, and a series of articles in the Süddeutsche Zeitung. "Secret Wars" was awarded the RIAS Prize for the promotion of German-American friendship and the editorial team that put it together was awarded "Redaktion des Jahres" (Editorial Team of the Year) in 2013. My film "Snowden's Great Escape" won the best documentary prize from the German Television Academy. I am the author of many television news magazine pieces, several documentaries and three books.

2. I have been asked by attorneys representing Julian Assange in respect of the request by the USA for his extradition, for my recollections of the journalistic collaboration between Wikileaks and Der Spiegel in the years 2010-2011, while I worked as a staff journalist at Der Spiegel in Berlin, Germany. I have been shown a copy of the allegations made by US prosecutors in support of their application to the United Kingdom; I am aware of the charges outlined in the indictment and the supporting evidence for the extradition of Julian Assange to the United States including a declaration recently filed by Gordon Kromberg Assistant US Attorney in the Eastern District of Virginia.
3. I provide a summary in this statement, based on my own knowledge of events relating to the publication of material outlined in the indictment as having emanated from Pte. Manning, in 2010, of relevance to the allegation that Assange purposefully published "certain classified documents that contained the un-redacted names of innocent people who risked their safety and freedom to provide information to the US and its allies including local Afghans and Iraqis, journalists, religious leaders, human rights advocates and political dissidents from repressive regimes".
4. In 2010 I worked for the German publication Der Spiegel. In the previous year I had been part of a team that investigated a German-ordered bombing resulting in the deaths of civilians in Afghanistan. Our report had been based in part upon a highly classified ISAF report. Our investigation revealed that a German military officer in Afghanistan had ordered a reluctant American pilot to carry out a bombing. The team that worked on this story received one of

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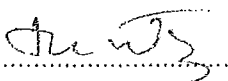
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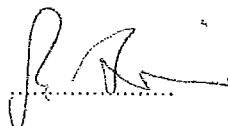
the highest investigative journalist awards in Germany – the Nannen Award -- for that work; it had significant repercussions and was one of the factors that lead to a German parliamentary investigation into the bombing. I also did other stories about Afghanistan, including about the mistreatment of Murat Kurnaz in Khandahar and about the German elite military unit, the KSK.

5. In June 2010, I was asked by the leader of the investigative team at Der Spiegel of which I was part, to travel to London to represent Der Spiegel in an investigative partnership with WikiLeaks; we understood initially, this was to be about Afghanistan. I was asked to be involved because of my experience of doing stories on Afghanistan and also, because of my experience in doing stories about the US military. As a result I had a familiarity with military and US government jargon.
6. I travelled on June 30, 2010 for three days of meetings with the other media partners; they were Julian Assange from Wikileaks, David Leigh, Nick Davies, and Rob Evans of the Guardian, myself from Der Spiegel and Eric Schmitt from the New York Times. The main reason for the meeting was to have a preliminary look at the material and to come up with a plan on how to coordinate journalistic cooperation between the partners. I remained a part of the team at Der Spiegel that worked with Wikileaks until I left Der Spiegel in the summer of 2011.
7. I was aware that Nick Davies of the Guardian had met earlier that month with Julian Assange in Brussels where they agreed on a joint Guardian-New York Times cooperation and to the best of my knowledge Assange had suggested adding Der Spiegel to the cooperation as a media partner shortly thereafter.
8. That meeting at the end of June 2010 at what came to be known as the "bunker" in the Guardian offices was, as far as I know, in fact the only time at which all members of the initial group of media partners were all in the same room at the same time.
9. In those early days, the work done on the Afghan war logs was particularly collaborative; we were all working together, in the initial stages in the same room together. I remember different combinations of us constantly talking about what we were finding in the documents. The data, later known as the Afghan War Diary, was in a form that was difficult to read; I remember that a technical person from the Guardian had managed to make it more readable in an Excel format. Nevertheless, it as the work that followed, was extraordinarily demanding. The scope was overwhelming and the demands upon all involved were enormous and stressful for a range of reasons. The task, to understand the amount of data involved, presented an exceptional challenge and the exercise in which all of the media partners together with

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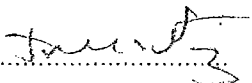
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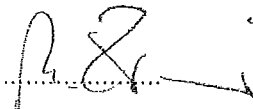
WikiLeaks were involved, was to intelligently, imaginatively and effectively, find constructive ways of managing the data leading to its publication in a responsible way.

10. There were no written agreements to the best of my recollection at that stage. But the basis of the access to the documents and of the cooperation was that we (WikiLeaks, the Guardian, the NY Times and Der Spiegel) would all publish at the same time but that we would all do independent stories and our stories would refer to and link to the documents posted on the WikiLeaks web site.
11. There were many different investigations or projects within the data going on, for instance Nick Davies from the Guardian and I worked jointly on an investigation into an Afghanistan "assassination team" called Task Force 373 – an American unit in Afghanistan involved in what seemed to be war crimes. That became the Der Spiegel cover story on the Afghan War Diary.
12. Before publication of the Afghan War Diary, together with my colleague Marcel Rosenbach, I discussed in detail with Assange in London how the documents might be vetted to prevent risk of harm to anyone. He was in agreement as to the importance of protecting confidential sources including certain US and ISAF sources. We discussed how harm could be minimised and he explained the approach of WikiLeaks – namely that cases were identified where there might be a reasonable chance of harm occurring to the innocent. Those records, having been identified, were edited accordingly. This approach was understood and agreed to by all of the media partners and I describe below how they were put into effect thereafter.
13. Part of the agreement with Wikileaks was that Assange insisted that we handle communications and the material securely. There were more extreme measures taken than I had ever previously observed as a journalist to secure the data and ensure that it remained only accessible to the members of the journalistic cooperation. It was the first time I was involved when cryptophones were used, we communicated on an encrypted chat system and other means were used to protect the data.
14. The media partners agreed that the New York Times would approach the White House for comment in advance of the release. It was agreed that it made sense to have just one partner approach the White House. If all of the partners contacted the White House independently, there would be chaos. Eric Schmitt from the New York Times was the person within the group who would take on responsibility of liaising with the New York Times Washington DC Bureau about approaching the White House. I remember a conference call with the New York Times as well as talking to Eric Schmitt about their approach to the White House. We were told that Dean Baquet and Mark Mazetti were part of the group that met with the White House.

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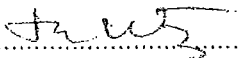


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15. Eric Schmitt wrote an email to me on July 30, 2010 about the attempt of Assange to get help from the US government to vet the materials, "On Saturday night, I passed along WH's request that WL redact the dox of informants' names and then his response that he'd withhold 15,000 dox and entertain suggestions from ISAF for names to remove if they'd provide tech assistance."
16. I am aware that when the partners published their respective stories on July 25, 2010, that Wikileaks delayed the release of 15,000 documents as part of what Assange called "the harm minimisation process".
17. It is interesting to note that Der Spiegel and the Guardian published actually before WikiLeaks. The Guardian published a few hundred documents on their site before WikiLeaks. Wikileaks had some technical delay and their Afghan War Diary website did not go live for a couple of hours after we did.
18. After the work on the Afghan War Diary, I had a break from the next set of data that was being looked at, Iraq, because my wife was directing a film and I took time off because of family responsibilities. But I was involved in issues of the timing of the publication.
19. I remember it was the intention of WikiLeaks that the publication of the Iraq War Logs be done with more preparation time. I received an email from David Leigh on August 2, 2010 which said that "WikiLeaks say they require more time because they have a team attempting to redact bad stuff. They're not going to publish for quite a while now." Eric Schmitt also wrote an email on August 2, 2010 referring to WikiLeaks' request for more time. I remember the fact that Wikileaks wanting more time bothered some of the members of the cooperation and Julian Assange saying to me that he did not want to rush just because a member of the team wanted to publish before he retired.
20. While I was not involved, I am aware that the process for redaction of the Iraq data changed. Even more so than the Afghan War Diaries, the redaction process replaced basically all names with blanks or Xs. I remember reading stories involving WikiLeaks being criticised publicly for having adopted a process which involved in the view of some others, "over redaction". Even documents that had been released by the Pentagon as a result of FOIA applications provided more information than the redacted Wikileaks documents.
21. In respect of the publication of cables, the agreement was that the initial media partners had access to the cables relevant to all the world. We were

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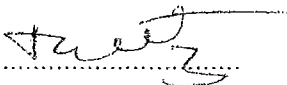
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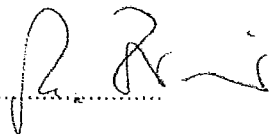
able to notify WikiLeaks of the problematic cables that should only be published with redactions and WikiLeaks then followed through accordingly. We had a different relationship with WikiLeaks and a greater freedom of access than the media partners who followed in different countries where the publication was more gradual and followed the regional redaction process.

22. I remember that during the preparations for Cablegate, the State Department initially actually participated in the redaction process. At Der Spiegel we had a conference call with a number of officials from the Department of State, including PJ Crowley. They actually read numbers to us of documents they felt were sensitive, with the understanding that we would give these numbers to Wikileaks to properly redact the documents. Wikileaks did exactly that when requested.
23. We protected the names of certain people the US officials met with when we came across them. My recollection of the initial process with the cables is that while we had many suggestions for redactions which WikiLeaks agreed with, they did not involve many suggested German redactions. Compared to the New York Times and the Guardian, we had a more difficult time with the cables because there was a relatively small amount of German content. I remember one issue of the name of a contact of the US embassy in Berlin. We requested that WikiLeaks not publish the name and the name was not published. We in fact have legal restrictions in Germany in relation to names we are permitted to publish. If the person named is not in the legal category "a person of current history" his or her name cannot be published or only with an abbreviation.
24. All of the media partners shared stories while analysing the data. I remember a staff member of the NY Times who happened to speak German, put together collections of interesting cables according to topic. I remember we found a story about about Gaddafi's Bulgarian nurse and of course shared it with the other partners. Not only did we do a cover story on the diplomatic cables, we continued for months finding stories in the documents. I remember one person spending months trying to find a Vatican story.
25. I am aware of the agreements that followed for the further publication of the diplomatic cables. Potential media partners had to be identified in the relevant country and if they were willing to sign up to the agreement with WikiLeaks, they would then, having local knowledge, take on the responsibility of advising on what redactions, if there were to be any, there should be in the material and would then before publication pass these to WikiLeaks and WikiLeaks would publish the data linked from the media partner but that would be published subject to the advice of the redactions to

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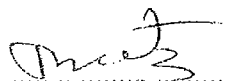
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be made which was carried out by an automated process. This happened in countries and regions all around the world.

26. In 2011 there was publication of the Guantanamo material. For each release that came stage by stage after Guantanamo (on which I worked), Wikileaks requested a Memoranda of Understanding. I remember that "Der Spiegel" was resistant because it had kept its word on the previous non-written agreement.
27. In the summer of 2011, I left Der Spiegel. I was involved in setting up a new investigative partnership with German public television broadcaster NDR and the Süddeutsche Zeitung. I brought the partnership with Wikileaks with me to my new job and in Germany, Wikileaks then began to work for the next years with NDR and the Süddeutsche Zeitung and no longer Der Spiegel.
28. My experience with WikiLeaks at the time I was at Der Spiegel was they were significant innovators in the field of investigative journalism. Many of us at Der Spiegel long wanted to publish online documents which proved the accuracy of our stories, yet before WikiLeaks that was uncommon. It was WikiLeaks that first initiated large journalistic partnerships, something that is now almost common, for example the ICIJ partnership around the "Panama Papers". At the time, the idea that major publications would work together violated much of what I had learned. Wikileaks pioneered the online dropbox for submissions to newsrooms which is now commonplace in media around the world. The emphasis placed by WikiLeaks on secure communications in order to protect its materials and journalistic sources, which back in 2010 was unheard of, has since become the norm amongst investigative journalists.
29. WikiLeaks also played the role of public archivist. Its "Public Library of US Diplomacy" is an archive that no one contemplating doing a story on the recent history of the foreign relations of the United States would not at least first see what the WikiLeaks archive holds of relevance. If you were doing a story about Kurds in the 1990s or Italian politics of the 1960s it would be a resource that you would visit. Much of the data published comes in fact not from leaks categorised but from millions of Freedom of Information Act enquiries by WikiLeaks in many countries, not just in the USA. Some of the information is already available but is made more accessible in the WikiLeaks archive. For instance, the recent BBC eight part podcast on the assassination of Benizir Bhutto constantly quotes from the American diplomatic cables. In that sense, the "Public Library of US Diplomacy" is a journalistic product which has and will retain an enduring and important value to journalists.

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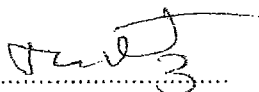


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30. I have been asked if I have knowledge of the circumstances in which publication in August and September 2011 of "Manning" material (for which I and other media partners had with WikiLeaks maintained agreed redactions for more than a year) came to be published in unredacted form. I do not have direct knowledge but many of the surrounding circumstances were played out in Germany and I have read and seen reports that I believe to be correct. Those reports describe a series of unforeseeable events; the leaving by a former member of WikiLeaks with WikiLeaks electronic data; publication of the codeword by a central media partner journalist; and a spreading awareness that access to the hidden files could be achieved.
31. I am aware that against Julian Assange's strong attempts to prevent the publication of the unredacted material becoming accessible on the internet, nevertheless it began to place including publication on a widely viewed site "Cryptome" (where I note it continues to appear without any apparent attempt to have it taken down). I am also aware, since film of WikiLeaks actions at the time have subsequently been broadcast, that Assange attempted to warn the State Department of the dangers about the publication of the data by others. I am also aware from what has appeared in published commentary and records, that after a growing knowledge of widening publication, WikiLeaks in turn, for reasons it gave at the time, stated that the already widely published material could now (and not before) be seen also on the WikiLeaks site.
32. At no time did I come to consider that Assange was responsible for knowingly publishing material that could harm other persons but that there were unpredicted actions by others that resulted in publication against his wishes.

Signed



Signature witnessed by

