SECOND STATEMENT OF WITNESS

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

Statement of:

Andy Worthington

Age of witness

(if over 18 enter 'over 18'):

Over 18

Occupation of witness:

Author / Historian / Journalist

Address:

(Known to the solicitors in the case and to be made available to the Court and the parties to the

proceedings when required).

This statement, consisting of 3 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.

Signed Dated the 30th September 2020
Signature witnessed by

I make this further statement to clarify and/or amplify several references in my first statement.

- 1. I confirm as set out at paragraphs 3 and 4 that I worked at the request of WikiLeaks as a result of my long standing researches and published works on the detentions in Guantanamo Bay. I was in a position to investigate and interpret data in the Detainee Assessment files and contribute to the knowledge and context for those publishing the raw data.
- 2. A number of media partners in different countries were involved with WikiLeaks in the publication of the Guantanamo files. The UK media partner was the Telegraph newspaper. (The relationship with the Guardian newspaper and the New York Times had broken down.) The intention was that publication would take place simultaneously on a date to be agreed after the different media partners had had the opportunity respectively of assessing the data.

Signed My Way

Signature witnessed by

The intention was that they would be assisted by analysis that could explain aspects of the data that would otherwise be unable to be understood.

- 3. As referred to in paragraph 8 the process of analysis that took place with the Guantanamo data resulted in an ability to demonstrate the origin of information in the individual cases as a result of which a significant number of the Guantanamo prisoners had been or were continuing to be detained. This information emanated from two sources either from 14 "high value detainees" subject to forms of extreme ill treatment outside Guantanamo, eg
 Abu Zubaydah or from a handful of Guantanamo detainees whose Detainee Assessment files showed that very many others of the Guantanamo prisoners were being detained on the basis of information from the false statements of that handful. (More than one of the high value detainees had by 2011 been able to be identified through other information as having been subjected to forms of coercion in CIA secret prisons).
- 4. Without the world at large being able to understand how Guantanamo detentions were justified, all that was available was the public justification provided by the USA. The release of the whole data meant that it could not be represented as having been affected by selectivity or censorship. Its publication as a whole was considered to provide the greater potential of bringing the unlawful horror that was Guantanamo to an end.
- 5. This therefore was what took place.
- To the best of my knowledge all the decisions made on publication by media partners as well as by WikiLeaks were the subject of careful thought.
- At paragraph 11 I set out my own assessment; that the arrangements for publication were professionally carried out and of newsworthy, legal and historical importance.
- 8. Also referred to in paragraph 12 is the fact that two previous media partners, (the Guardian and the New York Times), had obtained the documents from another source. I do not know who the other source was, but those two newspapers were known to be moving towards publication at an earlier date than planned by the Telegraph and the other media partners; urgent steps were then taken by the media partners working with WikiLeaks and myself to publish as early as possible, but in the most responsible format. What was published (the documents as a whole) was regarded by all of those involved as "the most responsible format".
- In the second section at paragraph 8 I refer to the general phenomenon of evidence that should have been regarded as untrustworthy, but that

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evidenced the criminal use of torture. I referred to examples, Abu Zubaydah, Al-Nashiri and Ibn al-Shaykh al-Libi.

- 10. The basis on which I could assess in 2011 that some prisoners had been tortured emanated from a number of sources including
- (i) The 2009 United Nations Report on secret detention of which I was the lead author, in which it was noted that the existence of the torture programme was established via a memo released by the Obama administration in May 2009, in which, in May 2005, Principal Deputy Assistant Attorney General Stephen G. Bradbury, of the Office of Legal Counsel (OLC), stated that the CIA had "taken custody of 94 detainees [redacted], and had employed enhanced techniques to varying degrees in the interrogations of 28 of those detainees." https://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-42.pdf See para 105-116 re Abu Zubaydah. See 132, 247 & fn 276 re al-Libi. See 105, 110 & 116 re Nashiri.
- (ii) Subsequently 14 of these individuals including Abu Zubaydah were transferred to Guantanamo, as announced by George W. Bush on September 6, 2006: https://georgewbush-whitehouse.archives.gov/news/releases/2006/09/20060906-3.html See paragraph 105-116 re Abu Zubaydah, See 132, 247 & fn 276 re al-Libi. See 105, 110 & 116 re Nashiri.
 - (iii) Confirmed subsequently by the ECtHR (in the cases of Abu Zubaydah v Poland and separately the case of al-Nashiri) and in the Senate Intelligence Committee Report on the Investigation Into Use of Torture identifying 119 "Black Site" prisoners including Abu Zubaydah and al-Libi. I refer to that report as Exhibit 2.

 https://www.intelligence.senate.gov/sites/default/files/publications/CRP T-113srpt288.pdf

Signed Mortung

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