

ON NAPPIES AND LAW ENFORCEMENT SPYING

One of the most scandalous revelations from the Julian Assange extradition hearing – that the company that handled the security for the Ecuadoran Embassy, UC Global, sought to obtain a diaper from one of Stella Morris’ children – may have a very logical explanation: The FBI would need to know whether they had to treat communications between Assange and Morris with spousal privilege. The FBI did precisely the same thing with Roger Stone when they went to some length to figure out whether Kristin Davis’ son was Stone’s child before they interviewed her in the investigation of Stone.

Indeed, once you read through the muddles and inconsistencies, what the two witnesses who submitted testimony about UC Global’s surveillance of Assange (Witness One, Witness Two) described is utterly consistent with FBI surveillance and inconsistent with CIA surveillance.

Witness Two is more detailed and credible than Witness One. That’s easily shown in two ways. First, Witness Two admits that after David Morales got a contract with Sheldon Adelson in 2016, it led to speculation that he was working with US authorities. UC Global employees discussed how he “could” be cooperating with US authorities (a dumb speculation to begin with).

I remember that after David Morales had returned from the United States, at a meeting with the rest of the staff he affirmed that we were moving into “the premier league”. After this I became aware that David Morales was making regular trips to the United States, the context of which my boss, David Morales, repeated to his having “gone to the dark side”. I also recall Morales’s wife’s social media recording the recurring trips to the United States, specifically

to New York and Washington, via her Instagram account (with the profile @moda_koko), which prompted ongoing commentary from staff that Mr Morales could be cooperating with US authorities. [my emphasis]

Witness One presents that as fact (unlike Witness Two, Witness One has none of the records or claims he makes documented, another thing that makes Witness Two far more credible).

After returning from one of his trips to the United States, David Morales gathered all the workers in the office in Jerez and told us that “we have moved up and from now on we will be playing in the big league”. During a private conversation with David, I asked him what he was referring to when he said we had moved up into “the big league”. David replied, without going into further detail, that he had switched over to “the dark side” referring to cooperating with US authorities, and as a result of that collaboration “the Americans will get us contracts all over the world”.

In addition to the new contract, after Morales’s return from Las Vegas and his comments about “the big league” and switching to “the dark side”, I learned through my conversation with Davis Morales that he had entered into illegal agreements with U.S. authorities to supply them with sensitive information about Mr. Assange and Rafael Correa, given that UC Global was responsible for the embassy security where Mr. Assange was located.

He does so, even though he didn’t leave UC Global – because Morales was selling everything to “the enemy, the United States” – until 2017 (or possibly even later, after Assange’s

arrest).

Thus, I came to realize that David Morales decided to sell all the information to the enemy, the United States, which is the reason I put an end to my professional relationship with him.

If he were certain Morales was working for the dark side in 2016, by his own claims, he would have left then.

Similarly, Witness Two includes the details that explain why Adelson would give Morales a contract when his yacht already had security: it was to protect his kids when they were in Europe.

I remember that Sheldon Adelson himself – who is on the public record as being very close to President Donald Trump–increased his ties with UC Global because at one point David Morales was personally put in charge of the security of the magnate and his children when they visited Europe, in their Summer trips to Nice and Ibiza.

Witness One doesn't consider such explanations.

That is to say, the contract was to provide security to the luxury boat during the short period during which it found itself in Mediterranean waters. But the most striking thing about it was that the boat had its own security, which consisted of a sophisticated security detail, and that the contract consisted in adding an additional person, in this case, David Morales, for a very short period of time, through which David Morales would receive an elevated sum.

The difference in credibility is important,

because Witness One focuses closely on Adelson, whereas Witness Two barely focuses on it. Witness Two – who unlike Witness One had a direct role in the increased surveillance on Assange – mentions it only in passing.

For good reason. Any claim of a connection between the 2016 Adelson contract and surveillance that ratcheted up much later makes no sense.

And that's important because, while Witness Two describes UC Global being vetted as early as January 2017, he describes (and Witness One agrees) that the increased surveillance started in June or July of that year, with the most intense surveillance starting in December 2017.

I recall that between June and July 2017, I was summoned by David Morales to form a task force of workers at our headquarters in Jerez. The purpose of this unit was to execute, from a technical perspective, the capture, systematization and processing of information collected at the embassy that David Morales requested. So, I was tasked with executing David Morales's orders, with the technical means that existed in the embassy and additional measures that were installed by order of Morales, in addition to the information gathered by the UC Global employees who were physically present in the diplomatic mission. This unit also had to travel to London every month to collect information.

There are still inconsistencies with Witness Two's testimony, mind you, including a request in May that he says was part of the task force that didn't start until a month later. But effectively he provides compelling evidence that, starting in June 2017, the surveillance that UC Global was doing on Assange went up, and then in December it went up considerably.

That's consistent with the substance – though not the headline claims – of a presentation that Andrew Müller-Maguhn did on this almost a year ago. Add in the report that Morales shared information with an IP in Alexandria, VA, and the surveillance is completely consistent with being part a criminal investigation conducted out of the EDVA grand jury known to be investigating not just Assange, but also accused Vault 7 source Joshua Schulte at the time. Within months, there would be several more investigations predicated against Assange, investigations that would have nothing to do with journalism (and, if DOJ investigated Assange's attempt to extort immunity using the Vault 7 files, that too would have nothing to do with journalism).

That almost seems like what this paragraph, from the prosecution closing argument, suggests – that, sure, they did have Assange under surveillance but that's because he was sitting on CIA's hacking tools and was planning an exfiltration from the embassy to Russia.

Fifth: allegations which Assange makes about being surveilled in the Embassy are not evidence that this prosecution is politically motivated. In short, taking the defence evidence at its highest, even if Assange was surveilled by or on behalf of the United States, which is not admitted, that does not demonstrate that this prosecution is politically motivated. Surveillance may evidence wider concern about a risk an individual poses or concern to know their movements. Surveillance may demonstrate a state's interest in apprehending an individual but that does not make a prosecution for criminal conduct politically motivated.

As I've said before, UC Global had a legal presence in the US and as such would be subject to subpoena by a grand jury. Surveillance records are routinely obtained from grand

juries. While I imagine they'd get Ecuador's consent for this, by fall 2016 – and especially after the Vault 7 releases – Ecuador was pretty sensitive about the way Assange was using their embassy as a base for crimes that were pissing off multiple countries.

You can argue this level of surveillance was really overbearing (and you'd be right). But WikiLeaks' backers keep telling the story without mentioning that it came during precisely the period when the FBI was investigating Assange for a whole bunch of stuff, almost all of which had nothing to do with journalism. You can argue that the 2010 charges are dangerous (they are!). But to argue that Assange shouldn't be investigated for extortion, conspiring with those who hacked Americans, illegally participating in an American election, and entering into a quid pro quo to get a pardon is not an argument about journalism.