

(C.J. Act, 1967 s.9; M.C. Act 1980, s.102, M.C. Rules, 1981, r.70)

STATEMENT OF WITNESS
(amended)

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

Statement of: GARETH PEIRCE

(if over 18 enter 'over 18'): Over 18

Occupation of witness: Solicitor

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14 Inverness Street
London NW1 7HJ

This statement, consisting of 13 page/s each 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 18th October 2019

Signed Gareth Peirce

Signature witnessed by [Signature]

1. I represent Julian. Assange as his solicitor in the proceedings before Westminster Magistrates' Court in which the United States seeks his extradition in respect of 18 charges, 17 under the US Espionage Act 1917 and the last under a conspiracy to commit computer intrusion.
2. I make this statement in order to inform the Court and those representing the United States Government of significant evidence of which those acting for Mr Assange have become aware

Signed Gareth Peirce

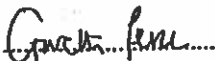
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since his arrest and which is the subject of ongoing investigation under the direction of a Senior Judge in the Spanish Central Court of Investigation Number 5 of the Audiencia Nacional.

3. After being made aware of the evidence outlined below lawyers acting for Mr Assange in Spain, Baltasar Garzón Real and Altor Martínez took a number of steps towards alerting Spanish prosecuting authorities. Those steps involved establishing protection for witnesses involved, and the confidentiality necessary if arrests and search warrants were thereafter to be ordered by a court. That confidentiality has been maintained by Mr Assange's lawyers both in Spain and in the UK, all of whom have been made aware of the likely progression of steps being taken.

4. The process of investigation is continuing as directed by the Spanish Court. Lawyers representing Mr Assange both in the UK and in Spain, are proceeding in parallel, to carry out such separate independent investigation as can be achieved whilst respecting the investigations that require pursuit within the official processes of the ongoing Spanish criminal investigation. [Mr Assange's lawyers in Spain will request the permission of the Spanish Court to provide such relevant documentation as may be required in these proceedings. I am permitted to provide to this Court the copy of a European Investigation Order given to his Spanish lawyer, Altor Martínez, (Exhibit 1), requesting that Mr Assange be interviewed by the investigating Judge. We are informed that request was transmitted to the UK three weeks ago.] The summary of facts attached to the Order states that the case "Concerns an investigation of the Spanish citizen David Morales Guillen and the Spanish company UC Global based on a number of facts including that Morales Guillen carried out acts which impinged on Julian Paul Assange's privacy and on the privacy of Julian Paul Assange's lawyers, by placing bugging devices and other means inside the

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alleged to have been the source of the publications, former soldier Chelsea Manning, had been found by the UN Special Rapporteur Against Torture, Juan Mendez, to have been subjected to cruel, inhuman and degrading treatment when imprisoned awaiting trial.

8. In July 2012 the Spanish lawyer Baltasar Garzón Real was appointed by Mr Assange to coordinate the legal advice that was thereafter provided to him. His legal representatives included lawyers in Ecuador, Spain, the United Kingdom, Sweden, the USA, Australia and a number of other European countries. From time to time further legal advice was sought by Mr Assange from experts in specific areas of law.

9. Of relevance to one aspect of what followed, is that Mr Assange met on numerous occasions during the years that followed whilst he remained in the Embassy until his arrest on April 11th 2019, with lawyers and other visitors including his doctors, his health requiring treatment throughout the period in which he was in the Embassy.

The subject matter under investigation

10. The matter under investigation in the Spanish Court concerns the management of a Spanish company Undercover Global (UC Global) with headquarters in Cadiz. Between 2015 and mid 2018 the security of the Ecuadorian Embassy in London was entrusted to that company, managed and directed by David Morales Guillen, the company having been founded to provide private security services.

Signed ... *Carlos Perez* ...

Signature witnessed by *[Signature]*

11. The original provision of security by the company, contracted by the government of Ecuador, was understood to be as a consequence of the situation in which Mr Assange had been granted asylum and consisted mainly of guaranteeing the perimeter of security of the building itself. As this was a Spanish company, the majority of the company's workers were Spanish.
12. The progression of this arrangement and data supporting that progression have been made known to lawyers representing Mr Assange and provided to the Spanish Court.
13. Aitor Martínez De Menezes, (a Spanish lawyer representing Mr Assange, working in the law firm headed by Baltasar Garzón ILOCAD SL), records in a short summary statement cited herewith, a contact received by him by email on May 20th 2019 in his office. The email indicated that the writer had information relevant to Mr Assange, represented by that law office. Following a response by Mr Martínez, the writer of the email, a former employee of UC Global and another former employee each gave sworn evidence of a number of criminal acts committed against Mr Assange and other individuals in contact with him, in particular his lawyers, but also his doctors. He and other former workers gave sworn evidence before a Spanish notary and explained in detail the facts of which they were aware. In addition they provided a large volume of material from their former company, consisting of emails, video and audio recordings, documents and other data which provided supporting evidence to their testimony. The substance of the evidence that they could give, and supported by the above data was that whilst Mr Assange was within the Ecuadorian Embassy, the director and administrator of UC Global, David Morales, in violation of the contract entrusted to his company by the government of Ecuador, systematically delivered information, including evidence obtained by theft as well as by unlawful surveillance to the

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intelligence authorities of the United States, including surveillance within the Embassy in which Julian Assange remained throughout the period.

14. The employees' evidence is that in approximately mid 2015, the manager of UC Global, David Morales, travelled to a security fair in Las Vegas. On his return from Las Vegas, he informed his employees at the company's headquarters that "From now on we're going to play in the first division", and that the company had gone to the "Dark side", making what was at the time a veiled reference to potential collaboration with American authorities in respect of Mr Assange.
15. Following the meeting, UC Global obtained a significant contract personally managed by David Morales with the company Las Vegas Sands, owned by an American magnate Sheldon Adelson, publicly known to have a close friendship with the President of the United States Donald Trump both before and since his election. The contract, which on its face was to provide security for Sheldon Adelson's yacht, was subsequently disclosed to the workers in the company as an arrangement to collaborate with US intelligence authorities to send information about Mr Assange and visitors of interest, particularly his lawyers and his doctors.
16. The former workers have explained that as a result of a parallel agreement between David Morales and the US authorities and not known to the Ecuadorian government commissioning the security contract, Morales began to make frequent journeys to the United States, mainly to New York but also to Washington and Las Vegas, indicating on each occasion that the trips were to inform, "Our friends the Americans". On those trips, David Morales took all the information related

Signed Conchita Jent

Signature witnessed by [Signature]

to the security of the Embassy including the recordings of the CCTV cameras, the reports of personnel in the Embassy and other information.

17. Once President Trump was elected and his administration came to power, UC Global expanded its internal surveillance to increase the obtaining of information with cameras that recorded sound (via camouflaged microphones, hidden in the Embassy), and the photographing and copying of devices required to be left as a security measure at the desk of the Embassy by visitors whilst they were visiting Mr Assange.
18. From June 2017, emails were sent to the company supplying new CCTV cameras, indicating that they, *"Must have a built in microphone without being perceived by the naked eye"*.
19. Whilst the monthly transfer of data to the USA continued through 2016, at the beginning of 2017, coinciding with President Trump's accession, secure encrypted telephones and an encrypted computer were introduced for communications with *"American friends"*. The friends were described to one of the Spanish former employees by David Morales as, *"The intelligence of the United States"* (understood to be referring to the Central Intelligence Agency or CIA). As of 2017, David Morales' contacts with the Americans, were observed to escalate and a small unit of workers was designated to commence sophisticated information gathering within the Embassy, its compilation being carried out mainly by operators physically at the Embassy performing 24 hour security shifts and submitting detailed reports to the Unit's headquarters in Spain. Cameras were installed to record the audio of conversations as well as video of meetings. The team in Spain travelled regularly to London to collect the recordings from the cameras and transfer them

Signed Guards Unit

Signature witnessed by [Signature]

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to the headquarters in Spain from where information packages were assembled that David Morales would personally take to the American authorities, with an increasing level of intrusion and collection of detail concerning Mr Assange's lawyers, doctors and other visitors.

20. The witnesses describe substantial payments to David Morales and held by him in private accounts in Gibraltar.

21. Evidence of the technical specifications of the installations, as well as photographs of the devices, and sets of the recordings made by the old and the new cameras installed in 2017 which could record audio have been provided by the witnesses to the Spanish prosecutor.

22. At the same time, an arrangement was requested by David Morales that the technicians could enable streaming cameras installed so that those interested in the United States, could access in real time everything being said in the Embassy. Two parallel streaming devices were set up, one for Ecuador, and one unknown to Ecuador for the "Friends of the United States". A power point demonstration of how such a secret streaming could be achieved for delivery to the US in real time is amongst the evidence produced by the former employees.

23. Detailed information is contained in emails relating to the provision of microphones that could transmit conversations from the meeting room in which Mr Assange was required to have his legal visits and from other areas in the Embassy. Stickers were placed upon the external windows of the Embassy which would allow for laser microphones outside the Embassy to pick up communications from inside the Embassy.

Signed Gareth Lewis

Signature witnessed by [Signature]

24. Communicallons in September 2017 by email between David Morales and his employees and produced by them emphasised that no one should reveal what was occurring to the intelligence services of Ecuador. In an email sent on the 29th September 2017 by David Morales to several workers requested extreme caution with the information being transmitted "*Sonain (Ecuadorian intelligence) is investigalling us*". He states: "*I am going to need you to work on the following*" including detail of the internal structure of the Embassy and of Embassy employees, "*it is necessary to have pholos of them as well as the description of their funcilons or activilles in the headquarters*" and "*In particular the following profiles must be created and updated (personal data, relationship with the guest, telephone numbers, emails, number of visits etc)*". Included in a short list are three of Mr Assange's lawyers. "*All of them appear in the lists and entry records, you have to do your best to know their data*".

25. The witnesses describe that in particular visits by Mr Assange's lawyers and doctors were monitored. UC Global established a security protocol that obliged all visitors including lawyers to leave personal ID documents as well as telephones and electronic devices with belongings at the entry desk. Thus operators could ensure that they could scan and photocopy the individual's personal documentation, search their belongings, photograph the contents and potentially intrude and obtain the potential for future intrusion into the electronic devices. Subsequently, detailed reports were made of those who visited Mr Assange, sent to the company's headquarters in the form of reports. A web portal was established that could be accessed remotely from May 2017. David Morales requested that all information that related to Mr Assange's visits include exhaustive detailed profiles prepared of each individual in order that on any visit, an entire file

Signed *Garcia Perez*

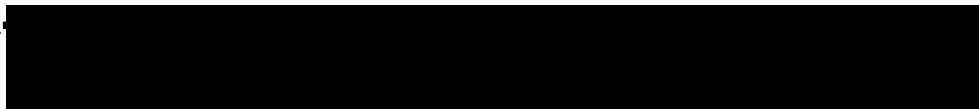
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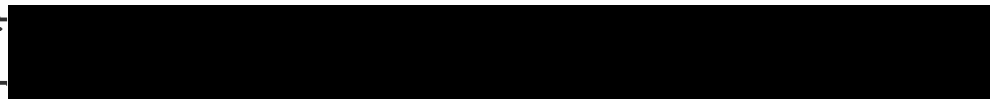
could be accessed immediately relating to each person. Morales referred to profiles uploaded to the server should be expanded and include all persons from the Embassy itself. The information requested was for the purpose of remote access from the United States.

26. Further, the conversations of his lawyers with Mr Assange would be recorded through cameras with sound recording and hidden microphones. Examples of lists drawn up by UC Global contain the identity documents of those who visited; these were included in a database built up of profiles of all visitors. A number of specific examples given by the witnesses, the former workers, including the extraction of data from the iPad of a well known professor of international law who had joined a meeting to discuss matters involved in his expertise, the grant of asylum. Details of telephones were photographed, as well as photographs of messages within telephones whilst their owners were attending meetings. On two occasions visiting doctors observed that after they had left the Embassy briefly and then returned, notes had been taken into the office of the security workers. The personal details of Mr Assange's visiting GP were specifically requested and collected including the details from his telephone. Separately surveillance was conducted on senior Ecuadorian diplomats when they visited the Embassy as well as the head of Ecuadorian intelligence.

27.



28.



Signed Garth Peirce

Signature witnessed by [Signature]

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committing a crime against privacy and against the secrecy of attorney-client communications (art. 197 quinquies CP), bribery (art. 427 CP) and money laundering (art. 302.2 CP)."

33. *"As a consequence of this criminal complaint, the Central Court of Instruction No. 5 of the Audiencia Nacional issued an order on August 7, 2019 admitting the criminal action and opening the Preliminary Diligences 3291/2019 for crimes against privacy and against the secrecy of attorney-client communications (art. 427 CP) and money laundering (art. 302.2 CP). 197 and 197.4 quae CP), bribery (art. 424 and 427 CP) and money laundering (art. 301) in relation to the owner of the company, and crime against privacy and against the secrecy of attorney-client communications (art. 197 quinquies CP), bribery (art. 427 CP) and money laundering (art. 302.2 CP), in relation to UC Global".*

34. *"On September 17, 2019, a police operation was carried out, ordered by the Central Court of Instruction No. 5 of the National Court, in which the owner of the company was arrested, together with the entry and search at his home and at the headquarters of the company UC Global. In addition, the Central Court of Instruction No. 5 has agreed a set of proceedings, including the protection of former workers as protected witnesses, and the taking of testimony of Mr. Assange as a witness, through a European Order of Investigation sent to the British authorities, being the victim of the alleged crimes being investigated."*

35. *"The facts being investigated reflect that the owner of the company UC Global developed a sophisticated espionage operation against Mr Assange. This would have consisted of the installation of cameras inside the Embassy that recorded audio, the installation of hidden*

Signed *Carth. Peni*.....

Signature witnessed by *[Signature]*.....

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microphones to record meetings, the digitization of identity documents of visits, the intervention of electronic devices of people who came to the Embassy, physical monitoring of people, and all in order to feed an FTP server (and later a web repository) open for remote access, directly or through U.S. intelligence authorities. Furthermore, according to the documentation submitted to the court, the owner of UC Global had been in continuous contact with United States authorities, who had indicated to him the specific objectives to which he should pay attention, including to members of Mr. Assange's legal team."

36. *"All of the above is evidenced by the statements made before a Notary by the witnesses (who ratified them before the judicial authority), by e-mails, telephone chats, videos of meetings, recordings of hidden microphones, and a substantial package of documents from the company that is at the disposal of the Central Court of Instruction No. 5 of the Audiencia Nacional."*

Signed Garth Fene

Signature witnessed by Eduardo

Served 17.01.20

IN THE WESTMINSTER MAGISTRATES' COURT

BETWEEN:

GOVERNMENT OF THE UNITED STATES OF AMERICA

Requesting State

v

JULIAN ASSANGE

Defendant

ADDITIONAL DEFENCE EVIDENCE SERVED 15th January 2020

Second statement of Gareth Peirce re: seizure of legally privileged material post-arrest.