

**STATEMENT OF WITNESS**

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

Statement of : Patrick Cockburn

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

Occupation of witness : JOURNALIST

Address :

This statement, consisting of 7 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 15 July 2020  
Signed Patrick Cockburn


Signature witnessed by JANET MONTGOMERY


1. I am a Middle East correspondent for The Independent newspaper and formerly worked for The Financial Times. I am a frequent contributor to the London Review of Books. I have reported and written about the wars in Iraq, Afghanistan, Libya, Syria and Yemen since 1977. I have been awarded many prizes, including the Orwell prize in 2009, Foreign Commentator of the Year in 2013, and Foreign Affairs Journalist of the Year in 2014. I make this statement in response to a request by lawyers for Julian Assange; I have been asked my views, in the light of my experience as a correspondent in the post-9/11 wars on which I reported from Iraq and Afghanistan, of the impact of the publications by WikiLeaks (in conjunction with others) in 2010/2011.

Signed Patrick Cockburn

Signature witnessed by Janet Montgomery

2. I reported extensively from the ground in Iraq and Afghanistan during the post-9/11 wars, starting in 2001. I and other reporters suspected (or knew but could not prove) features of US activities including that that US forces were killing civilians in significant numbers. US troops had legal immunity while they were stationed in these countries. The US military command did not give figures for civilian casualties and, in Iraq, the government instructed the Ministry of Health not to release details on how many Iraqis were being killed or who had killed them.
3. I was in Kabul when I first heard about the WikiLeaks revelations, which confirmed much of what I and others had suspected. The trove was immense: some 251,287 diplomatic cables, more than 400,000 classified army reports from the Iraq War and 90,000 from the war in Afghanistan. Rereading these documents now I'm struck again by the constipated military-bureaucratic prose, with its sinister, dehumanising acronyms. Killing people is referred to as an EOF ('Escalation of Force'), something that happened frequently at US military checkpoints when nervous US soldiers directed Iraqi drivers to stop or go with complex hand signals that nobody understood. What this could mean for Iraqis is illustrated by brief military reports such as the one headed 'Escalation of Force by 3/8 NE Fallujah: 1 CIV KIA, 4 CIV WIA'. Decoded, it describes the moment when a woman in a car was killed and her husband and three daughters wounded at a checkpoint on the outskirts of Fallujah, forty miles west of Baghdad. The US marine on duty opened fire because he was 'unable to determine the occupants of the vehicle due to the reflection of the sun coming off the windshield'. Another report marks the moment when US soldiers shot dead a man who was 'creeping up behind their sniper position', only to learn later that he was their own unit's interpreter.
4. These reports are the small change of war. But collectively they convey its reality far better than even the most well-informed journalistic accounts. Those two shootings were a thousand times repeated, though the reports were rare in admitting that the victims were civilians. More usually, the dead

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were automatically identified as 'terrorists' caught in the act, regardless of evidence to the contrary.

5. On 14 July 2007 I published a piece in The Independent about the killing of eleven people by a US helicopter in Baghdad two days earlier. The dead included two Iraqi journalists working for Reuters news agency but the US military claimed that their forces had come under fire, called for air support, and had killed two civilians and nine insurgents. Police at a nearby Iraqi police station contradicted this, saying that the eleven had died during 'a random American bombardment.' A named Iraqi eyewitness confirmed what the police said, and also described how the US helicopter had fired on an Iraqi vehicle that had come to help the wounded.
6. The evidence was compelling, but in the face of official denials of wrongdoing by the US military authorities it was impossible to prove that all those who died were unarmed civilians. It was known that that film of the killing had been taken by the gun camera of the US Apache helicopter, but the Pentagon refused to give this up even under a Freedom of Information Act request. As is known on the basis of their explanation, appalled by what the video revealed about the way the US was conducting its war on terror and by the contents of the thousands of reports and cables that were stored alongside, the junior US intelligence analyst Private Manning released the entire archive to WikiLeaks. But for that, the suspicions of journalists and the local police <sup>in</sup> ~~and~~ Baghdad could never have been established.  
*(Richard  
Liddell)*
7. This was the pattern in Iraq during the period when US troops were present in large numbers between 2003 and 2011. The same was true of Afghanistan as the US military presence increased over the same period. Of course, the information that was disclosed by WikiLeaks was frequently no secret to Iraqis or Afghans or foreign journalists who all knew very well about who had been killed and by whom. But this could never be confirmed in the face of official US silence or denial.

Signed Richard Liddell

Signature witnessed by Janet Liddell

8. The video still has the power to shock. The two helicopter pilots exchange banter about the slaughter in the street below: 'Ha, ha, I hit them,' one says. 'Oh yeah, look at those dead bastards,' the other says. They have mistaken the camera held by one of the journalists for a rocket-propelled grenade launcher, unlikely though it was that armed insurgents would stand in the open in Baghdad with a US helicopter hovering overhead. They shoot again at the wounded as one of them, probably the Reuters assistant Saeed Chmagh, crawls towards a van that has stopped to rescue them. When the pilots are told over the radio that they have killed a number of Iraqi civilians and wounded two children, one of them says: 'Well, it's their fault for bringing their kids into the battle.'
9. Aside from the episode with the helicopter in 2007, there were many less well-known incidents of shootings by US soldiers at civilians. In 2006, a senior pro-American minister in the Iraqi government told me that he had warned his driver that the greatest danger to him as a politician at risk was not assassination by insurgents but being accidentally shot by US troops. By then US soldiers in Iraq tended to see all Iraqis, particularly those driving vehicles, who got close to them as being potential insurgents, and possible suicide bombers. No Iraqi was safe from this suspicion: the Iraqi police general in charge of the serious crime squad was shot through the head by an American soldier who mistook him for a suicide bomber. The head of protocol of the Iraqi President Jalal Talabani was in hospital with a broken arm and leg because his car had been forced off the road by a US Humvee.
10. Many of the victims were little known outside their own neighbourhoods. I wrote a story about how, in September 2006, a brain surgeon called Basil Abbas Hassan had left his house in the al-Khudat district of Baghdad at 7.15 am to drive to his hospital. As he drove out of a side street onto the main airport road, he accidentally got close to a US convoy and was promptly shot dead. One Iraqi political leader, Dr Mahmoud Othman, told me that he believed that it would be in the interests of the US to modify or remove the legal immunity protecting its soldiers because this might make them less

Signed Peta Cochran

Signature witnessed by Janet Anstey

trigger-happy and reduce the number of such undisclosed incidents - well know to the Iraqi if not the US public - that were damaging the reputation of the US.

11. The WikiLeaks documents exposed the way the US, as the world's sole superpower, really conducted its wars - something that the military and political establishments saw as a blow to their credibility and legitimacy. There were some devastating revelations, the helicopter video among them, but many of the secrets uncovered were not particularly significant or indeed very secret. In my view, they do not themselves explain the degree of reaction that the WikiLeaks revelations provoked from the US government and its allies; I consider this to have been their response to a perceived assault on their monopoly control of sensitive state information, which they saw as an essential prop to their authority. Making such information public, as Assange and WikiLeaks had done, weaponised freedom of expression: if disclosures of this kind went unpunished and became the norm, it would radically shift the balance of power between government and society - and especially the media - in favour of the latter.
12. The early attempts to discredit Assange focused on trying to prove that the WikiLeaks disclosures had led directly to the deaths of US agents and informants. The Pentagon put a great deal of effort into substantiating this allegation: it set up an Information Review Task Force headed by a senior counterintelligence officer, Brigadier General Robert Carr, which studied the impact of the revelations and sought to produce a list of people who might have been killed because of the information the cables contained. Carr later described the extent of his task force's failure, in testimony given at Manning's sentencing hearing in July 2013. After long research, his team of 120 counterintelligence officers hadn't been able to find a single person, among the thousands of American agents and secret sources in Afghanistan and Iraq, who could be shown to have died because of the disclosures. Carr told the court that at one point his task force seemed to be getting somewhere: the Taliban claimed to have killed a US informant

Signed Patrick Cockburn

Signature witnessed by Janet ...

identified in the WikiLeaks cables. It was a sign of desperation on the part of the counterintelligence officers that in seeking evidence against WikiLeaks they were reduced to citing the Taliban as a source. And, as Carr admitted during the defence cross-examination, the Taliban turned out to be lying: 'The name of the individual killed was not in the [WikiLeaks] disclosures.'

13. In Kabul in 2010, just after my first look at the diplomatic cables WikiLeaks had released, I happened to be meeting an American official for an off the record talk about the situation in Afghanistan. I asked him for his thoughts on the cables; he replied by asking what classification code appeared at the top of the pages I'd seen. When I told him, he was dismissive about the degree to which the documents really contained deeply held secrets, classified though they may be. He explained that the US government wasn't so naive as to believe that information stored on a database to which as many as half a million people had access – one of whom turned out to be Private Manning – was likely to stay confidential for very long. Known as SiproNet (Secret Internet Protocol Router Network), the database had originally been the sole property of the Pentagon but was used more widely in the aftermath of 9/11, when it became clear that parts of the US bureaucracy had valuable information that other parts didn't know about. SiproNet was the answer to the problem of insufficient sharing: an electronic archive that many people in various branches of government could access, from diplomats in US embassies around the world to lowly military personnel like Manning. In theory, at least three million people had security clearance to use SiproNet: all that was needed was a password. Security measures were limited and could be easily penetrated. For the transmission of really secret data, such as communication between US military attachés, at least four other more sophisticated systems were available. The fact that General Carr's task force, which was able to call on the full resources of the Pentagon, had been unable to find, in all the oceans of facts released by WikiLeaks, the name of a single individual who had actually been killed as a consequence by the Taliban, al-Qaida or some other enemy of the US,

Signed Patrick Colburn

Signature witnessed by Wahid Anoutajve

shows that the exclusion of detailed information from Sipnet had been effective.

14. WikiLeaks did what all journalists should do, which is to make important information available to the public, enabling people to make evidence-based judgments about the world around them and, in particular, about the actions of their governments, and, of those actions more than any other those that reveal the gravest of state crimes. In my view steps taken against Assange for publishing information of such great importance betrays the true motivation behind the unprecedented steps being taken to criminalise his actions. In 2010 WikiLeaks won a great victory for freedom of expression and against state secrecy and the US government is now making every effort to reverse it.
15. Assange and WikiLeaks have more than fulfilled the prime purpose of newsgathering. 'The first duty of the press,' Robert Lowe wrote in the *Times* in 1852, 'is to obtain the earliest and most correct intelligence of the events of the time and instantly, by disclosing them, to make them the common property of the nation. The statesman collects his information secretly and by secret means; he keeps back even the current intelligence of the day with ludicrous precautions.' The press, by contrast, 'lives by disclosures'. Assange's disclosures in 2010 followed this prescription exactly.

Signed ..... *Patrick Cockburn*

Signature witnessed by ..... *David Butler*