

Summaries of Witness Statements in Defence of Julian Assange

September 2020

Carey Shenkman

US Human Rights Attorney & Espionage Act Historian

Testimony on the historical applications of the Espionage Act

The 1917 Espionage Act is “extraordinarily broad” and one of the U.S.’ most divisive laws. It does not include a “public interest” defense, meaning defendants can’t argue that disclosures were made to benefit the public. “National defense information” doesn’t just mean classified information but instead includes anything the government considers sensitive.

“What is now concluded, by journalists and publishers generally, is that any journalist in any country on earth—in fact any person—who conveys secrets that do not conform to the policy positions of the U.S. administration can be shown now to be liable to being charged under the Espionage Act of 1917.”

Simply bringing forward an indictment under the Espionage Act against a journalist, even if the prosecution isn’t successful, combined with the law’s “breadth and overuse,” instills a “significant chilling effect” throughout the media. The effect pervades beyond journalists too because the law is written so broadly that it could be used against anyone who even reads or retweets national defense information.

Most legal scholars agree that this use of the Espionage Act is “truly extraordinary.”

The way the charges are framed and the timing of the indictment “really point to a highly politicized prosecution.”

John Sloboda

Co-founder of *Iraq Body Count*

The Iraq War Logs were “the single largest contribution to public knowledge about civilian casualties in Iraq”. They revealed an estimated 15,000 previously unknown deaths. 10 years on, the Iraq War Logs “remain the only source of information regarding many thousands of violent civilian deaths in Iraq between 2004 and 2009

Assange imposed a “very stringent redaction process” in order to protect named sources from potential harm. An automated process was developed to scan the files and redact every word that wasn’t in a standard English dictionary, to automatically remove any names. Then the

files were scanned to remove occupations, like “doctor” or “driver”, so as to further protect identities. Redacting the logs took “weeks”, Sloboda said, calling it a “painstaking process... There was considerable pressure on Wikileaks because the partners wanted to publish faster,” but WikiLeaks continuously rejected this pressure, insisting that redactions must take place.

Khaled el-Masri

Innocent German Citizen Kidnapped and Tortured by the CIA

El-Masri was rendered to a CIA black site, where he was sodomized, force-fed through a tube through his nose, and subjected to total sensory deprivation.

The German state prosecutor issued an arrest warrant for the 13 CIA agents responsible. WikiLeaks documents revealed that the U.S. had pressured the German prosecutor to issue the warrant in a jurisdiction where the perpetrators didn’t live, threatening “repercussions” otherwise.

El-Masri cited U.S. State Secretary Mike Pompeo threatening the family members of any International Criminal Court officials who cooperate with an investigation into U.S. crimes.

Nicky Hager

New Zealand Journalist

Author of Other People’s Wars, New Zealand in Afghanistan, Iraq and the War on Terror

“It is in general impossible to research and write about war to a useful standard without access to sources that the authorities concerned regard as sensitive and out of bounds — and all the more so with the subject of war crimes... information which is classified is essential to allow journalism to perform its roles of informing the public, enabling democratic decision making and deterring wrongdoing.”

Hager compared the publication of the *Collateral Murder* video, in which U.S. gunmen can be heard saying “Look at those dead bastards”, to the video of the police killing George Floyd and his words “I can’t breathe” for their contribution to “world opinion about the misuse of state power.”

defend.wikileaks.org/extradition-hearing
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