

ENGLISH MACHINE TRANSLATION - NON-OFFICIAL

*Prior proceedings 2536/2019*

TO CENTRAL EXAMINING MAGISTRATE NUMBER 5.

**Mrs. VIRGINIA ARAGÓN SEGURA**, Attorney of the Courts, acting on behalf of **Mr. JULIAN PAUL ASSANGE** as the injured party, representation that is already duly accredited, before this Court I appear and as best proceeds in law, **CLAIMS:**

That hereby written **STEP TO FORMULATE CRIMINAL COMPLAINT** against the following natural and legal persons:

- **DAVID MORALES GUILLÉN**, natural person, Spanish, married, with DNI 31.675.122-M, and domicile in Calle Madre de Dios number 12, 8º E, Jerez de la Frontera (Cádiz) and a second domicile in Calle Padre Ruíz Candil, number 28, Jerez de la Frontera (Cádiz), being administrator and owner of the following mercantile<sup>1</sup>.
- **UNDERCOVER GLOBAL SL (known as UC GLOBAL)**, legal entity, Spanish, with CIF B-72.114.754, with headquarters and offices in Calle Cerrajería, number 5, Parque Empresarial Oeste, Jerez de la Frontera (Cádiz)<sup>2</sup>.

Both the natural person, **DAVID MORALES GUILLÉN**, and the legal person, **UNDERCOVER GLOBAL SL (UC GLOBAL)**, hold Spanish nationality and are domiciled in our country.

The complaint is filed against **DAVID MORALES GUILLÉN** by the commission of **CRIME AGAINST PRIVACY and AGAINST THE SECRET OF LAWYER - CLIENT COMMUNICATIONS** (art. 197 CP in relation to art. 197 quater); **MISAPPROPRIATION CRIME** (art. 253 CP); **BRIBERY** (art. 253 CP). 424 CP in relation to art. 427 CP); and **MONEY LAUNDERING OFFENCE** (art. 301 CP), as well as others in which the facts described in this complaint may be subsumed, and those that may arise from the investigation carried out by this judicial body.

Similarly, the complaint is filed against **UNDERCOVER GLOBAL SL (UC GLOBAL)** by the commission of **CRIME AGAINST PRIVACY and AGAINST**

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<sup>1</sup> In the following news there are professional profiles of David Morales Guillén. *The World*. "The special operations corporal from Jerez who set up the cameras at the Assange embassy." May 4, 2019. Vid. [Web access](#)

*Operative Intelligence Group Blog*. "Interview with UC-Global CEO David Morales." 1 June 2017. Vid. [Web access](#)

*Operative Intelligence Group Blog*. "Interview with UC-Global CEO David Morales." 1 June 2017. Vid. [Web access](#)

<sup>2</sup> In the following link you will find the company's official website. Vid. [Web access](#)

In addition, there is news in the media about UC Global and the "mercenary" services it provides. *The Voice of the South*. "The only 'mercenarios' company in Spain is based in Jerez".28 October 2017. Vid. [Web access](#)

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**THE SECRET OF LAWYER - CLIENT COMMUNICATIONS** (art. 197 quinquies CP); **BRIBERY** (art. 197 quinquies CP). 427 bis CP); and **MONEY LAUNDERING OFFENCE** (art. 302.2 CP), as well as others in which the facts described in this complaint may be subsumed, and those that may arise from the investigation carried out by this judicial body.

In addition, criminal proceedings are directed against persons, both natural and legal, who may appear to be criminally responsible in the course of the investigation.

### - PREVIOUS CONSIDERATIONS -

This complaint is presented before this Central Court of Instruction number five of those of the Audiencia Nacional, by antecedents, since Mr. Julian Paul ASSANGE, on April 24, 2019, presented a complaint before this same judicial organ. It was about the extortion suffered by my client and the organization founded by him, WikiLeaks, when he tried to offer his editor-in-chief illegally obtained documentary and audiovisual material while he was in an asylum situation at the Ecuadorian Embassy in London. In fact, David MORALES GUILLEN and UC GLOBAL were already identified in writings presented within the framework of that complaint.

The complaint was sent to the Central Court of Instruction number Five, which initiated the **Preliminary Diligences 2536/2019** in which the complaint was issued inadmissible because it was understood that the jurisdiction was of the Court of Instruction number 8 of Madrid, having had prior knowledge, who has nonetheless inhibited in favor of the National High Court to understand that the crime has an international character. Both resolutions are not yet final and are pending an appeal against them by the Criminal Chamber of the Audiencia Nacional and by the Audiencia Provincial de Madrid, respectively.

We therefore understand that the facts stated in this brief must be prosecuted along with those already denounced in the previous complaint, which is already being heard by the Central Court of Instruction number Five, since they occur against the same legal good and are perpetrated against the same victim, Mr. ASSANGE, and there is also an identity, homogeneity and similarity in the modus operandi.

In short, given that Central Court of Instruction No. 5 is already hearing the facts denounced on April 24, 2019, we understand that it must declare its competence to investigate the new facts that come to its attention, since they must all be included in the same criminal context.

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### BACKGROUND

#### WikiLeaks and its founder, Julian Assange

1. Mr. ASSANGE, an Australian citizen of Ecuadorian origin and later nationalized, is the founder and editor-in-chief of WikiLeaks, a journalistic organization created in December 2006. The news agency WikiLeaks is specialized in the publication of information of historical, political, diplomatic or ethical content, whose purpose is to guarantee the right of access to information for all citizens<sup>3</sup>.
2. WikiLeaks is therefore a legal means of communication whose main added value is to guarantee the absolute anonymity of the sources that send information. To this end, it has an advanced cryptographic system that manages, through the concealment of IP addresses, to maintain the anonymity of its sources in absolute terms. In this way, any person who has information related to the commission of crimes of corruption, human rights violations or irregularities of various kinds can submit that information and get it made public avoiding reprisals since no one, not even the WikiLeaks organization itself, can ever know the source of origin. It is therefore an international non-profit media organisation, available to all those individuals who wish to denounce and make public information of a sensitive nature and of general interest<sup>4</sup>.
3. Therefore, WikiLeaks is mainly specialized in the publication of official archives and original documents that support in-depth journalistic investigations, mainly on human rights violations, corruption and other irregularities of general interest. The model of anonymity of sources implemented by WikiLeaks has made it possible for victims, their families, and society in general to have access to the right to the truth. For example, documents published by WikiLeaks have been used by plaintiffs to prove their detention and extra-judicial surrender to the CIA by Macedonia before the European Court of Human Rights<sup>5</sup>, and in interventions before the International Court of Justice<sup>6</sup>.

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<sup>3</sup> WikiLeaks puts at the service of the public opinion documents related to diverse subjects, coming from anonymous sources, which never get to know each other due to the technical particularities of the platform itself. *Vid.* [Web access](#)

<sup>4</sup> Analysis sent by WikiLeaks to the UN Rapporteur on Freedom of Expression when he called for contributions from stakeholders in 2015. *Vid.* [Web access](#)

<sup>5</sup> The *El-Masri v "the former Yugoslav Republic of Macedonia"* resolution (application no. 39630-09) ECHR 453 (2012) has been described as "historic" by Amnesty International and the International Commission on Justice: "it is the first time that a European country has been held responsible for its participation in US-led secret programmes, and it is a milestone in the fight against impunity". Documents published by WikiLeaks were also contained in Husayn (Abu Zubaydah) claims against Poland (Petition No. 7511/13) paragraph 161; and Al Nashiri (Petition No. 28761/11) paragraph 126.

<sup>6</sup> International Court of Justice, Act, Verbatim 2018/26. September 6, 2018 hearing on the Legal Consequences of the Separation of the Chagos Archipelago from the Mauritius Islands in 1965 (Petition for an Advisory Opinion of the UN General Assembly); Footnote 19, page 20, refers to a diplomatic cable

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In February 2018, the UK Supreme Court ruled that documents published by WikiLeaks were admissible in<sup>7</sup> judicial proceedings.

4. WikiLeaks carries out an absolutely licit activity, receiving information of public interest by people who know of despicable facts but are afraid of receiving reprisals (known as *whistleblowers*) for the organization to make public the information received, in concert with other media around the world such as *The New York Times*, *Der Spiegel*, *The Guardian* or *El País*. The working model initiated by WikiLeaks has in fact been adopted by many other influential media around the world<sup>8</sup>.
5. Mr. ASSANGE, as editor-in-chief, and his collaborating journalists have been recognized with numerous journalistic and human rights awards around the world. Examples include *The Economist New Media Award* (2008), the Amnesty International New Media Award (2009), the Sydney Peace Foundation Gold Medal (2011), the *Global Exchange Human Rights People's Choice* (2013), the Yoko Ono Lennon Civil Rights Award (2013), as well as nominations for the United Nations Mandela Award (2015) and nominations for eight consecutive years for the Nobel Peace Prize (2010-2018)<sup>9</sup>.
6. Among the most relevant publications carried out by WikiLeaks are the dumping of toxic waste in Ivory Coast by the multinational Trafigura, the instruction manuals of the Guantánamo military base, databases documenting the wars in Afghanistan and Iraq, evidence of corruption and extrajudicial executions in Kenya or Internet censorship in China, among others. Documents published by WikiLeaks recently helped to identify Maher Mutreb, one of the alleged killers of Saudi journalist Jamal Kashoggi at the Saudi Arabian Consulate in Turkey<sup>10</sup>.
7. However, WikiLeaks publications have also put Mr. ASSANGE as a journalist at the centre of reprisals by states that have been involved in scandals, whether for serious human rights violations or war crimes. An example of this persecution is the numerous announcements of prosecutions by Saudi Arabia and Australia<sup>11</sup>, among other countries that continue to seek the opening of criminal cases against the journalist<sup>12</sup>. Among these countries, the United States has stood out, a country that has come to prosecute him and accuse him of 18 charges (17 of them for violation of the Espionage Act) formally claiming his extradition from the United Kingdom.

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published by WikiLeaks in case R (on the application of Bancoult No 3) v. Secretary of State for Foreign and Commonwealth Affairs [2018] UKSC 3, para. 30. *Vid.* [Web access](#)

<sup>7</sup> On the application of Bancoult No 3. Appellant v Secretary of State for Foreign and Commonwealth Affairs (Respondent), [2018] UKSC 3 (8 February 2018).

<sup>8</sup> New York Times, Washington Post or The Guardian are some examples.

<sup>9</sup> "Wikileaks, candidate for the Nobel Peace Prize." *The World*. 3 February 2011. *Vid.* [Web access](#)

<sup>10</sup> "Jamal Khashoggi: Saudi Suspect had Spy Training." *BBC*. October 19, 2018. *Vid.* [Web access](#)

<sup>11</sup> "WikiLeaks acts 'illegal': Gillard government". *The Australian*. 9 de diciembre de 2010. *Vid.* [Acceso web](#)

<sup>12</sup> "WikiLeaks attacked by Judge over Corruption Case". *Sydney Morning Herald*. 14 de julio de 2015. *Vid.* [Acceso web](#)

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### Almost seven years of asylum at the Ecuadorian Embassy in London

8. Mr. Julian Paul ASSANGE took refuge on June 19, 2012 inside the Embassy of Ecuador in London. Once inside, he applied for asylum at the diplomatic mission, after exhausting all legal possibilities not to be extradited to Sweden, the country that had issued a European Arrest and Surrender Order against him. The entry into the diplomatic mission and the application for asylum was made out of fear that the case was nothing more than a merely instrumental procedure for Sweden to facilitate his extradition to the United States (USA), where the existence of a *sealed* (secret) case against Mr. ASSANGE and the organization of which he was the director at the time, WikiLeaks, for having published information on war crimes committed in Iraq and Afghanistan was already known. The request for asylum was based on the persecution that existed from the U.S. against Mr. ASSANGE, resulting in Sweden refusing to grant guarantees of non-reextradition to the U.S., so Mr. ASSANGE was forced to seek refuge in the Ecuadorian diplomatic legation.
9. On 16 August 2012, Ecuador granted him political asylum, claiming to have analysed the asylum request in terms of defending human rights for persecution on purely political grounds<sup>13</sup>. Ecuador concluded that Mr. ASSANGE's integrity was endangered by a hypothetical extradition to the U.S. because he was a journalist who had published truthful information from anonymous sources, which was a radical attack on press freedom. In addition, it was taken into account that in the United States the death penalty was in force and several authorities openly demanded it for Mr. ASSANGE. In addition, the person alleged to have been the source of WikiLeaks, former soldier Chelsea MANNING, had been subjected to cruel, inhuman and degrading treatment, as reported by the UN Special Rapporteur against Torture, Juan Méndez.
10. In July 2012, Julian Assange's defence team was formed, with professionals operating in all the jurisdictions involved, especially in the United Kingdom, Sweden, the United States and the host country Ecuador. From the very day of the granting of asylum the coordinator of the defence has been the Spanish lawyer Baltasar GARZÓN REAL, with collegiate number 122.269 of the Ilustre Colegio de Abogados de Madrid (ICAM) who was the official interlocutor with the asylum country, Ecuador. The team has also been configured by several professionals, among whom could be indicated, also in our country, Aitor MARTÍNEZ JIMÉNEZ, 94.132 ICAM (Spain); Gareth PEIRCE and his team from Birnberg Peirce and Partners, Geoffrey ROBERTSON and Jennifer ROBINSON from Doughty Street Chambers, and Alison MACDONALD from Matrix Chambers (all from the UK); Melinda Taylor from Melinda Taylor Office of Public Counsel For The Defence (The Netherlands); Per SAMUELSON from Advokatfirman

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<sup>13</sup> On August 16, 2012, Ecuador issued a Note Verbale agreeing to grant asylum status to Mr. Assange.

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SSW (Sweden); Michael RATNER from the Centre for Constitutional Rights (United States); Greg BARNS of Salamanca Chambers (Australia); Barry POLLACK and Robbins RUSSELL of Robbins, Russell, Englert, Orseck, Untereiner & Sauber LLP, Phillip ROTH and Debra HRBEK of The Roth Law Firm, as well as Margaret RATNER KUSTLER (United States); Carlos POVEDA MORENO (Ecuador); Christophe MARCHAND (Belgium); Juan BRANCO (France); Renata ÁVILA (Guatemala). In addition to the above, successively throughout this time also were part of the legal team at some point lawyers: John JONES, Ben EMERSON and Amal CLOONEY of Doughty Street Chambers (United Kingdom), Baher AZMY of the Centre for Constitutional Rights (United States); Julian BURNSIDE of List G Barristers (Australia); Thomas OLSSON of Fria Advokater (Sweden); and consultants Helena KENNEDY of Doughty Street Chambers (United Kingdom); Guy GOODWIN GILL of Blackstone Chambers (United Kingdom); and Phillipa WEBB of Twenty Essex (United Kingdom), among others.

11. From the beginning of the asylum, the United Kingdom denied Ecuador the safe-conduct requested so that Mr. ASSANGE could safely leave the country for the territory of the asylum country. After more than two years in the diplomatic mission, on September 12, 2014, Mr. Assange and his lawyers filed a lawsuit against Sweden and the United Kingdom before the Working Group on Arbitrary Detention (WGDA) of the UN Human Rights Council, signed by Spanish lawyer Baltasar Garzón as coordinator of the defence team. On January 27, 2016, the GTDA issued Opinion 54/2015 in which it affirmed that Mr. ASSANGE's situation was one of "arbitrary detention", since both the United Kingdom and Sweden had disregarded the asylum granted by Ecuador, forcing him to choose between deprivation of liberty in the Ecuadorian embassy or to assume the risk of political persecution through extradition to the United States. the protection afforded by the inviolability of the embassy<sup>14</sup>. Following this decision, and after several procedural ups and downs, Sweden closed the case against Mr. ASSANGE on 19 May 2017.
12. However, Mr. ASSANGE remained at the Embassy of Ecuador in London after the withdrawal of the OEDE issued by Sweden, as it had been made public by mistake something that was known only informally, the existence of a criminal case against him through a Grand Jury in the Eastern District of Virginia of the USA<sup>15</sup>. Therefore, in case of leaving the diplomatic legacy, Mr. ASSANGE would be arrested by the British authorities and would have to face an extradition process to the US for the publications made by WikiLeaks in relation to the conflicts in Iraq and Afghanistan. This forced Mr.

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<sup>14</sup> Working Group on Arbitrary Detention (WGAD). UN Human Rights Council. Opinion 54/2015 of 27 January 2016.

<sup>15</sup> "U.S. justice mistakenly reveals that it was secretly preparing an indictment against Assange." *The Country*. November 17, 2018. *Vid.* [Web access](#)

"Details of U.S. indictment against Julian Assange revealed." *EFE Agency*. November 17, 2019. *Vid.* [Web access](#)

"U.S. miscarriage of justice reveals that Julian Assange is secretly charged." *Public*. November 16, 2018. *Vid.* [Web access](#)

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ASSANGE to continue inside the embassy, under the protection of Ecuadorian asylum, since the risk to his integrity from the U.S. was more evident than ever.

13. On May 24, 2017, a political change took place in Ecuador and Lenin MORENO acceded to the presidency of the country. From the first moments of his mandate, Lenin MORENO publicly stated that he was not in favour of maintaining Mr. ASSANGE's status as an asylee, affirming that the maintenance of the situation in the embassy was detrimental to Ecuador's diplomatic relations, especially with the United States<sup>16</sup>.
14. Finally, on April 11, 2019, the President of Ecuador, Lenin MORENO, through an institutional declaration in a unilateral and arbitrary manner, without reviewing the facts that led to the adoption of international protection in 2012 and without even allowing allegations from the asylum seeker, ordered the withdrawal of asylum, suspended the Ecuadorian nationality that had been granted to him, and allowed the entry of the British authorities to detain Mr. ASSANGE.
15. Following his arrest, Mr. ASSANGE was that same day brought before the British authorities, who subsequently sentenced him to 50 weeks' imprisonment for violating provisional freedom by taking refuge in the Ecuadorian embassy in 2012. The maximum sentence that could be imposed on him was 52 weeks, so the sentence was considered disproportionate for his defence, including by the UN Working Group on Arbitrary Detention.
16. On the same day that Mr. ASSANGE was arrested at the Embassy of Ecuador in London on April 11, 2019, the U.S. authorities confirmed the existence of a warrant for the extradition of Julian ASSANGE, something they had denied for years as it was a secret case. The extradition request is based on accusations made in secret in the Eastern District of Virginia by the Department of Justice, following the publication of the so-called Iraq and Afghanistan war diaries, where Mr. ASSANGE, in his work as journalist and editor-in-chief of WikiLeaks, revealed extremely serious international crimes committed by the US military<sup>17</sup>.
17. In the first *indictment* disclosed after arrest, Mr. ASSANGE was charged with a single offence of *conspiracy to commit computer intrusion*. However, subsequently, on May 23, 2019, the Department of Justice issued a *superseding indictment* which increased the indictments by 17 counts, establishing the indictment at a total of 18 counts, these 17 new charges all under the *Espionage Act*, for crimes relating to the publication of material relating to U.S. national security. The new accusation supporting the extradition request implies that Mr. ASSANGE faces a sentence of 175 years in prison,

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<sup>16</sup> According to The New York Times, even before taking office Lenin Moreno had offered Donald Trump's government the delivery of Assange in exchange for debt reduction with the United States. *Vid.* [Web access](#)

<sup>17</sup> The United States Attorney's Office. Eastern District of Virginia. Press release and indictment. 11 de abril de 2019. *Vid.* [Acceso web](#)

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i.e. a life sentence (even the imposition of the death penalty being registered under the norm against espionage).

18. Mr. ASSANGE is currently undergoing extradition proceedings before the United Kingdom which will be clarified before the District Judge on 20 February 2020. The parties must have submitted their submissions during these 2019 months prior to the date of the Extraditional Hearing.
19. Almost all international human rights bodies have issued strong pronouncements in favour of Mr. ASSANGE not being extradited, mainly because it could set a dangerous precedent for press freedom in the world, but also because of the questioning of the existence of due process in this case in the United States<sup>18</sup>.
20. Apart from these contextual antecedents, Mr. ASSANGE's defence has recently become aware of facts that should be investigated in Spanish jurisdiction and that are relevant to the effects of the extradition process against Mr. ASSANGE in the United Kingdom.

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<sup>18</sup> "Assange exhibits symptoms of "psychological torture," according to the UN rapporteur." *RTVE.es*. 31 May 2019. Vid. [Web access](#)

"UN Special Rapporteur: Assange Shows Signs of Psychological Torture." *CNN*. 31 May 2019. Vid. [Web access](#)

"The UN considers the sentence against Assange in the United Kingdom to be "disproportionate". *Europa Press*. May 3, 2019. Vid. [Web access](#)

"If extradited to the United States, Assange would be exposed to serious human rights violations. *Official website of the United Nations*. Vid. [Web access](#)

"UN privacy expert seriously concerned about Ecuador's behavior in the Assange and Moreno cases. *Office of the United Nations High Commissioner for Human Rights*. Vid. [Web access](#)

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### FACTS

21. Between 2015 and mid 2018 the security of the Embassy of Ecuador in London was entrusted to a Spanish company, with headquarters in Puerto Real (Cadiz) and offices in Jerez de la Frontera (Cadiz), called UNDERCOVER GLOBAL (UC GLOBAL). This company is managed and directed by David MORALES GUILLÉN, manager and maximum authority of the same one. David MORALES is a former Spanish military on leave who founded UC GLOBAL to provide private security services, such as armed security inside ships that bordered African coasts and could receive pirate attacks, among other services.
22. The security provided by the Spanish company at the Embassy of Ecuador in London, contracted by the Government of Ecuador as a consequence of the sensitive situation in which Mr. ASSANGE was granted asylum, consisted mainly of guaranteeing the entire perimeter of security of the building, establishing physical personnel in the access of the legation that moved to the premises to carry out daily and permanent surveillance shifts. It should be noted that since this is a Spanish company, whose director and administrator is also Spanish, David MORALES, the majority of the company's workers, both those who operated from the command centre in Jerez de la Frontera and those who physically travelled to London, were Spanish.
23. Recently, in the context of Mr. ASSANGE's extradition, his defense has become aware of relevant events that occurred at the time when Mr. ASSANGE was being held in the Ecuadorian diplomatic mission, which could have a criminal character, affecting the company UC GLOBAL and, specifically, its director and administrator, David MORALES. Therefore, through this complaint, and after securing the evidentiary elements to which this party has had access, the facts and elements are brought to the attention of the judicial authority. However, the identity of those who have made the demonstrations and provided evidence is reserved because of the risk that the denunciation entails for their own security and integrity, which is why, from this moment on, the opportune protection granted by Organic Law 19/1994, of 23 December, on the protection of witnesses and experts in criminal cases is left interested. The persons referred to are at the disposal of this judicial body to collaborate with this Central Instruction Court in whatever is required of them<sup>19</sup>.

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<sup>19</sup> The **WITNESSES** have made **MINUTES OF MANIFESTATIONS** before a notary public in which they relate the facts as they will hereinafter be identified in the body of this complaint. These minutes of demonstrations are provided in annexes with this letter in a sealed envelope, requesting that the identity of those concerned be protected. The corresponding notarial protocols are also left interested.

Likewise, the witnesses, whose protection is requested, have provided this procedural representation with enormous documentation from UC Global that evidences the serious facts related by them, presumably criminal, indicating imperatively and expressly to this party that the transfer of this documentation was done exclusively to be provided in judicial headquarters. The above statements are attached as **Annex No. 1.**

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24. UC GLOBAL, began its business activities with a meagre contract. In fact, practically the only relevant contract I had was with the Government of Ecuador regarding the provision of security to the daughters of the then president of Ecuador, Rafael CORREA. However, shortly thereafter, in 2015, the company extended this contract with the Ecuadorian Government, and UC GLOBAL took over the security of the Ecuadorian Embassy in London.
25. The reasons why UC GLOBAL was awarded the contract were due to the difficulties that Ecuadorian security had to travel to the United Kingdom, requiring a visa and having to have weeks of processing for each trip. Therefore, as UC GLOBAL had staff of Spanish nationality, assisted by free movement and residence coupled with European citizenship, they could move smoothly to London, reside in the United Kingdom, and even go to Ecuador when necessary.
26. According to the information obtained, which is placed, from this procedural moment, entirely at the disposal of the judicial authority, the management of the company fell entirely on David MORALES, who was the only interlocutor with the Ecuadorian authorities. The contract was signed by SENAIN (Servicio Nacional de Inteligencia de Ecuador), who paid the services to UC GLOBAL through a company based in Miami and linked to the Ecuadorian Aviation.
27. Be that as it may, the nuclear fact is that David MORALES, as administrator and director of UC GLOBAL, eventually ended up betraying the terms of the contract and the trust placed in him by the Government of Ecuador, systematically delivering information to the intelligence authorities of the United States, to which he would have repeatedly transferred for a certain period of time all the security material of the embassy in which the asylum seeker and now the plaintiff Julian Paul ASSANGE were. It has been, precisely, the fact that in the extradition request very serious charges are made against him, which has motivated the people for whom the status of protected witnesses is requested, to inform the judicial authority, through the legal representation of Mr. ASSANGE, the only known way they had to do it, that came a time when they realized in the company that *"David Morales decided to sell all the information to the enemy, the United States."*
28. According to the minutes of the demonstrations provided, around mid 2015, when UC GLOBAL was the security contractor for the Embassy of Ecuador in London, David

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Therefore, two (2) USB storage units called "**GROSS MATERIAL 1**" and "**GROSS MATERIAL 2**" are attached to this complaint where all the material contributed to this procedural representation by these witnesses is found, in four sequential deliveries, in the same form in which it was received. The material has a volume of 86 Gbs.

Apart from the raw material that is delivered, from now on the complaint will make reference to specific evidences that will be attached to another USB storage unit called "**ANEXOS QUERELLA**", where those evidences directly referenced in the body of this complaint will simply be included, but making it clear that they are not the only evidences, since in the previous units all the material is found in an integral form.

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MORALES travelled to a security fair in Las Vegas, disregarding any accompaniment by his company's personnel. The purpose of this trip was to present your company UC GLOBAL at the aforementioned security fair. Because the company had practically no other contract, UC GLOBAL, through David MORALES, exhibited as the main merit in that fair in North American territory to be the company responsible for the security of the famous and media embassy, in which he was refugee since June 19, 2012, Julian ASSANGE investigated since November 2010 in the United States by WikiLeaks publications.

29. **Upon** returning from Las Vegas, MORALES gathered the whole team at the company's headquarters in Jerez de la Frontera and told them "*from now on we are going to play in the first division*". The workers asked him what he meant by "*playing first division*". Without being very explicit, MORALES replied that it had gone to the "*dark side*" making veiled references to a possible collaboration with American authorities in the case of Mr. ASSANGE, who was still not openly confessing at the time.
30. After that meeting UC GLOBAL signed a striking contract, personally managed by David MORALES, with the company LAS VEGAS SANDS, owned by the American magnate, Sheldon ADELSON, who, publicly and notoriously, has a close relationship of friendship and closeness with the president of the United States, Donald TRUMP. The contract was meaningless as the object was to provide security for Sheldon ADELSON's luxurious ship, the Queen Miri (IMO: 9288203, MMSI: 538071066) as it entered the Mediterranean and during its passage along the African coasts. That is to say, it was a question of providing security to the luxurious boat of ADELSON in a short period taking advantage of its passage through Cadiz. But the most striking thing is that the ship already had its own security, consisting of a sophisticated detachment, being that the contract was simply to add a person, in this case, David MORALES, for a short period of time, in which, on board the luxurious ship would charge for his services a high amount.
31. Apart from this unique contract, after the return from Las Vegas and the comment of "*playing in the first division*" and moving to the "*dark side*", the workers suspected, and were finally even formally informed, that David MORALES had entered into illegal agreements with US authorities to provide them with sensitive information concerning Mr. ASSANGE and his defence lawyers, as UC GLOBAL was responsible for the security of the embassy in which he was sheltered.
32. Although MORALES workers were introduced to their relationship with US intelligence in a staggered manner, after that trip to Las Vegas MORALES he did openly confess to other company officials more details of the agreements reached on the trip to the United States. The Chief of Security of LAS VEGAS SANDS, would have contacted MORALES in that security fair held in Las Vegas, offering to collaborate with the North American intelligence authorities to send information about Mr. ASSANGE and his defenders.

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- Attached as **Annex No. 2:** Letter of recommendation of approximately 2018, issued by LAS VEGAS SANDS, signed by its Head of Security, which highlights the quality and excellence of the services provided for three years by UC GLOBAL and, specifically, by its CEO, David MORALES.
  - Attached as **Annex No. 3:** Screenshot of the official website of UC GLOBAL in which it can be seen that one of the companies to which services are provided is LAS VEGAS SAND. It should be noted that the page has recently been temporarily suspended, probably as a result of the amount of news related to UC GLOBAL and the espionage that would have developed in the Embassy of Ecuador in London.
33. This collaboration became more concrete over time, especially because of the apparent link between the magnate Sheldon ADELSON and the then Republican candidate for the presidency of the United States, Donald TRUMP. In fact, as the November 2016 elections approached, and especially with the presidential victory of TRUMP and the start of its administration in 2017, the collaboration of David MORALES became much more evident, being already a reality that all the workers of the company commented openly.
- Attached as **Annex No. 4:** Excel of accounting and transfers received by UC GLOBAL, prepared by the company itself, where you can see some transfers from LAS VEGAS SANDS.
34. The security work carried out at the Ecuadorian Embassy in London involved informing the National Intelligence Service (SENAIN) in Ecuador of threats against the diplomatic mission. For this purpose, there was a closed circuit of cameras (CCTV) without sound installed inside the embassy, for the sole purpose of monitoring possible illegitimate access to the building. In addition, there were security reports made by UC GLOBAL operators who were physically in the diplomatic legation, who reported any suspicion of outside penetration into the legation. Therefore, within the framework of the contract, the company made reports on the basis of this material to SENAIN on a monthly basis.
35. However, according to these workers, as a result of the parallel agreement that David MORALES would have signed with the US authorities, he began to indicate that these reports would also be sent to the "*dark side*", in his own words. To do this, MORALES began to make recurrent trips to the United States, mainly to New York but also to Washington and Las Vegas, always indicating that the trips were to inform "*our friends the Americans*", as he himself referenced each time he made one of those trips. In those trips David MORALES took all the information related to the security of the embassy, including the recordings of the circuit of CCTV cameras, the reports of the personnel and other relevant information. However, at that time the security material generated by UC GLOBAL was scarce, as it simply provided physical security to the embassy against intrusions. Subsequently, once the TRUMP administration came to power, UC GLOBAL would expand a battery of internal espionage means to increase the obtaining

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of information, with cameras that recorded sound in camouflaged form, microphones hidden in the embassy, devices dumped by lawyers and visits of Mr. ASSANGE, and other information resulting from the escalation of obtaining information that we will relate in future.

36. In those first trips to the United States, during the year 2016, which later became a monthly routine and even more than one trip a month in 2017, MORALES was often accompanied by his wife, Noelia PAÉZ GUTIERREZ, who, in her Instagram social network (under the profile @modas\_koko) has left a trail of posts from several trips made to the United States with her husband.
- Attached as **Annex No. 5**: Various e-mails containing reservations for flights to the United States, as well as references by David MORALES himself to such trips. Specifically, in one of the e-mails addressed to several UC Global employees, it states the following: *"That is why I would like my location to be handled first and foremost, whenever possible, by reservation (especially my trips to the USA).*
37. At this point, according to the information provided, at the beginning of 2017, coinciding with the arrival in power of Donald TRUMP, David MORALES asked a person from the company to prepare a secure telephone, apparently encrypted, with applications such as *Signal*, *Telegram* or *Therman*, as well as an equally encrypted computer for communications with "*American friends*". Both devices were prepared for him, and with that phone MORALES always had conversations in English. On the other hand, it appears that the encrypted computer would have taken it to his home.
38. At times, when I asked him insistently who his "*American friends*" were, David MORALES replied that it was "*the intelligence of the United States*" (alluding to the *Central Intelligence Agency*, or CIA). However, when he was asked about the specific person or persons of the American intelligence with whom he was meeting to give them information, MORALES cut off the conversation **and** indicated that this topic was handled exclusively by him on the margins of the company.
39. At one point in time, the company's staff perceived a considerable increase in assets from David MORALES, just as they began their regular trips to the United States, especially during 2017. This led other company officials to openly accuse him of "*surrendering to the enemy*," creating a climate of confrontation within UC GLOBAL. In heated discussions David MORALES said categorically to some of the people in charge of the company, while opening his shirt, "*I am a mercenary*". He also repeated that he was doing so in order to obtain contracts with the CIA, and in this way make the company grow, but without charging money, although it is more than likely that a personal profit would mediate in this illegitimate operation and that this affirmation would be a way to legitimize himself before the reproaches of his comrades. In fact, David MORALES tried to solve the reproaches by indicating that he was doing it to get a security contract in Libya through the United States, something that evidently never

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happened, which endorsed the assumption that he would be charging money for transferring that information to U.S. intelligence.

40. As of 2017, with the arrival of Donald TRUMP as US president, David MORALES' agreements with "*American friends*", of which he did not want anyone else to participate in the company, begin to escalate. Specifically, between June and July 2017, David MORALES constitutes a small unit of workers in the headquarters of Jerez de la Frontera. Workers in this unit are ordered to begin sophisticated information gathering within the embassy. The compilation of this information would be done mainly by the operators who were physically at the embassy, performing twenty-four hour security shifts, submitting detailed reports to the unit in Jerez de la Frontera. In addition, the small unit configured in Jerez de la Frontera received an order from MORALES to change the cameras, this time installing cameras to record the audio of the conversations. This team set up in Jerez de la Frontera would travel regularly to London to collect the recordings from these cameras and transfer them to the headquarters in Spain. Subsequently, at the headquarters in Jerez de la Frontera, information packages would be assembled that David MORALES would personally take to the American authorities, this time with a level of detail and interference in the privacy of Mr. ASSANGE, his lawyers, doctors and other visits, alarming.
41. It is possible that some of the payments made to David MORALES by US intelligence may have been made through accounts titled by his wife, Noelia PAÉZ, at the La Caixa banking entity.
42. Similarly, for the information provided, David MORALES could hold accounts in Gibraltar, as it was sometimes commented within the company that he would have made trips to the British colony to hide cash, something that will also be interesting to deepen through the appropriate investigative proceedings that will be requested to this judicial body.
43. Since Donald TRUMP's appointment as U.S. president in early 2017, the system of working with the embassy and information gathering changed radically. In this sense, between June and July 2017, as previously stated, David MORALES formed a group within the company that would operate from Jerez de la Frontera, being geared with the physical operators of UC GLOBAL who were at the Embassy of Ecuador in London. The function of this small technical unit established in Jerez de la Frontera was to carry out, from a technical point of view, the obtaining, systematisation and processing of information from the embassy requested by David MORALES. In this sense, the unit had to execute the orders of MORALES, counting for it with the existing technical means in the embassy and those that were installed later by order of MORALES, besides with the human means displaced to the diplomatic legation through the personnel of UC GLOBAL. This unit had to go to London every month to collect the information.

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44. To begin this new process of obtaining information after the escalation produced by the arrival to power of Donald TRUMP, David MORALES indicated to this unit around the middle of 2017 that the contract with the Government of Ecuador reflected that the cameras should be changed after the passage of a few years. These workers were surprised, as the contractual argument was meaningless, since the contract had already been in force for several years and that supposed clause of changing chambers would never have been complied with. The truth is that the existing circuit in the embassy consisted of CCTV security cameras, obviously without sound capture, which were sufficient to provide physical security against intrusions inside the building, so the workers of the technical unit did not understand what really justified the imperative need to change cameras showing MORALES.
45. It is relevant to reflect that David MORALES expressly requested to the UC GLOBAL workers that the whole project of changing the cameras should be handled exclusively by the company, absolutely excluding the "*local computer experts*", that is to say, the embassy technicians, in order to guarantee MORALES that UC GLOBAL would later control the recordings and accesses to the circuit of those cameras. In fact, a UC GLOBAL worker expressly asked MORALES in the mail of October 17, 2017, what their competencies were and what those of the embassy staff, arguing that "*it is simply because of the subject of each one's responsibilities and that I don't want to be told later that I shouldn't touch that or that we have touched something that we don't have permission... in short, what usually happens*". To this question, David MORALES answers the worker that "*the whole project (from installation to management of the same) corresponds to us, we must ensure control of the entire operation*". Therefore, as can be seen, from the first moment MORALES sought to control the new camera system with absolute exclusivity, knowing what the purpose of this new installation would be.
- Attached as **Attachment No. 6**: The aforementioned mail from David Morales seeking to ensure control of the camera system.
46. In addition to indicating that the entire camera circuit had to be changed, David MORALES expressly asked one of the company's technicians, a computer expert, to contact suppliers who sold security cameras that recorded audio in a sophisticated manner. He even told him that as far as possible, cameras should not warn of the audio recording or at least their morphology should not make it evident that they were also capturing audio. In compliance with this order of David MORALES, suppliers of this type of cameras were sought to ensure the recording of audio covertly.
47. Following MORALES' orders, UC GLOBAL workers contacted the supplier company, requiring the cameras to secretly record the audio of the conversations. On June 19, 2017, a UC GLOBAL worker sent an email to the company supplying the new cameras, "Espiamos.com", indicating that "*the indoor cameras must have a built-in microphone without being perceived by the naked eye*". Subsequently, on 23 June 2017, a new email insisted that "*necesitamos que interior cameras have a hidden microphone*

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*para realizar interior listeners". Even in the mail dated November 13, 2017, the worker of the company, indicated to MORALES in the mail "dmorales@uc-global.com" that the cameras he had proposed could not record conversations, so it would be necessary to discard them because "[e]this type of cameras chosen [...] do not have microphones with which you can not make the listener.*

48. Finally, once the cameras with audio were installed, on December 26, 2017 from the company UC GLOBAL insisted the supplier, "Espiamos.com", on the need to adjust the hidden sound recording, transferring that *"the image quality is quite good, the quality has been far surpassed over the previous installation. What you're not so happy with is the sound, you can hardly ever understand what you're saying, and I'm talking about a normal conversation, with no mouths covered or white noise, you hear a lot of echo, we have not configured the sound of the cameras, we have left it by default, and we would like to know if there is a specific configuration for the sound, if so we would like to facilitate us.* Later, the exchanges of mails to adjust the sound of the cameras, that we remember deliberately it was looked for that it was not perceived that they recorded sound, continued, pointing out from UC GLOBAL on December 29, 2017 that: *"[s]o the audio, if it is generalized, the sound is very low and with a lot of echo, we will be adjusting to try to find with the key. Let's see if it were possible that you have made the audio tests with the camera that you commented in the last mail and you can give us some indication".*

- Attached as **Annex No. 7:** Post previously referenced, sent from accounts of UC GLOBAL workers to suppliers, relating to the acquisition and installation of Closed Circuit Television Cameras (CCTV) equipped with hidden microphones inside the Embassy of Ecuador in London.

49. Curiously, shortly after the installation of the cameras, and bearing in mind that as we see there were difficulties in obtaining clear recordings of the conversations (mainly when Mr. ASSANGE turned on the white noise machine to perform distortions) David MORALES sent his company's technicians an email on March 23, 2018 in which he attached a manual to install sound filters in the cameras. It is striking that, in view of the difficulty experienced in intervening in communications, MORALES, who had no technical knowledge, suddenly sent UC GLOBAL workers a tutorial to install a sound filter that would perfectly record the conversations.

- Attached as **Annex No. 8:** Mail of March 23, 2018 from David MORALES (dmorales@uc-global.com) to technicians of your company in which you attach a file entitled "Sound Filter.pdf" (8.4 MB). In the same way, the attached document is incorporated to the referred mail, titled "Sound Filter.pdf", in which the installation of sound filters to the cameras is described in detail.

50. As can be observed, the escalation of MORALES and UC GLOBAL in the illegitimate interference against the asylum seeker was to install cameras that recorded audio, it is

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not known whether with the acquiescence or not of Ecuador, always denying UC GLOBAL this extreme to Mr. ASSANGE and his lawyers. In fact, Mr. ASSANGE's lawyers, some of whom subscribe to this complaint, insistently asked the UC GLOBAL operators at the embassy if the meetings with their client were confidential, insisting on asking if the new cameras recorded audio, which was always answered by indicating that the cameras were an internal security element that did not record any type of audio. Therefore, in an absolutely irregular manner, all the conversations held by the asylum seeker with his defence were recorded, all the details of these being recorded, seriously affecting the right to defence, above all because of the use that would later be given to this material.

51. Following orders to change cameras and acquire such devices with audio recording capacity, in early December 2017, also by order of MORALES, the new security cameras were installed at the Embassy of Ecuador in London. MORALES expressly required the workers never to reveal to Mr. ASSANGE or his attorneys any aspects of the new recording system, denying, in the event of questions, that the cameras recorded audio. In fact, on several occasions Mr. ASSANGE and several of his collaborators asked if the new cameras recorded audio, always answering the members of the company who did not, at the express request of MORALES. Therefore, from that moment on, the cameras began to capture audio on a regular basis, thus monitoring each and every one of the meetings held by the asylum seeker with his lawyers, doctors and other visitors. According to the information gathered, UC GLOBAL claimed that the cameras would have been billed to both Ecuador and the United States.

- Attached as **Annex No. 9**: UC GLOBAL Reports containing the technical specifications as well as photographs relating to the installation of CCTV cameras and other devices inside the Embassy of Ecuador in London.
- Attached as **Annex No. 10**: Set of recordings made with the old cameras, in which no audio was recorded, as a way to compare the old CCTV system and the new, where audio was already recorded.
- Attached as **Annex No. 11**: Set of recordings made with the new cameras installed in December 2017, in which the audio of the conversations is recorded. Occasionally, Mr. ASSANGE would activate a white noise device to interfere with any audio recording that might occur. At other times, that device wasn't activated.

52. Similarly, during the process of installing the cameras, as stated by the workers, David MORALES demanded that the technicians enable *streaming* (external access system) cameras installed, so that in this way the "*friends of the United States*", as indicated by MORALES, could access in real time to control everything that was happening inside the embassy. According to the workers, MORALES could have offered the possibility of opening the camera circuit remotely to the Ecuadorian authorities, making them see the added value that it generated for them to be able to control from Quito all the

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movements of the asylum seeker. However, MORALES intended to open two *streaming* channels for *online* access, one official for Ecuador, and another for "*friends of the United States*" (apart from a channel for UC GLOBAL). In fact, MORALES asked the technicians to enable the two access channels without Ecuador being able to detect another access by the United States.

53. In the aforementioned June 19, 2017 letter, a company worker told the supplier of the new cameras that "*we have two needs, that the recordings be made on a server external to the installation which can be connected via a VPN connection and we also need live retransmission of the cameras*". Subsequently, on June 23, 2017, UC GLOBAL insisted to the provider of the cameras on the need to enable external *streaming*, requiring in email that "*the customer wants to have streaming control of the cameras, this control must be possessed from two different locations, so in turn we see the need to have a storage server where the previous recordings can be retrieved for later analysis*".
54. In fact, even more revealing is David MORALES' mail sent to the company's workers in charge of installing the cameras with audio, sent on January 6, 2018, in which he tells them that the *streaming* real-time connection of the camera circuit must be "*one for Ecuador, one for us, and one for X*." This is the first time that David MORALES has sent the company's workers to install the cameras with audio. It is evident that "X" referred to "*American friends*".

### Mail sent on 06/01/2018 by David Morales to several UC Global workers

Hello and I hope the three wise men have brought you many things.

I have to fix these things.... it's urgent.

- Technical report of the placement of the cameras in Hotel.

-**Streaming connections (one for Ecuador, one for us and one for X)**. If you need to coordinate something with Simon again, tell me.

-**FTP provided ... does not work, do not know if they have been wrong in any word, but the thing is that as I move the technical team on the other side can not link to download the videos that we are uploading.**

- **Audio enhancement. As if we have to configure the microphones of the cameras to obtain a better reception of the sound, as if we can clean and filter the sound of the videos that we have downloaded and that are inaudible.** I need you to confirm whether or not we can do it as you indicated or if there are tools that can be acquired for it.

Greetings.

--

David Morales

- Attached as **Annex No. 12**: E-mail from David MORALES requesting the streaming opening of the cameras for Ecuador, UC GLOBAL and "X".

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55. On December 10, 2017, in the middle of assembling the cameras, David MORALES reminds workers once again that *streaming* (online access in real time) must be done without Ecuador knowing that there is another user (United States) accessing the same circuit of cameras, requiring "*that they cannot visualize who has more connections or who is connected to the system ... everything must seem as if they have access*". But the most striking thing is that to enable this streaming entry foreign to that of Ecuador, and of which it should not have been aware, MORALES indicates in that same email that "[p]ara ello me has made a series of recommendations that we must follow.... you attached in several slides.... ( they are in English ) if you have pegas you tell me. It is necessary to remember that David MORALES lacked technical computer knowledge, and that someone, in ENGLISH, had given him the transfer of some *Power Point* documents on how the workers of UC GLOBAL should open the circuit of cameras for another user, without Ecuador knowing that it was another one accessing. Evidently, MORALES would have received these instructions, in English, from the intelligence of the United States. In this way, U.S. intelligence gained real-time access to all embassy cameras, thus being able to listen to all of the asylee's conversations, including meetings with his lawyers.

### Mail sent on 10/12/2017 by David Morales to several UC Global workers

**They indicate me** that for the access of the Ecuadorians to the system in remote (streaming) we have in account that we must program it so that they only see what interests us and we must not give access to certain services of the program, in order that **they cannot visualize who has more connections or who is connected to the system...**everything must seem as if they have access only

For it **they have made me a series of recommendations that we must follow....** you have attached several slides.... **(they are in English)** if you have questions let me know.

I hope you're clear, if you don't let me know.

Good luck.

Greetings.

--

David Morales

- Attached as **Annex No. 13:** Mail from David MORALES requesting that Ecuador cannot visualize another access to the cameras and encloses the protocols in English to do so.

56. Finally, whoever had to perform the operation of enabling external access pretexted that technically it was not possible to enable remote *streaming* access to the camera circuit, to avoid doing something that was clearly scandalous.

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57. According to what the workers exposed in their minutes of demonstrations, around December 2017, during the installation of the cameras, David MORALES had already asked the workers to take photos of the floor, profile and elevation of the different figures that were in the meeting room as decorative elements. The workers took the photos and took them to Jerez de la Frontera, where David MORALES confessed that his intention was to copy them and insert microphones into them to enlarge the listening areas. The workers were alarmed at the proposal that their boss was putting forward, so they decided to disassociate themselves from it, ceasing to receive information about it. Still, the pictures of the figures were left at UC Global headquarters.
- Attached as **Annex No. 14**: Photos of the figures in the meeting room of the Embassy of Ecuador in London.
58. Subsequently, around January 2018, David MORALES escalated the espionage operation to inconceivable heights. On that date he asked one of UC GLOBAL's technicians to travel to London to install microphones at the embassy. When this worker questioned the legality of the order of MORALES, he replied that he was the boss and that was protected by him, who provided the security that had to be provided within the diplomatic mission, as he was aware of the service contract with Ecuador. In fact, MORALES always protected its workers by placing microphones, affirming that Ecuador was aware of these actions, something that workers today understand to be false.
59. More explicitly, in a mail dated April 21, 2017 David MORALES indicated to a company worker that *"[we] are required to be able to insert one or more) microphones into the guest's bedroom. These will be camouflaged and will be recording in real time. Initially we will be provided with the micro, although we will have to foresee that we acquire them and sell them to them. This micro should have FTP transmission capacity with output to a server located in a secure location and from where you will have access to that information Ecuador"*.
60. Specifically, MORALES required that a microphone be placed in the meeting room, placing it on the PVC base of the extinguisher, gluing it inside with a magnet and then closing the base with the PVC plastic itself, something that was done in those terms. David MORALES also asked for another microphone to be installed in the ladies' bathroom at the back of the embassy, a place that had become strategic because Mr. ASSANGE, who suspected he might suffer some kind of espionage, held many of his meetings to ensure confidentiality. Although the operation was questioned by the technician, MORALES again indicated that he was the boss and the person who had the security elements to be installed, being protected by the contract with Ecuador. Faced with this, the meritorious technician, using a nearby power outlet, hid a microphone inside a cable and left it in the ladies' bathroom at the bottom of the diplomatic legation. Most likely the microphone installed in the ladies' room is still there. As for the microphone in the meeting room, it was withdrawn and will be made available to this judicial body when required.

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- Attached as **Annex No. 15**: Email from David MORALES indicating that microphones should be placed and email from the company requesting the purchase of microphones.
  - Attached as **Annex No. 16**: Photos of the extinguisher in the meeting room where the magnetized microphone covered by the PVC base was placed.
  - Attached as **Annex No. 17**: Photos of elements of the bathroom that were taken to analyze in which the referred microphone could be placed, although it was finally placed hidden in the upper wiring.
61. The microphones installed recorded on an internal memory for long hours which were then downloaded and sent to Jerez de la Frontera. With them they would have captured meetings that Mr. ASSANGE had with his lawyers, as well as other medical visits and of diverse nature. In addition, the microphones, specifically the one set up in the meeting room, would also have been able to capture meetings of Ecuadorian diplomatic agents and even meetings of Ecuadorian diplomacy with the diplomacy of third countries.
- **Annex No. 18** is attached: Audio tracks of some of the recordings made by the microphone in the meeting room, hidden in the fire extinguisher, which correspond to continuous hours of recording without discrimination, since they were emptied at the appropriate times.
62. Around the same time, around January 2018, David MORALES, who was aware that his workers did not want to participate in the microphone operations, openly commented that "*the American friends*" had asked him to place microphones throughout the embassy, but that they had asked him to do so personally, without anyone else, since it was a job that could not be entrusted to another person. It was at that moment when the UC GLOBAL workers were convinced that the two microphones that had already been installed were part of the MORALES movements with US intelligence and that their placement was not covered by the security contract with Ecuador, as indicated by MORALES when it requested to install them. Specifically, MORALES indicated to several workers that its intention was to place the referred microphones in each and every one of the extinguishers (holding them with a magnet inside the PVC base) arguing David MORALES that since there is one extinguisher per room, they could include the room of the asylee himself, Mr. ASSANGE, so that listenings could be made throughout the diplomatic mission. Although, once again, he was questioned about the legality of this possibility and was tried to dissuade him, indicating that, in addition to being absolutely illegal, carrying out a microphone installation would be discovered with absolute security, he insisted on the installation, although it seems that this operation did not materialize.

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63. In fact, in a mail sent by a UC Global worker to his boss, David MORALES, on July 24, 2017, he was responding to a request to look for specific microphones that could be heard through the walls. MORALES, in its intention to plant microphones at the embassy, as requested by U.S. intelligence, had instructed its workers to request budgets for new microphones. Specifically, the budget for a specific model that would make it possible to listen inside the private room of the asylum seeker, through the wall separating the private room of Mr. ASSANGE from the ambassador's office (identified as the "hotel director") who would also hide the microphone, since they state in the mail that they would install it in their office, in order to hear the room of the asylum seeker, *"logically hiding everything"*.

### Mail sent on 24/07/2017 by a UC Global worker to David Morales

I was talking with Carlos de Espiamos the **possibility of a microphone that listens behind the walls**, he told me that he had two models that can come in handy that goes through almost 30 centimeters, **we thought in the hotel director's room, see the possibility of placing there a microphone to listen to the next room, logically concealing everything**, Carlos, told me that he had one of around 1. The difference is that the first one only records for three days and another one has a longer duration so when those three days pass, the memory and the battery would have to be replaced, also the cheapest one records at all times, even silence.

Should I place this in the proposal of the cameras? or do we leave it out of it, for ourselves? or do we forget? is that to make visualizations of the interior of the room all that exists needs to make a micro-perforation to the wall, something that the Belgian said at all times that unthinkable.

**It is also possible to install another one in the meeting room.**

- Attached as **Attachment No. 19**: Mail in which UC GLOBAL sought to purchase a microphone that "listened" through the walls.
64. Therefore, as it has been related, although two microphones had already been hidden in the embassy, one in the meeting room (inside the PVC base of the extinguisher) and another hidden in the wiring of the ladies' bathroom, David MORALES' intention, as he himself indicated, at the request of the United States, was to continue placing microphones in the diplomatic headquarters, this time personally, at the express request of the United States. In addition, showing, as we see, a particular obsession to establish some listening device within the particular dependence of Mr. ASSANGE. In this example, one can observe how the company began to look for more advanced microphones to those that had already been placed, in order to expand the listening.
65. Those mails in search of new, more advanced microphones that could climb from the meeting room and ladies' room to Mr. ASSANGE's quarters continued. On August 16, a UC GLOBAL worker and David MORALES exchanged e-mails in which they continued to delve into the models of microphones existing in the market to penetrate

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walls, referring the worker to MORALES images and explanatory brochures of those microphones.

### Mail sent on 16/08/2017 by a UC Global worker to David Morales

Good the microphone is really called SEM999 but if they put SIM999 to look for information about it they will not find anything, I attach the technical card, and to say that has this it would have to be coupled to him a recorder, since this is only a microphone that can cross the wall to capture the sound, it has an autonomy of 50 hours, and a price of 600€ approximately, I continue to wait for that they send me a better equipment to this one and more expensive, to have a comparison.

Greetings.

### Reply sent on 16/08/2017 by David Morales to UC Global worker

OK, we see it.

We have a photograph to fill in the technical details???

David Morales

### Response sent on 16/08/2017 by UC Global worker to David Morales

Yeah, that's where you carry the attached images.

Do we format it with uc format?

- Attached as **Attachment No. 20**: Exchange of e-mails between David MORALES and the UC GLOBAL worker and the attachments included in those e-mails are "SIM-999-1.jpg", "SIM-999-2.jpg", "SIM-999-3.jpg" and "SIM999.docx".

66. At one point, around that time, as the company's workers relate, David MORALES asked the UC GLOBAL operators physically deployed at the embassy to take Mr. ASSANGE's fingerprints. These prints were obtained through a primer poured into one of the cups he used. The data relating to the fingerprints of the asylee were subsequently handled by MORALES, without the workers knowing the fate that would have given that information, but suspecting that it would have reached the intelligence of the United States with which it maintained the assiduous contact referred to above. In addition, in another occasion, the operators of UC GLOBAL that worked in the embassy stole documentation to Mr. ASSANGE and from the company a calligraphic report was ordered that also handled David MORALES from now on, without knowing the destiny that would have given to the same one, being the suspicions the same ones. At the company, workers suspected that both the fingerprints and the calligraphic report must have been another U.S. intelligence assignment to David MORALES.

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67. Following the information provided by these witnesses in their demonstration records, David MORALES went so far as to ask his company's personnel to steal the diaper of a baby who, according to the workers, regularly visited Mr. ASSANGE. According to MORALES, the nappy had to be removed so that they could subsequently perform a DNA test on the child's faeces, in order to prove whether the child was the asylum seeker's son. On this occasion, MORALES expressly indicated in UC GLOBAL that "*the Americans*" insisted on accrediting that fact. This assignment was frustrated because the company's workers alerted the mother so that the child would not return to the diplomatic legation, telling her what they had been asked to do. This representation can prove that an employee of the company effectively alerted the mother of the aforementioned baby.
68. The information transferred to this representation refers to the fact that at another time, approximately around January 2018, David MORALES ordered a UC GLOBAL worker to go to London to place some specific stickers that he transferred to him on all the external windows of the diplomatic mission. Specifically, he asked her to place them in the upper left part of each window. These were stickers, quite rigid, indicating that there was a closed circuit cameras (on the stickers, yellow, read CCTV). The worker went to the diplomatic mission in London and placed all the stickers on the top left of each embassy window, as required by MORALES. After the placement, already in the company's headquarters in Jerez de la Frontera, MORALES confessed to this worker that "*the American friends*" had laser microphones outside the embassy, which pointed to the windows and, through the vibrations that the conversations made in the window, extracted the sound and therefore intervened all communications. However, because Mr. ASSANGE used a white noise machine (so that his conversations could not be heard) there was a vibration in the window that made it difficult to extract the sound through the laser microphone that had U.S. intelligence pointing from outside. Therefore, those stickers, which had been delivered by "*American friends*", as confessed at the time MORALES, to be placed in the top left of each window, eliminated the vibration and that way the laser microphones could point to the stickers to extract the conversations. At that moment, the worker was aware of the magnitude implied by the placement of those stickers, recriminating MORALES who had not indicated to him what the real purpose was when they were given. According to the worker, the stickers are still on the windows of the diplomatic mission. In fact, in various company reports you can see them. In addition, in one of the recent documentaries on the arrest of Mr. ASSANGE, dated 8 July this year,<sup>20</sup> these stickers continue to be seen on embassy panoramas. Therefore, the stickers are still today placed in the windows of the embassy, in the locations that MORALES requested to the UC Global worker, so they will require diligences of investigation in relation to them in this lawsuit.

- Attached as **Annex No. 21**: Report of UC GLOBAL on the installation of the cameras, with external panoramas, where you can see those stickers on

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<sup>20</sup> ART. "Assange, the most wanted man." The documentary can be seen at the following address. Vid. [Web access](#)

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the top left of each window of the Embassy of Ecuador in London. Also attached are photos of the "white noise" machine that Mr. ASSANGE activated and would interfere with the windows with the laser microphone.

69. Along with the above, David MORALES sent on several occasions, via email, telephone and verbally, lists of targets that would have been identified by U.S. intelligence, to which special attention had to be paid by personnel who were deployed in the embassy. This personnel had to make detailed profiles of these objectives, photographing and photocopying their identity documents, taking photos of the electronic devices left by these people when they entered, listening as much as possible to what they were talking to the asylum seeker, carrying out in some cases follow-ups, identifying each and every one of their movements and elaborating detailed reports of each visit of these objectives to be sent immediately to the headquarters of UC GLOBAL in Jerez de la Frontera.
70. An example of those emails giving these instructions is the one sent by David MORALES on September 21, 2017, from his account, "dmorales@uc-global.com", alerting his team, specifically up to three emails from workers, that the intelligence service of Ecuador, SENAIN, could discover its relationship with the United States. It expressly indicated to the workers in that mail that no one should reveal their journeys to the United States. Specifically, I pointed out to them: *"SENAIN is investigating us [...] that's why I would like my location to be handled first, whenever possible, with a reservation (especially my trips to the USA)"*. Subsequently, he points out information that must be obtained regarding the embassy's WiFi, the walls of the asylum-seeker's room, the furniture, a video of that unit, the diplomatic mission's telephone list, and other information that the United States would have requested. In addition, in the referred mail it marks new objectives (the majority lawyers) for the obtaining of information, indicating that it is necessary to increase the information of them in the "Portal of the Hotel", in reference to the server of profiles for remote access of the "Operation Hotel" (as it was denominated to the security of the embassy). MORALES indicates that the profiles uploaded to the server ("Portal of the Hotel") must be deepened and include all persons from the embassy *"either because they are assigned to the same or visits"*, so it is evident that this information was not processed for Ecuador, since it even needed the profiles of diplomats from that country, which shows that it was information that was obviously reporting to the United States. It even asks for details such as the WiFi of the embassy or the equipment that existed, something that the State of Ecuador knew, so the obtaining of that information was, obviously, to feed the intelligence of the United States. Therefore, it requested to obtain this information to feed the database of the web portal referenced above, relating to persons visiting Mr. ASSANGE and other information, for subsequent remote access from the United States.

### Mail sent on 21/09/2017 22:41 by David Morales to several workers' mails

"I want to alert you that we are very careful with the information we transmit ... and already on the way to all who are careful with the information.... **SENAIN is investigating us.**

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**That's why I'd like my location to be managed by reservation whenever possible (especially my trips to the USA).**

It would also be interesting to establish secure communication and for people to have clear security levels, both in outdoor operators and at home.

**I'm going to need you to work on the following:**

- **Embassy wifi data** (if we have the password or whatever).
- I need to see the **composition of the walls surrounding the Guest's room** (brick, masonry, cement).
- Equally if it were possible **photos of the interior**...in its defect to know that furniture has.
- **Telephone list of the embassy.**
- **Video or photos of the room and equipment** that is in the room of the video recorder.

With respect to the **Hotel.... Portal** [in reference to the portal of the "Operation Hotel" database as they called the security of the embassy] **There are no data...the files are very incomplete and it is necessary to have photos of them, as well as the description of their functions or activities in the headquarters, either because they are destined for the same or views.**

**In particular, the following profiles must be created and updated** (personal data, relationship with the guest, telephone numbers, emails, number of visits, etc...). ) **of these habitual visitors or collaborators of the guest.**

- Jamen Kauffman
- Sara Sanders
- Pasareli Brothers.
- Sara Harrison
- Jenifer Robinson
- Renata Avila
- Carlos Poveda
- Baltazar Garzon
- Srecko ( Croatian )

All of them appear in the lists and entry records, you have to do your best to know their data.

**Special attention on STELLA MORRIS**...we believe that it is a false name, it is the one that supposedly in a rumor spread recently said had a baby of the guest. She is supposed to be Uruguayan but once we get to identify a person related to her (mother) in Catalonia.

If necessary I want a person dedicated to this activity fully, so if you have to hire someone for it tell me.

All this has to be considered top secret so that the diffusion is limited.

Greetings.

- Attached as **Annex No. 22**: mail from David Morales sent on September 21, 2017 to UC GLOBAL workers indicating that their trips to the United States should be kept secret, and expanding the list of objectives and information to feed the web portal database.

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- Attached as **Annex No. 23**: Compendium of reports that were sent and uploaded to the server located in Jerez de la Frontera.

71. In particular, as reported by the workers in the minutes of demonstrations, sometimes the devices of the asylum seeker, Mr. ASSANGE, were intervened and photographed by the operators of UC GLOBAL in the diplomatic mission. In addition, on another occasion, to a British lawyer (*barrister*) and professor of international law at the University of Oxford, Guy GOODWIN GILL, who entered the embassy to discuss matters of his specialty, the right of asylum, the embassy workers would have come to dump his iPad, according to workers. This fact was reported by the workers themselves to the headquarters of UC GLOBAL in Jerez de la Frontera, remembering the worker in their demonstrations to have seen in the headquarters, in some of the reports sent from the embassy to the company, the account of this theft with the content of the device, which alarmed him. On another occasion several reports were sent from the embassy in which the UC GLOBAL operators deployed in the diplomatic mission had opened Andy MULLER's suitcase and photographed all his electronic devices. Andy MULLER is a personal friend of Mr. ASSANGE, a computer security expert and a *freelance* journalist for, among others, *The Intercept*. On that occasion MULLER had left his belongings at the entrance following the security protocols. This was one of the targets set by David MORALES in his emails, probably at the request of US intelligence.

- Attached as **Annex No. 24**: Photographs taken on devices.

72. In this sense, it is revealing the mail sent by David MORALES to UC GLOBAL workers on December 10, 2017, in which, on the one hand, he continues to set priority objectives, which he now calls "*top priority profiles*", including this time, in bold highlighted in the body of the mail, the "*Guest Doctor*". On this occasion it also focuses on obtaining information from the personal devices of these people when they leave them at the entrance, indicating that "*they must pay attention and communicate with us if they carry mobile phones, pent drives, computers or any electronic equipment*", reminding workers that "*I understand that the protocol is maintained and they leave their electronic equipment at the entrance*", a time when operators used to intervene these devices and take photographs of them.

### Mail sent on 10/12/2017 by David Morales to several workers' mails

Hello Musketeers:

I briefly describe the objectives that we must achieve.

\* There are **three (3) top priority profiles** that must be controlled at all times:\*

- FIX
- MULLER
- (Russian Citizens)

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It is necessary that the operators who are there pay attention to them, that they warn us in advance if they pass through the embassy and when they schedule a visit.

**You must also pay attention and communicate with us if you have mobile phones, pent drives, computers or any electronic equipment, I understand that the protocol is maintained and leave your electronic equipment at the entrance.**

\*  
\*

\* \*We need to compile the daily reports made by the operators in these months:\*

- January
- September
- October
- November

If there are outstanding videos from those months that we have saved for some reason, pass them on to me.

Also see if we have videos of March 27.

**\* \* I need you to give me the name of the Guest Doctor \***  
[Bold is from the mail itself]

\* \*The list of your team's personnel who have the privilege of entering without showing identification. \*

\* I need you to tell me who lives or is making use of the rest of the building (who occupies the various apartments).

\* Information on OLABINI (Swedish nationality) and FELICITY RUBY (Australian nationality). Both belong to a team of hackers called ThoughtWords <https://www.thoughtworks.com/profiles/felicity-ruby>. Let's see if we can find out more about that team or organization.

\* \* Let's try to know more about a Hacker organization that are called black.... something..... to see if you find me something of them...when I remember the name I'll pass it to you.  
\*

Anything you let me know.

--

David Morales

- Attached as **Annex No. 25**: Mail that would have been sent from the United States by David MORALES indicating new objectives and the need to intervene their devices.

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73. It is necessary to identify that the previous mail would have been written from the United States. The issue was "NEEDS", so it is evident that David MORALES would be in the United States meeting with authorities of that country transferring information, when the need arose to obtain material from the objectives stated there. In addition, MORALES itself indicates that the videos of March 27, the date on which WikiLeaks published the information "Vault 7", concerning, among other things, the means of interference by the CIA in citizens' electronic devices, should be searched urgently.
74. Therefore, Mr. ASSANGE's visits, mainly those of his team of lawyers, were absolutely monitored in the diplomatic legation. Firstly, UC GLOBAL had established a security protocol that obliged the lawyer to leave his personal documents with his belongings when they entered. In this way, operators ensured that they could scan and photocopy the person's personal documentation, search their belongings, photograph their contents, and even, on occasion, suspect that their devices were overturned. Subsequently, detailed reports would be made of the profiles that visited Mr. ASSANGE, with his documentation, his belongings, and other details, which would be sent to Jerez de la Frontera in the form of "reports". In addition, the conversation of those lawyers with the asylee would be recorded, through cameras with sound recording and hidden microphones.
- Attached as **Annex No. 26**: Some examples of lists drawn up by UC GLOBAL operators with the identity documents of the people who visited the asylum seeker, for the purpose of feeding the database of profiles and objectives of the server in Jerez de la Frontera.
75. Following the information reported to this legal address, at the end of 2017, within the company it was identified that Mr. ASSANGE would receive a diplomatic passport from the Ecuadorian authorities, with the aim of leaving in transit towards a third State, thus enjoying the immunities and inviolability that assist the diplomatic agent when he is in transit towards the country of accreditation<sup>21</sup>. The UC GLOBAL workers at the embassy followed the then Consul of Ecuador, Fidel Narváez, who handled the documentation with which he entered and left the embassy in a red folder. In addition, this representation can prove this fact and infers that this movement would have been reported by David MORALES to U.S. intelligence, since this maneuver was being guided with the utmost discretion, being known by a very small circle of people in Ecuador and Spain, although he ended up inexplicably in knowledge of the U.S. authorities with alarming speed, going so far as to ask the U.S. Ambassador in Quito for explanations from the Ecuadorian authorities, but without identifying the source that had alerted him to the movement.

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<sup>21</sup> Vienna Convention on Diplomatic Relations of 18 April 1961 (entered into force on 24 April 1964). Article 40.

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76. In this sense, it is striking that the espionage deployed by UC GLOBAL affected even the head of the National Intelligence Service of Ecuador (SENAIN), D. Rommy VALLEJO. On December 21, 2017, the colonel and responsible for the intelligence of Ecuador, Mr. Vallejo, visited Mr. ASSANGE, at the moment in which the possibility was elucidated that Mr. ASSANGE, who had been nationalized Ecuadorian and appointed diplomat, could leave the embassy with the immunities and inviolability of the 1961 Vienna Convention. It was obviously a top-level, secret meeting between the head of Ecuadorian intelligence, sent by the government, and the asylum seeker. Well, that meeting was recorded through the cameras, capturing the audio from it, even though Mr. ASSANGE activated the white noise machine to avoid eavesdropping. But it is that, even the operators of UC GLOBAL in the embassy, considering that they would speak low and that they would activate the machine of white noise, proceeded to listen by the door and to report everything that was spoken in that meeting by means of electronic mail dated December 21, 2017 to David MORALES. Mail in which, in addition, they sent all the data of the personal devices of the Head of the Ecuadorian intelligence, having left them in the entrance under the custody of the operators of UC GLOBAL. In that email, the follow up they were doing to the diplomatic passports is clearly identified, indicating that "*[t]he red folder is that of the passports of yesterday that were making photocopies*", making references to the Consul of Ecuador, Mr. Fidel NARVÁEZ, who handled that folder with sensitive documentation as *chargé d'affaires* during the Christmas holidays.

### Mail sent on 21/12/2017 by a UC Global Operator to the company headquarters

**Romy Phone**

**Imei phone 89593010056993364 operator CLARO**

**Imei... iPhone 355327085361796**

**rommy's phone +593983965497**

They're talking about trump.

They were talking about a girl who is trying to dig into the bureaucracy but think that next year will be sokucionara and everything will be better.

We don't know who she is... we just know she's a diplomat.

She looks like Merkel.

He said quebella has already demonstrated the political power he has with the refugee case.

Now they talk about the brexit that this is going to cost the United Kingdom large amounts of money and there is disagreement between the different parties.

R says he comes to negotiate and see how this is maintained xq has people in Lenin's government who want to get rid of him but who on R's side don't want it to be that way and he's doing everything possible but that lanuktima word doesn't belong to him but to L.

The minister of denmark comes to queue about the police who are abroad who feel pressured by the police presence from outside the hotel.

It looks like they're there as if they're pushing him and saying, "we know you're there and you can't get out."

Concern for the growth and power wuebesta taking the ultra right neo-Nazi in different governments as France, Sweden...

They have information of the pen that is the main one that is moving the threads of the ultra right

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in Europe.

**The red folder is the one from yesterday's passports that were making photocopies.**

It seems as if they are raising the situation and is that lenin can leave at any time rommy wants to stay but he will do what he can.

It's how they're shuffling all the possibilities

Of the different situations that could occur

No one's appreciated upset no one's angry

But everything within a normal conversation.

And quiet.

The great current power of Spain is not the tourism since this can be altered at any moment by a terrorist action on a great scale but it has a great strategic power of support at the level of its great allies as the merkel and trump and its great capacity of antiterrorist fight in which its great allies are supported and break the frontiers of Spain provide valuable information in these matters.

Estela and chicken have come out

Looks like they're looking for fidelity.

Enter fidelity

There's all four of them.

**They talk about having to meet again on another occasion to see how they perform a very delicate operation.**

**The visitor is the one who says it's a very delicate operation.**

You see a very nervous fidel is always turning his back on the camera not seen as he is the only restless of the 4

Just finished rommy asks for arias

And he tells her to give him a job now.

Police parked again on the corner of the great cafe with the same car and operating three... 15h10.

<&lt;font color=#38B0DE&&gt;-=<http://www.bluemail.me/r?b=10777>=- Proudly Presents

- Attached as **Annex No. 27**: Mail of 21 December 2017 from a UC GLOBAL operator at the Embassy of Ecuador in London reporting on wiretaps to the meeting of the head of SENAIN, Rommy VALLEJO and Mr. ASSANGE. Also attached is the video by which UC GLOBAL would have captured the meeting of the referred head of SENAIN with the asylee.

77. That same day, December 21, 2017, David MORALES was already insistently asking the UC GLOBAL workers to give him the camera recordings, purifying the audio as much as they could, as soon as possible. Evidently, MORALES needed this video to transfer the intelligence of the United States, in order to dismantle the operation that Ecuador had underway to remove Mr. ASSANGE from the embassy.

**Mail sent on 21/12/2017 by a UC Global worker to David Morales**

It's very late and I couldn't set up a private structure... I've put it in a shared dropbox because it weighs so much, download them and tell me when you have them.

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Rambo tells me that someone with experience in the field of sound can make you listen to each other to understand each other, the ecu is understood quite a lot but the others speak very weakly, Rambo tells me that with a quality equalizer can remove the noise and increase volume (this says he is an engineer of image and sound ...).

Greetings.

### Reply sent on 22/12/2017 by David Morales to UC Global worker

OK, thank you.

The video's fine.

But if it's possible we need all you can get out of that day at the embassy...even the one with the other camera from the other corner of the meeting room.

Greetings.

David Morales

- Attached as **Annex No. 28**: Mail of the same day of the meeting of the head of SENAIN, Rommy VALLEJO and Mr. ASSANGE, in which David MORALES urgently requests to be given transfer of the audio recording of the meeting.
78. But the most striking thing is that the meeting of the person in charge of SENAIN with Mr. ASSANGE, to analyze the details of his departure as a diplomat, took place on December 21, 2017, while the international arrest warrant issued by the United States against Mr. ASSANGE was made the next day, December 22, 2017, just when MORALES would have sent information about that meeting to the United States, revealing the whole operation.
79. As company workers report, Rommy VALLEJO's visit to the asylee triggered all the alarms in Jerez de la Frontera and David MORALES requested that it be recorded in its entirety, recording it with the cameras, listening through the doors, obtaining data from its devices, and in every possible way. It is necessary to remember that the contractor of UC GLOBAL was precisely SENAIN, since the security contract was signed between the intelligence service and UC GLOBAL. Therefore, it makes no sense for the contractor to spy on the one who hires him. Obviously, the spying on the meeting between Mr. VALLEJO and Mr. ASSANGE responded to the United States' interest in learning about Mr. ASSANGE's exit strategy under diplomatic prerogatives. In fact, as mentioned above, this movement was guided in a very reserved way, being surprising that in a few hours the United States Ambassador in Ecuador addressed the Ecuadorian authorities claiming to know this fact, and an international arrest warrant was issued against Mr. ASSANGE the next day.
80. On the other hand, according to the information provided, David MORALES commented in the company that the Americans were very nervous about the visit that a Californian politician was going to make to the Embassy of Ecuador in London to meet

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Mr. ASSANGE. According to MORALES, he had been personally asked to control and monitor absolutely everything related to that visit. Therefore, from the headquarters in Jerez de la Frontera, MORALES gave express orders to the embassy workers to record everything that happened with that visit. This procedural representation confirms the existence of that visit, who would be the North American Congressman, Dana ROHRABACHER, person who visited Mr. ASSANGE effectively on August 15, 2017.

81. Similarly, in November 2017, David MORALES commented in the company that one way to obtain relevant information for its relationship with the Americans would be to access the professional office ILOCAD SL, directed by the lawyer coordinating the international defense of Assange, Baltasar GARZÓN, and based in Madrid, and precisely for holding that coordination, which was revealed as a fundamental fact, to the point that, as will be seen later, it would have been pointed out by the U.S. agency as one of the essential objectives of espionage. Two weeks after that comment, the national media reported the nocturnal entry, forcing the door and deactivating the alarm, of hooded people in that same professional<sup>22</sup> office. This news was shared among the workers in Jerez de la Frontera, all wondering if the fact had anything to do with the comments that the head of the company, David MORALES, had made a couple of weeks earlier.
82. Among the many ideas that David MORALES shared generically with the workers, always indicating that they were aspects that he negotiated with "*the Americans*", was the possibility of leaving the door of the diplomatic mission open, arguing that it was an accidental mistake, to allow the entry and kidnapping of the asylum seeker; or even the possibility of poisoning Mr. ASSANGE. All of them proposals that MORALES affirmed to be valuing with its contacts in the United States, as reported by the referred workers.
83. Likewise, MORALES ordered that the lawyer, coordinator of the defense of Mr. ASSANGE, Baltasar GARZÓN, be followed, since he would have been required to do so by his contacts in the United States. Specifically, Mr. GARZÓN was followed in Madrid, monitoring a meeting of Julian ASSANGE's lawyer, Mr. GARZÓN and former president Rafael CORREA, following him by road, taking photographs of him and his home. Indeed, a detailed follow-up of that meeting was made, starting with the reception of Mr. GARZÓN to Mr. CORREA in the Airport of Barajas (taking several photos) until arriving at the personal domicile of Mr. GARZÓN, where he continued the meeting with Mr. CORREA (also taking photos). As a result of that monitoring and follow-up, on 13 October 2017, David MORALES sent an e-mail stating "[a]djunto

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<sup>22</sup> "Several hooded men enter the office of ex-judge Baltasar Garzón." *The Country*. December 19, 2017. *Vid.* [Web access](#)

"Several hooded men assault the office of former judge Baltasar Garzón in Madrid in the early hours of the morning". *La Sexta*. 19 December 2017. *Vid.* [Web access](#)

"Several hooded men assault the office of ex-judge Baltasar Garzón in Madrid". *ABC*. December 19, 2017. *Vid.* [Web access](#)

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*documento para su archivo y continuación de actualizaciones. Put in the beginning the indicative of confidential. -- David Morales.*" That email had incorporated the file "REPORT 001-TREVISTA DE RAFAEL CORREA CON GARZON.docx". In addition to this report, all the photographic material from this meeting was collected at the headquarters in Jerez de la Frontera, which is in the material delivered.

- Attached as **Annex No. 29**: E-mail sent by David MORALES on 13 October 2017 to the workers, and attached follow-up report, as well as other photographic material related to that operation, mainly photographs taken at Adolfo Suárez-Barajas Airport and outside Mr. GARZÓN's home by UC GLOBAL.
84. In fact, the follow-ups ordered by David MORALES to the former President CORREA, Baltasar GARZÓN and other people, even outside the embassy, would have been recurrent. In this regard, David MORALES sent a report to UC GLOBAL workers on November 11, 2017, attaching a report he had prepared in ENGLISH on former president Rafael CORREA. The report is entitled "Activity: Meeting Ex-President Correa. Date: 15th November 2017 Location: Family apartment in Ottignies (Belgium)". That is to say, it is a detailed report in which he gives an account of Rafael CORREA's private conversations in his personal home, identifying the people with whom he was or was going to meet, as well as the conversations held with them. The report was in English, so it would most likely be destined for the United States. It is striking that, among these people, a profile of Mr. Pablo IGLESIAS TURRIÓN, Secretary General of PODEMOS, was elaborated due to his links with Rafael CORREA. Witnesses report that there was talk that "*the Americans*" thought that CORREA might be playing an important role in finding a solution to Mr. ASSANGE's situation at the embassy at a decisive moment (Ecuadorian nationalization and diplomatic appointment) so they focused equally on the former President of Ecuador.
- Attached as **Annex No. 30**: Mail of David MORALES with report on private meetings of the former president of Ecuador, Rafael CORREA.
85. As previously reported, espionage techniques grew from mid-2017, coinciding with the arrival of Donald TRUMP to the presidency of the United States. All the documentation obtained as a result of the espionage deployed by MORALES against the asylee arrived in the United States, according to these workers, through two channels:
- a. On the one hand, the daily reports of the operators in the embassy, the profiles of the objectives, the identity documents of the visits, and other information sent from the embassy that was dumped in computer servers to which there was remote access from the United States.
  - b. On the other hand, the hard disk recordings of the sound cameras installed in the embassy at the beginning of December 2017, recordings that were extracted every 15 days, together with other recordings that could come from the installed

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microphones, these elements being sent personally by David MORALES in his periodic trips to the United States.

86. With regard to servers, as reported in the minutes of demonstrations, David MORALES requested that an open FTP server (SFTP) be installed for remote access, with the possibility of external collection of that information by a user and password that he would manage. The FTP Server was installed and the workers were able to prove that there were remote accesses from the United States that even left records of IPs that the workers still keep and will be able to contribute to the judicial organ. This FTP server stored the daily reports sent by the UC GLOBAL operators deployed in the embassy, where Mr. ASSANGE was followed in detail, his visits, the objectives, including all relevant information such as copies of all their identity documents and photographs of their belongings. These daily reports that were entered into the FTP server were initially signed by the operators via pseudonyms but, at one point, David MORALES indicated that he had been asked in the United States to sign them with the operator's real name. This could be due to an attempt to put those reports to judicial use in the United States. David MORALES required with the passage of time that this FTP server be replaced by a database installed online in web format, accessed also by username and password remotely from outside.
87. In this sense it is necessary to emphasize the mail of March 23, 2017 sent between two workers of UC GLOBAL, under the subject "Needs of equipment", at the moment in which the server was being installed, in which it is indicated: *"[w]hen I commented to you by telephone I would need a budget of the following: [...] the server and licenses for the domain, or failing that the virtual desktop, I've been seeing virtual desktop prices in OVH and I see it a bit high, but I want to know your opinion.*
- Attached as **Annex No. 31**: UC GLOBAL worker's mail requesting material for the server.
88. However, as the UC GLOBAL workers report, the FTP server (SFTP) was giving problems, so the solution of articulating a web with a database was the most viable. In this sense, it is relevant the mail of January 6, 2018 in which David MORALES indicates that the *"SFTP provided ... does not work, do not know if they have been wrong in any word, but the thing is that as I move the technical team on the other side can not link to download the videos that we are uploading.* In the aforementioned e-mail, MORALES speaks of *"the technical team on the other side"*, indicating to its workers that they have difficulty accessing the server and being able to download the information they were pouring into it. The contents of this mail are in **Annex No. 12** mentioned above.
89. Subsequently, when the database system was installed through a web portal, an even more explicit exchange of relevant emails took place on 2 May 2017 between a UC GLOBAL worker and David MORALES. At first, the worker describes the new web portal system for sharing data:

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### Correos exchanged on 02/05/2017 by David Morales and a UC Global worker

Good morning, David,

I'll tell you **how the Hotel's website would work**. This is a **portal where you can manage both the profiles of those who have passed or who work in the Hotel, as well as visits made by staff who do not belong to the Hotel**.

**We will have the staff organized in two groups:** Diplomats (workers), Staff (work team), Visits (guest visits) and Others (staff that has no relation with the visits nor with the workers, i.e. maintenance, repairs of equipment...).

**Profiles can also be organized by country, and by frequency of visits**. You will be able to see all the profiles that have accessed the Hotel and also those profiles that will come in the future.

How do I access the website?

**The server will have a limitation by IP address, where it will be necessary to indicate that IP will be able to connect to him**, in turn this server will be inside a VPN, by means of an exchange of VPN certificates by electronic mail PGP, the opportune files will be passed to be able to make the connection. **At the same time the access to the portal will be controlled by means of a Login, where we will be able to visualize the schedules of accesses and the time that stays in it**.

Do you want this in nice? Or with an explanation like that you're worth?

Greetings.

90. That same May 2, 2017 David MORALES responded to the worker of his company, indicating that this explanation was sufficient, that he simply wanted to "*tell these how it works*":

### Correos exchanged on 02/05/2017 by David Morales and a UC Global worker

That's as good.... as it gets, **just so I can tell these guys how it works**.

If you didn't write to Nexus, I'll tell you and **I'll tell you to pass me the IPs that want you to visualize it**.

**I think among those IPs you can put mine...**

Greetings.

David morales

- Attached as **Attachment No. 32**: Exchange of emails between David MORALES and UC GLOBAL workers on what information should be posted on the web portal and how it can be accessed remotely externally.

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91. As can be observed, David MORALES requested that all the information related to Mr. ASSANGE's visits be included in this Web Portal, making exhaustive profiles of them, and even organizing these profiles by nationalities. In addition, profiles were even made and information was required from the Ecuadorian diplomats themselves, which evidences that this espionage work was to nourish someone different from the contractor, Ecuador, as was the intelligence of the United States. In the referred exchange of mails, as it can be observed, MORALES indicates that this web portal with the database must be enabled to external IPs, coming as the workers have indicated in their minutes of demonstrations, of the intelligence of the United States. In fact, as indicated above, the PIs accessed from outside were registered and will be contributed by those workers to this judicial body at the moment they are required to do so.
92. The external access by the North American intelligence to the portal where all the information was systematized was concretized shortly after, on May 20, 2017, as is demonstrated by the mail from a UC GLOBAL worker to David MORALES, in which he instructed him on how to make the connection and attached a document "Client2.ovpn" to configure that external connection and access the database that was being prepared:

### Mail sent by a UC Global worker on 20/05/2017 to David Morales

**I attach the document that should be sent to these to make the first connection to the web, when they get the connection I'm giving them more keys they need, I do not give them all at once so they do not make a mess, so the first thing is to use this file to configure the VPN client with OpenVPN, to use this file need the key: Gh90#vtsN?**

Greetings!

- Attached as **Annex No. 33**: Mail to David MORALES to set up access to the Web Portal using a password.

93. On June 12 and 13, 2017, the posting of information on the web portal continued to progress, with emails exchanged between a UC GLOBAL worker and David MORALES, where the worker informs him of the progress in this regard:

### Posts exchanged for a UC Global worker and David Morales on 12 and 13 06/2017 informing the worker of the following developments:

For the portal we are returning a database today and will be displayed when we have overturned that database I write you the steps to take.

To avoid errors, we load the profiles into a database on a computer and when the display is correct we dump it to the server, so as to have all the profiles dumped.

- Attached as **Annex No. 34**: Exchange of emails from David MORALES with UC GLOBAL workers reporting on the progress of the Web Portal with the database.

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94. On June 16, 2017, David MORALES begins to demand more speed from UC GLOBAL workers so that they finish putting all the information on the web portal. In addition, he tells them that he urgently needs access to "*the monthly reports and records of entries that have been passed to Ecuador*," and this because "*these guys have lost everything and want to pass it on again*". In other words, as can be seen from the mail in question, MORALES urgently needed the information and, specifically, the information that had already been transmitted to Ecuador regarding entry records and reports, because "*these types*", to whom it had already given the same information, "*have lost it*", which is why the information had to be passed back to them. Evidently, as can be observed, MORALES was forwarding to U.S. intelligence the information regarding the embassy entries that it had already provided to Ecuador at the time. Curiously, the worker tells MORALES to transfer the contact so that he can explain to those people how to access what his boss categorically tells him "*contact is me*", which accredits that the dominance of the criminal relationship with the intelligence of the United States was always MORALES. Specifically, the exchange of mail between MORALES and that employee of your company is as follows:

**Mail from David Morales to a UC Global worker from 16/06/2017:**

**I urgently need you to put a rod in the portal...** we have to hang everything we can on it. Also...you could create me an access with all the **monthly reports and logs of entries that have been passed to Ecuador...these guys have lost everything and want me to pass it on again...**

Greetings.

**Response from UC Global worker to David Morales dated 16/06/2017:**

Ok, no problem, pass me a contact and I contact them and tell them how to access the portal and content.

**Answer of David Morales to the UC Global worker of 16/06/2017:**

For the moment **the contact is me**...I still don't have defined who to give it to...and I want to do it when I have everything for sure...pass it to me and I'll pass it to you.

- Attached as **Annex No. 35:** Exchange of mails in which David MORALES indicates that the contact with the people who will access the server is only him.

95. **At** first, an FTP server (SFTP) was set up in Jerez de la Frontera where the daily, monthly and extraordinary reports made by the operators were dumped, as well as all the profiles, identity documents and records of visits. That SFTP could be accessed externally, with the username and password that MORALES handled and would have provided to the intelligence of the United States. Subsequently, this precarious server was changed to another system, that of a Web Portal, with a coupled database (called

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Hotel Portal) in which all the information continued to be poured and which could be accessed remotely through the username and password that MORALES continued to manage. However, as these workers relate, in the case of the Web Portal MORALES decided to give dual access, on the one hand to SENAIN, the secret service of Ecuador, for some reason, and on the other hand to the intelligence of the United States, requiring the workers in charge of enabling the entries that under no circumstances should be able to be discovered, neither SENAIN, nor the United States, that the other also accessed that portal.

96. On the other hand, as far as the security camera recordings were concerned, where the audio of the conversations was already recorded, as well as the microphone records, it was a material that received a more personal treatment. To this end, David MORALES ordered that the hard disks of the camera servers be changed every 15 days. And this is because, from that moment on, the recordings began to erase previous records, as the storage limit was 15 days. It is important to note that David MORALES demanded that the original camera recordings be taken to Jerez de la Frontera at all times, never copies, probably because of US intelligence requirements. In fact, on occasion the Ecuadorian authorities asked for a moment of a specific recording and this meant that David MORALES had to travel to the United States to look for the original records. Therefore, the recordings of the security cameras and microphones, once in Jerez de la Frontera, were personally taken by David Morales to the United States, on trips mainly to New York but also to Washington or Las Vegas, sometimes accompanied by his wife, Noelia PAÉZ. In addition, on repeated occasions, once MORALES was at meetings in the United States, he used to write to company workers through group chat, on the *Signal*, *Telegram* or *Therman* platforms, requesting more information about a visit or some detail of the recordings, usually indicating in those chats that "*American friends ask me to make them concrete...*", since Morales was not aware of the details that the workers dominated. Although these group chats were configured in a self-destructive format, the workers used to make screenshots in order to remember some instructions, so there are still some in which David MORALES' communications are clearly identified during his meetings in the United States at the time when he delivered the material to the American intelligence.
97. On the other hand, at UC GLOBAL's headquarters in Jerez de la Frontera, Gabriela PÁLIZ JERÉZ, the head of security at the Embassy of Ecuador in London, was received monthly. In the visits to the UC GLOBAL headquarters she was always accompanied by her husband, whose name is not known. This visit was of dominion of all the workers since monthly they saw to appear the marriage to dispatch with David MORALES. According to the company, it was essential for David MORALES to maintain the embassy's security contract, probably not so much because of the amount of Ecuadorian emoluments per se, but because of the possibility of increasing income in its relationship with the United States. Therefore, as stated in the company by the various workers, David MORALES was allegedly paying €20,000 in cash each month to the embassy's security officer to prevent him from making negative reports about UC GLOBAL that led to a termination of the contract. The security officer allegedly

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travelled with her husband to divide the payment into amounts of €10,000 each to avoid problems with airport controls on her return journey to London.

98. In those months in which the deepest interaction of MORALES with US intelligence took place, between the beginning of 2017 and the middle of 2018 (when the UC GLOBAL contract ended) David MORALES experienced a notable increase in assets. In particular, according to some of the workers, he bought a new home that would apparently have a high value. In addition, it also acquired some top-of-the-range cars. According to this representation, there was talk in the company that it could be charging around €200,000 a month for its work for the United States. In particular, it appears that during those months there was repeated speculation in the company, through the various workers, that the money it was illegally obtaining would be deposited in Gibraltar bank accounts, as mentioned above. In fact, it was observed that David MORALES made repeated trips to Gibraltar, a territory relatively close to Jerez de la Frontera and considered by the Spanish jurisdiction as a tax haven due to its scarce collaboration in the identification of assets. On one occasion, a UC GLOBAL client allegedly made a comment inside the company's headquarters in which he stated that David MORALES was "*a cheapskate*", as he had tried to "*clean 70,000 euros in Gibraltar*" and to carry out this operation "*they had asked him for 10% in Gibraltar for bleaching it and he had refused*".
99. Finally, at the end of 2018 UC GLOBAL received a request from ILOCAD SL, an office headed by Baltasar GARZÓN, signed by Mr. ASSANGE himself, in which, on the basis of the provisions of the new European Union Regulation on Data Protection, the company was requested to be informed of the material held relating to Mr. ASSANGE and of the use made of that material, since some images had been filtered in various media. This communication was indeed sent by this professional office on 24 October 2018. At that time, according to the workers, MORALES proceeded to remove from the company's headquarters all the material related to the "*Hotel Operation*" (as the embassy's security contract was called) as well as the material related to the "*guest*" (the name by which the asylum seeker was known). According to the company's workers, the material was allegedly hidden in one of their two homes in Jerez de la Frontera or even in their father-in-law's home in Rota, always according to what was said in the company by the workers.
- Attached as **Annex No. 36**: Proof of Mr. ASSANGE's referral to UC GLOBAL of a request for a right of access to your personal data, the purposes of processing, the recipients or categories thereof, as well as information regarding the guarantees relating to the transfer of your data to a third country or to an international organization, the expected conservation period, as well as other relevant information.

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### LEGAL BASES

#### FIRST - LEGAL ANTECEDENTS

- 100.** For the preparation, execution and consummation of the facts described above, there has been a sophisticated criminal alliance between the defendants and different actors, with the ultimate goal of obtaining the maximum volume of information from an internationally protected person such as the asylum seeker, Julian Paul ASSANGE<sup>23</sup>. In addition to the asylee, the objective would have been Mr. ASSANGE's lawyers, together with their defense strategies in the different judicial and international scenarios, their relations with other people inside and outside the Ecuadorian embassy in London, the recording, without knowledge or authorization of their meetings and conversations, the placement of listening devices, as well as the sale of the information obtained to foreign intelligence actors, especially from the United States. The foregoing was developed by David MORALES GUILLÉN, a Spanish national and resident in our country, by himself and through the company UC GLOBAL, constituted by him, executing his actions abroad, the United Kingdom (where the victim would be found) and the United States of America (where his contacts to whom the information could be sent were found).
- 101.** In the factual account of this lawsuit, which may be shaped more extensively depending on the investigations that are initiated, and whose outcome could extend the lawsuit to other people, describes a sophisticated plot of international espionage developed with the obvious participation of multiple actors to carry out the allegedly criminal action. As can be inferred from the account of the facts and the enormous amount of evidence provided, a number of people would have participated and cooperated in the criminal action, using advanced technological means, for the execution of the allegedly criminal acts reported here (laser microphones, audio recording cameras, hidden microphones, FTP servers, encrypted communications, etc.).
- 102.** In this sense, the alleged participation of not only David MORALES and the company UC GLOBAL, but also of US intelligence officials, employees of LAS VEGAS SANDS, whose intervention or concrete participation in the plot may be determined during the investigation. The information that these North American actors needed from Mr. ASSANGE, who at that time was enjoying the status of internationally protected person, in the form of political asylum granted by Ecuador on the basis of international conventions that also bind the United States, was provided by David MORALES. In this

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<sup>23</sup> Mr. Assange was as an asylum seeker, an internationally protected person, since 16 August 2012, under the protection of various international conventional sources such as the 1951 Geneva Convention relating to the Status of Refugees, the 1954 Caracas Convention on Diplomatic Asylum, among other conventional sources regulating asylum and refuge, and other international instruments for the protection of human rights.

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way, the illegal capture of information from the asylum seeker took place without any kind of guarantees and therefore illegally, both in the light of Spanish, U.S. or Ecuadorian legislation and, moreover, avoiding the protection offered by international law to the asylum seeker.

103. Among the main objectives was not only the surveillance and espionage on the asylee, but especially and principally on their defense lawyers who were priority objectives, as can be seen in the information provided, where CIA intelligence officials would have indicated the specific objectives to David MORALES. Under this accredited fact, since evidences of the recurrent indication of the lawyers of the asylee as priority objectives are provided, it was sought to enjoy privileged information on the legal movements of Mr. ASSANGE. And this is in violation of a fundamental right in American, Ecuadorian and Spanish legislation and in the main international human rights treaties, such as the right to defence.
104. Along with the above, those members of the CIA would have been indicating David MORALES as "targets" or objectives to the other members of the organization and other people linked to the asylee. These other targets were journalists, doctors and other visitors to the asylee. In addition, they even intervened in the communications of Ecuadorian diplomatic agents, thereby violating imperative international conventions relating to diplomatic relations. In particular, CIA agents would have singularly pointed out the need to obtain information, by collecting their personal documents, from American citizens, with extensive lists of documents from Americans, including politicians, journalists and others of that nationality.
105. For their part, the people linked to LAS VEGAS SANDS would have intermediated between David MORALES and the CIA agents involved, as inferred from the evidence provided.
106. For the execution of the criminal action, a sophisticated espionage strategy would have been put in place. An espionage strategy that, as it has been accredited, was executed by MORALES following the concrete instructions of the North American agents, who required him to install the cameras, the way in which they had to be opened for external access, the microphones to hide, the servers that they had to open for them to collect the information, the stickers in the windows that enabled the work of the laser microphones, the photos of concrete dependencies, the material of which the walls of the room of Sr. ASSANGE, the calligraphy of the asylee or even the theft of feces from a baby's diaper. In fact, these CIA agents, planners in the criminal organization, indicated to the organization's executor, David MORALES, even the way in which the company's operators should sign the reports, as we have seen in the account of facts.
107. All the overwhelming information collected, both from the asylum seeker, sir. ASSANGE, like its legal team of lawyers and other connected persons, was dumped in a server in which the CIA agents had free access, while the heaviest material, referring to recordings of cameras and microphones, was taken personally by the executor, David

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MORALES, to the planners, agents of the CIA, with the very probable participation of the intermediary members of the organization, the persons connected to LAS VEGAS SAND, who would have paid the emoluments to MORALES for their work for the intelligence of the United States.

108. Finally, it has been proved that recurrent meetings took place in the United States (mainly in New York, but also in Washington and Las Vegas), where it was decided how to proceed in the following criminal stages. As it has been observed, in those meetings, MORALES itself indicated that "*the Americans*" had required some specific activity against some singular objective, using a particular means of execution, something that formed part of a collective negotiation of the organization that was agreed upon in North American territory for its subsequent execution.

## SECOND - LEGAL CLASSIFICATION OF THE FACTS

### - Crimes against privacy and against the secrecy of communications lawyer - client

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[Attributed to David Morales Guillén]  
(Art. 197 CP in conjunction with art. 197 quater CP)

[Attributed against UNDERCOVER GLOBAL (UC Global)]  
(Art. 197 quinquies CP)

109. The foregoing factual exposition, together with the evidence provided, accredit in a more than indicative manner the commission of punishable acts against privacy, the disclosure of secrets and, especially, the secrecy of communications between lawyer and client.
110. Specifically, for several years, from 2015 to mid-2018, when UC GLOBAL ended the embassy's security contract, a battery of illegal espionage measures was deployed, with massive interference in the privacy of the asylum seeker, in his communications with the defense team that attended him, in meetings with his doctors, and in general against everyone close to him. In those years the defendants created a sort of "Big Brother" in which all the movements of Mr. ASSANGE and the people close to him were controlled. The espionage developed by means of refined techniques, related in the exposition of facts, such as cameras that were secretly recording audio 24 hours a day, microphones hidden in several rooms of the diplomatic mission, laser microphones that from outside pointed to the windows and intervened the conversations, physical theft of material overturning the electronic devices that the visits left when entering the embassy, physical monitoring of several people, even going so far as to perform a calligraphic test of the asylumee or try to steal feces from a minor. In particular, these

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measures were directed against Mr. ASSANGE, a person who was internationally protected as an asylum seeker, for the existence of a risk against his integrity in the United States jurisdiction, and especially against all his lawyers, thus radically violating the right to defence of the asylum seeker.

111. The whole range of espionage measures was carried out by the Spanish company UG GLOBAL and its director and administrator, DAVID MORALES GUILLÉN, also of Spanish nationality, both moved by an alleged profit motive that would be at the base of the transfer of sensitive information obtained to US intelligence, specifically, according to MORALES himself, to the CIA. And all this through the intermediation of people from the framework of LAS VEGAS SANDS, a company constituted by people close to the TRUMP administration.
112. Apart from the profit motive that informed the criminal conduct of MORALES and its mercantile, UC GLOBAL, it is necessary to point out that the ultimate purpose of obtaining this massive and systematic information was to feed the US intelligence authorities, specifically, according to MORALES, the CIA. At that time, Mr. ASSANGE enjoyed the status of asylee by concession of Ecuador, under the protection of various international conventions. Precisely the asylum was granted by identifying the United States as an agent of persecution, where it was accredited that there was a well-founded risk to the integrity of Mr. ASSANGE. In this way, the massive obtaining of information from the asylum seeker by the agent of persecution was carried out avoiding the firewalls that the asylum seeker country had arranged for its protection, in grave violation of international law regulating the special protection that must be given to refugees.
113. All the people who participated in the deployment of this deep espionage against Mr. ASSANGE and his lawyers were aware of the asylum status he enjoyed, and that it had been granted precisely because of the persecution suffered from the United States. In addition, all those who participated in this espionage, both MORALES and UC GLOBAL, as well as those who operated from the United States, were aware that the measures taken were contrary to all the legal systems involved, the Ecuadorian (owner of the diplomatic mission), the North American (recipient of the information), and the Spanish (where the executors of the measures are located).
114. Specifically, with regard to one of the defendants, David MORALES, his conduct would be subsumed under art. 197 CP, which regulates the crime against privacy in the form of discovery and disclosure of secrets when committed by natural persons:

1. Anyone who, in order to discover the secrets or infringe the privacy of another, without his consent, seizes his papers, letters, e-mails or any other documents or personal effects, intercepts his telecommunications or uses technical devices for listening, transmission, recording or reproduction of sound or image, or any other communication signal, shall be punished with imprisonment of one to four years and a fine of twelve to twenty-four months.
2. The same penalties shall be imposed on anyone who, without being authorised, seizes, uses or modifies, to the detriment of a third party, reserved personal or family data of another

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which are recorded in computer files or supports, electronic or telematic, or in any other type of file or public or private register. Equal penalties will be imposed on anyone who, without being authorized, accesses them by any means and who alters or uses them to the detriment of the owner of the data or a third party.

3. A term of imprisonment of two to five years shall be imposed **if the data or facts discovered or the captured images referred to in previous issues are disseminated, disclosed or transferred to third parties.**

Anyone who, with knowledge of its illicit origin and without having taken part in its discovery, engages in the conduct described in the preceding paragraph shall be punished by imprisonment for a term of one to three years and a fine of twelve to twenty-four months.

4. The acts described in paragraphs 1 and 2 of this article shall be punishable by imprisonment for a term of three to five years when:

**a) Committed by the persons in charge of or responsible for the files, computer, electronic or telematic supports, archives or registers; or b) Committed by the persons in charge of or responsible for the files, computer, electronic or telematic supports, archives or registers; or**

**(b) are carried out through the unauthorised use of the victim's personal data.**

**If the reserved data have been disseminated, transferred or disclosed to third parties,** the penalties will be imposed in its upper half.

5. Likewise, when the facts described in the previous sections **affect personal data revealing ideology, religion, beliefs, health, racial origin or sexual life,** or the victim is a minor or a person with a disability in need of special protection, the penalties provided for in the upper half shall be imposed.

6. **If the acts are carried out for profit,** the penalties provided for in paragraphs 1 to 4 of this Article shall be imposed respectively in the upper half of that Article. If they also affect data mentioned in the previous paragraph, the penalty to be imposed shall be imprisonment for four to seven years.

7. Any person who, without the consent of the person concerned, disseminates, discloses or transfers to third parties images or audio-visual recordings of that person which he has obtained with his consent in a home or in any other place outside the scope of the eyes of third parties, shall be liable to a term of imprisonment of three months to one year or a fine of six to twelve months, where the disclosure seriously undermines that person's personal privacy.

The penalty shall be imposed in its upper half when the acts were committed by the spouse or by a person who is or has been united with him by an analogous relationship of affectivity, even without cohabitation, the victim was a minor or a person with a disability in need of special protection, or the acts were committed with a lucrative purpose.

**115.** As we can see, art. 197 CP regulates diverse conducts, many of them in the form of aggravated types attending to the special gravity in the form of commission. The gravity of the facts described in this complaint causes the conduct of MORALES to be subsumed in the totality of the aggravating steps of the type recorded between numeral 1 and 6 (with the exception of the specific type of numeral 7).

**116.** It is evident that the plan executed by MORALES is subsumed in the basic figure typified in numeral 1 and 2. Following the conduct of numeral 1, it is one that acts "[t]o discover the secrets or violate the privacy of another, without his consent [seizing] his papers, letters, e-mail messages or any other documents or personal effects [intercepting] his telecommunications or [using] technical devices for listening, transmission, recording or reproduction of sound or image, or of any other communication signal". In the same way, following the conduct of numeral 2, it is one that "without being authorized, seizes, uses or modifies, to the detriment of a third party,

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reserved personal or family data of another that are recorded in files or computer, electronic or telematic supports, or in any other type of file or public or private register [and those that] without being authorized, access them by any means". From the factual description of this criminal complaint it can be observed that practically all the conducts described in an alternative way in numerals 1 and 2 have been materialized by the wide range of espionage measures deployed by MORALES, which demonstrates the degree of intrusion and the gravity of the facts that are claimed here.

117. But in addition, the espionage executed by MORALES records the subsequent aggravating factors of the type. In the first place, that of numeral 3, which is specified in the fact that "if the data or facts discovered or the images captured are disseminated, disclosed or transferred to third parties", a greater criminal reproach will be recorded. In this case, MORALES would have ceded to third parties, in the United States, the discovered material and the captured images, through the FTP and web servers installed in UC Global where the private documents were dumped, information of devices and profiles of the indicated objectives, for the remote access of the North Americans, as well as in their recurrent trips to the United States to personally take the hard disks with the recordings of cameras and microphones.
118. Along with the above, the conduct of MORALES is also framed within the two possibilities of aggravation of the type registered in numeral 4, that the facts "are committed by the persons in charge or responsible for the files, computer, electronic or telematic supports, archives or registers; or "are carried out by means of the unauthorized use of the victim's personal data". Evidently MORALES had absolute control of the fact, being the maximum responsible of the company that provided the security of the asylum seeker, so it had a privileged access to Mr. ASSANGE and his lawyers, which it executed in a criminal way, framing that privileged position in the aggravating circumstances of the type referred.
119. In addition, the offence is also aggravated by numeral 5 in relation to whether the information obtained affects "personal data revealing ideology, religion, beliefs, health, racial origin or sexual life"; and by numeral 6 "if the acts are carried out for profit". In this case, the conduct of MORALES is again framed in the next step of the list of specific aggravating circumstances of the type, since the information obtained was made against a political asylum seeker, persecuted for ideological reasons by the United States, the final recipients of the information. In addition, MORALES would have executed the plan of espionage for relevant emoluments, as indicated in the factual exposition of the complaint and was supported with data of the possible location of that money.
120. All this taking into account the provisions of art. 197 quinquies CP, and that is that "the acts described [...] were committed within a criminal organization or group". In addition, taking into account the possibility that in the framework of the investigation new discoveries may be subsumed in other criminal offences relating to privacy and the disclosure of secrets, such as those referred to in art. 197 bis and 197 ter CP.

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121. As we can see, the facts described in this complaint are of such magnitude that they affect practically the totality of the broad criminal spectrum typified in art. 197 CP relative to the crime against privacy and the disclosure of secrets. It is necessary to remember that the espionage plan executed by MORALES for US intelligence consisted of a whole range of sophisticated measures deployed with a multitude of different techniques:

- Malicious installation of an entire set of internal cameras within the embassy that secretly recorded audio, something that was always denied and hidden, as evidenced by the information provided. These cameras recorded the various units of the diplomatic mission 24 hours a day, recording all conversations. Even MORALES tried to *stream* virtual access to the cameras by the United States, something that was frustrated by the refusal of its workers. The server had a recording capacity of up to 15 days, so when that term was reached the hard drives were changed and records were taken to Jerez de la Frontera, for analysis and preparation prior to their personal referral to the United States by MORALES.
- Placement of hidden microphones in various embassy premises, such as the PVC base of the extinguisher located in the meeting room, or the microphone hidden in the wiring of the ladies' bathroom, where the asylum seeker sought to maintain confidential conversations with his lawyers. In addition, as has been indicated, MORALES itself tried to install more microphones, specifically, in all fire extinguisher bases, personally and at the request of American intelligence, as he himself indicated. The recordings of the microphones were physically downloaded and forwarded to Jerez de la Frontera, where they were processed for MORALES to forward to U.S. intelligence.
- Through physical access to belongings, mainly from Mr. ASSANGE's own electronic devices, from his lawyers and legal advisors, such as the iPad from the *barrister*, Oxford professor and legal advisor, Guy GOODWIN-GILL, or the open and photographed suitcase from the devices of the German *freelance* journalist, Andy MULLER, among other cases. And this is because, following the established security protocol, people who entered the embassy to meet with the asylee had to leave all their belongings to UC GLOBAL operators. Therefore, they opened their suitcases, photographed the contents, sometimes overturned their devices and sent all this information to Jerez de la Frontera for further processing and forwarding by MORALES to the intelligence authorities of the United States.
- Through the scanning and photography of all the identity documents of the people who visited the asylee. Following the protocol that had been strategically designed by UC GLOBAL, those who agreed to the mission to meet with Mr. ASSANGE had to leave their identity document in the possession of the

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operators of the security company. They took the opportunity to scan and photograph these documents, sending them all to Jerez de la Frontera so that a database of people's profiles could be fed, which would be dumped into an FTP server, later a web server, for consultation by US intelligence. In this way, the agent of persecution, the United States, controlled all persons close to the asylum seeker, and in particular his lawyers.

- Physically using the UC GLOBAL operators deployed in the diplomatic mission, who were instructed to listen to all conversations, report on the behavior of the asylum seeker, the visits he received, where they met, and other factual details that happened at the embassy. The level of espionage physically deployed by these operators in the mission, against the asylee and mainly their lawyers, can be seen in the volume of reports they sent to Jerez de la Frontera, newspapers and focused almost exclusively on illegitimate intrusions and not on ordinary security issues.
- The Spanish lawyer Baltasar GARZÓN, who was followed by people hired by UC GLOBAL in their meeting with the former President of Ecuador, Rafael CORREA, at Barajas airport and until the arrival of both of them at the lawyer's home, carried out physical monitoring of certain persons of interest, that is to say, main objectives that the United States pointed out, such as the case of Mr. ASSANGE's defense coordinator. Or the case of the follow-up of the Consul of Ecuador, Fidel NARVÁEZ, when he was carrying folders with documentation outside the embassy in which he would be processing the accreditation of Mr. ASSANGE as a diplomatic agent, a legitimate and sovereign movement of Ecuador, which was of special significance for the intelligence of the United States, country of persecution of the asylum seeker.
- They even collaborated with the US intelligence authorities, stationed outside the embassy, who had laser microphones pointing at the windows of the diplomatic mission. And this because, as has been described in the factual exposition, with clear evidence provided in this regard, given the difficulty recorded by these intelligence agents so that the laser microphone could extract the conversations of the asylum seeker and his lawyers, as a result of the vibrations produced in the windows by the device of white noise of Mr. ASSANGE, these asked MORALES, expressly, as he himself indicated, the placement of yellow stickers alerting the CCTV system, in the upper left of each of the windows, to mitigate vibration and be able to point to the stickers with the laser microphone. MORALES executed the indicated plan, so it is presumed that the laser microphones of the American intelligence would have recorded all the conversations within the diplomatic mission. As it was indicated in the exposition of facts, those stickers are still placed today in the same place indicated by the UC GLOBAL worker who placed them at the request of MORALES so they could be accessed.

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- The level of interference went so far as to steal documents written by the asylee, Mr. ASSANGE, to carry out a calligraphic study. Or even projecting the theft of a diaper from a baby suspected of being the child of the asylum seeker, so that DNA analysis of the faeces could be carried out.

**122.** As we can see, the list of interference measures is of such magnitude that it fits into practically all of the conducts described, both basic and aggravated, of the criminal type of art. 197 CP.

**123.** Moreover, the severity is not only recorded in the wide range of measures available, but also in the high number of people affected and the condition of many of these people. In particular, the measures affected the following groups of persons:

- First and foremost, to Mr. ASSANGE, who enjoyed the status of an internationally protected person, as a political asylum since August 16, 2012, through the sovereign decision of Ecuador on the basis of international conventions that generate international obligations for the entire international community in matters of refuge. Therefore, the espionage measures would have been taken against a political asylum seeker, at the request of the agent pursuing that same asylum seeker.
- In addition, as has been credited, the priority targets set for MORALES by US intelligence were Mr. ASSANGE's lawyers. This shows that the gathering of information focused on a profound violation of his right to a defence, thus preventing the asylum seeker from combating the persecution suffered in the organs. Therefore, Mr. ASSANGE's right to defence would have been violated in different jurisdictions, including the jurisdiction of the United States, where a criminal case against the asylum seeker was being pursued.
- Coupled with the above, the espionage measures would also have affected the diplomatic agents of Ecuador and third countries with whom they had physical or telematic encounters. For example, the microphone installed in the meeting room, as provided, recorded diplomatic meetings. This would affect the international conventions governing diplomatic relations between countries.
- In the same way, the interference measures would also have affected the professional secrecy of doctors and journalists, having also been spied on in their meetings these professional groups protected, the first by the medical-professional secrecy, and the second by the anonymity of their sources.
- In addition to the previous ones, it is necessary to point out that UC GLOBAL, at the request of the intelligence of the United States, had to generate a detailed database in which it recorded all the identity documents of the people who visited Mr. ASSANGE, making profiles of them. All these identity documents,

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profiles and reports have been incorporated, so that this body will be able to accredit the magnitude of the affectation.

- Specifically, the databases of profiles and identity documents were categorized by country of origin, with special attention being paid to North American, French and German citizens, as can be seen in the documentation provided. Special attention should be paid to American citizens, some of whom are members of the United States Congress, American lawyers or journalists from that country, who would have suffered illegitimate espionage at the request of an intelligence agency in their own country.

**124.** All this information gathering, which formed part of the crime against privacy, was subsequently transferred, consummating the mode of disclosure of secrets, through two channels of communication between MORALES and the United States:

- Firstly, through the installation of an FTP server, which was later replaced by a web server in Jerez de la Frontera, in which all the identity documents of the people who visited Mr. ASSANGE, their profiles and other relevant information from the reports made by the operators of the company in the embassy were dumped. These servers were configured to enable external consultation provided that the user and password provided by MORALES. Specifically, this complaint even identifies the IPs in the United States from which the first FTP server was accessed, as they were recorded in the log of entries.
- In addition to the systematization for remote access, the other channel of transmission of information was physical. In continuous displacements of MORALES to the United States, mainly to New York but also to Washington or Las Vegas, I moved in physical form hard disks with heavy information. The image and audio recordings made by the security cameras were stored on physical hard disks at the embassy, which were extracted every 15 days and exchanged for other empty ones. Similarly, the contents of recurrently hidden microphones were downloaded. This material was taken to Jerez de la Frontera and processed so that MORALES could transport it to the United States, where it was delivered. In fact, as it has been related in the description of facts, in those continuous trips MORALES held meetings where it received more instructions on how to continue executing the plan of espionage.

**125.** Therefore, through these two channels of transmission of information, MORALES specified the crime against privacy in the disclosure of secrets, materialized through a massive and sophisticated strategy of espionage arranged by the intelligence of the United States and executed by UC GLOBAL.

**126.** Along with the above, it is necessary to point out that these facts are subsumed in criminal figures that are also attributable to the mercantile figure directed by MORALES, UNDERCOVER GLOBAL (UC GLOBAL), by governing the criminal

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liability of legal persons in accordance with the provisions of art. 197 quinquies CP. Therefore, the facts described are sued against David MORALES, but also against the mercantile UC GLOBAL.

### - Misappropriation crime -

[Attributed to David Morales Guillén]  
(art. 253 CP)

It is necessary to remember that, as it has been exposed in the facts related, with the pertinent evidences, MORALES ordered the workers to remove every 15 days the Hard Disks where the recordings of the system of cameras with audio installed in December 2017 were registered. He requested that they be removed every 15 days as this was the maximum recording time of the cameras until they began to erase previous content. The instruction of MORALES was that the original Hard Disks should be removed and taken to Jerez de la Frontera, leaving in the embassy new disks for the next 15 days. Subsequently, once processed at UC Global's headquarters in Jerez de la Frontera, MORALES took them to the United States to deliver them. As stated above, MORALES always carried the original Hard Disks, at the express request of US intelligence, to the point that on some occasion, Ecuador would have required some information from the recordings and MORALES had to return to the United States for those specific Hard Disks.

127. UC GLOBAL, and in particular David MORALES, administrator of the mercantile and maximum authority of the same one, had a contract with the State of Ecuador to provide of security to the diplomatic legation of the country in London. Specifically, the security cameras, servers and hard drives were owned by the State of Ecuador. Therefore, the conduct of MORALES, consisting in the recurrent surrender of those Hard Disks with the recordings to the intelligence of the United States would also include an offence of misappropriation as defined in art. 253 CP:

**1. Those who, to the detriment of another, appropriate for themselves or for a third party money, effects, securities or any other movable thing that they have received in deposit, commission or custody, or that have been entrusted to them by virtue of any other title that gives rise to the obligation to hand them over or return them, or deny having received them, shall be punished by the penalties of article 249 or, as the case may be, of article 250, unless they have already been punished by a more serious penalty in another provision of this Code.**

If the appropriate amount does not exceed EUR 400, a penalty of a fine of one to three months shall be imposed.

128. Therefore, MORALES appropriated recordings, to the detriment of Ecuador, for a third party, the intelligence of the United States, through multiple hard drives with camera records in its possession in the form of deposit and custody on the basis of the contract signed with the State of Ecuador. Therefore, his conduct would also be subsumed under the crime of misappropriation typified in art. 253 CP, for which he is also sued.

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### - Bribery -

Attributed to David Morales Guillén]  
(art. 424 CP in relation to art. 427 CP)

Attributed to UNDERCOVER GLOBAL (UC Global)]  
(art. 427 bis CP)

As it has been related in the factual exposition, accompanied by the corresponding evidences, in concrete of minutes of demonstrations and offer of taking of declaration of protected witnesses, UC GLOBAL would have maintained the contract of security in the embassy through the recurrent payment on the part of MORALES of amounts, that presumably would ascend to 20.000 per month, to the head of security of the Ecuadorian Embassy in London, Gabriela PÁLIZ JEREZ, a public official from that country. According to the account of the facts, the aforementioned official would have been going to UC GLOBAL's headquarters in Jerez de la Frontera on a monthly basis, together with her husband, in order to distribute the money in cash and be able to pass it through the airport without encountering any impediments. The objective of these payments would have been to guarantee favorable reports from the security responsible, so that UC GLOBAL's security contract would not be jeopardized. The purpose would not be to guarantee the emoluments of the security contract with Ecuador, as they did not leave such high profits as to allow the payment of such bribes. The real purpose would be to guarantee the security contract so that the lucrative and illegal agreement with the intelligence authorities of the United States would not be jeopardized, and he would be bringing more economic benefit. Therefore, by paying these recurring monthly bribes MORALES and UC GLOBAL were guaranteed to continue to maintain the dominance of the embassy and thus remain necessary for the espionage strategy.

129. The previous conduct, accredited by the declarations of UC GLOBAL workers, would be framed in a bribery crime, typified in art. 424 CP:

1. **An individual who offers or hands over a gift or retribution of any other kind to an authority, public official or person who participates in the exercise of public function** in order to perform an act contrary to the duties inherent to his position or an act proper to his position, so that he does not perform or delay the act that he should perform, or in consideration of his position or function, shall be punished in their respective cases with the same prison sentences and fines as the authority, official or corrupted person.

2. When an individual gives the gift or remuneration at the request of the authority, public official or person participating in the exercise of public function, he shall be subject to the same prison sentences and fines as they are entitled to.

3. If the action achieved or intended by the authority or official is related to a contracting procedure, subsidies or auctions called by the Administrations or public entities, it shall be imposed on the individual and, where appropriate, on the company, association or organisation that represents the penalty of ineligibility to obtain public subsidies and aid, to contract with

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entities, bodies or entities that form part of the public sector and to enjoy tax and Social Security benefits or incentives for a period of five to ten years.

130. The previous art. 424 CP, which typifies bribery conduct, should be read in conjunction with art. 427 CP, which enables bribery conduct when foreign officials participate:

The provisions of the preceding articles shall also be applicable when the described conducts are carried out by or affect:

(a) any person holding a legislative, **administrative** or judicial **office or employment** in a country of the European Union or **in any other foreign country**, whether by appointment or by election.

(b) any person who **performs a public function** for a country of the European Union or **any other foreign country**, including a public body or public enterprise, for the European Union or for another public international organisation.

(c) Any official or servant of the European Union or of a public international organisation.

(d) **any person who has been assigned and who is performing a public service task** consisting in the management, in the Member States or **in third countries**, of, or taking decisions concerning, the financial interests of the European Union.

131. In addition, the crime of bribery would also be attributable to the mercantile directed by MORALES, UC GLOBAL, since art. 427 bis CP includes the criminal responsibility of legal persons for bribery. Therefore, the crime of international bribery is prosecuted against David MORALES and in the same way against the mercantile UC GLOBAL.

### - Money laundering offence -

Attributed to David Morales Guillén]  
(Art. 301 CP)

Attributed to UC Global]  
(Art. 302.2 CP)

132. In exchange for the recurrent, systematic, abundant and strategic information transferred by MORALES to US intelligence, this would have received large amounts of money. In fact, as indicated in the statement of facts, through the declaration of the company's workers, the increase in MORALES' net worth was evident at the time the trips to the United States began. Specifically, it acquired a luxurious property of the highest market valuation in the city of Jerez de la Frontera, in addition to some top-of-the-range vehicles. Along with the above, following what was declared in the notarial deeds by the company's workers, part of the money could end up in his wife's accounts at La Caixa. But, above all, it is relevant what was stated by one of the workers, who heard in the company, expressly, that a client said that MORALES had asked him to launder large amounts of money in Gibraltar, although they had not reached an agreement on the commission for doing so.

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**133.** Therefore, on the basis of the foregoing, and taking into account the evident illicit origin of these funds, the fruit of an illegal espionage agreement, they would have been legitimized in acquisitions of real estate in our territory, as well as hidden in non-cooperating jurisdictions through a money laundering crime typified in art. 301 CP:

1. Anyone who **acquires, possesses, uses, converts, or transmits property, knowing that the property originates from a criminal activity, committed by him** or by any third person, or **performs any other act to conceal or conceal its illicit origin**, or to help the person who participated in the offence or offences to evade the legal consequences of his acts, shall be punished by imprisonment for a term of six months to six years and a fine of as much as three times the value of the property. In such cases, the judges or courts, depending on the seriousness of the act and the personal circumstances of the offender, may also impose on the offender the penalty of special disqualification from the exercise of his profession or industry for a period of one to three years, and agree on the temporary or permanent closure of the establishment or premises. If the closure is temporary, its duration may not exceed five years.

The penalty shall be imposed in the upper half of the sentence when the property originates in one of the offences related to trafficking in toxic drugs, narcotics or psychotropic substances described in articles 368 to 372 of this Code. In these cases, the provisions contained in article 374 of this Code shall apply.

The penalty shall also be imposed in its upper half when the property has its origin in any of the crimes included in Chapters V, VI, VII, VIII, IX and X of Title XIX or in any of the crimes of Chapter I of Title XVI.

2. The same penalties shall be imposed, depending on the case, for concealing or concealing the true nature, origin, location, destination, movement or rights over the goods or property thereof, knowing that they come from any of the offences referred to in the previous paragraph or from an act of participation in them.

3. If the acts are committed with gross negligence, the penalty shall be imprisonment for a term of six months to two years and a fine of three times the fine.

4. The guilty party shall also be punished even if the offence from which the property originated or the acts punished in the preceding paragraphs were committed, in whole or in part, abroad.

5. If the offender has made a profit, it shall be forfeited in accordance with the rules of article 127 of this Code.

**134.** In addition, it is necessary to identify that the crime of money laundering can also be attributed to legal persons, on the basis of art. 302.2 of the Criminal Code, for which a complaint is filed for the crime of money laundering against David MORALES, but also against the mercantile controlled by him, UC GLOBAL, since it was the company that enjoyed the contract that facilitated the crime prior to the laundering of those funds.

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### JURISDICTION

- 135.** The facts described throughout this complaint demonstrate the jurisdiction of the Spanish courts and the competence of the central examining courts of the Audiencia Nacional.
- 136.** Throughout the complaint, the existence of an alleged criminal activity has been recorded by David MORALES, director, administrator and manager of the company UNDERCOVER GLOBAL (UC GLOBAL), carrying out its activity between Spain (Jerez de la Frontera) and abroad, in the United Kingdom (with the information obtained at the Embassy of Ecuador in London) and in the United States (where it would have delivered the illegally obtained material to the intelligence authorities of that country). Therefore, David MORALES and the company he directed, UC GLOBAL, would have committed serious criminal offences that directly affect the plaintiff, Mr. Julian Paul ASSANGE. In addition, the teleology of the criminal activity deployed against Mr. ASSANGE would have been informed by a personal and economic use of MORALES and possibly of its mercantile, UC GLOBAL. Junto a lo anterior, es necesario destacar que la actividad delictiva habría afectado especialmente a los abogados del Sr. ASSANGE, de nacionalidad española en algunos casos y extranjera en otras, quienes habrían sido objetivo prioritario de obtención de información, interviniéndose sus conversaciones y vulnerándose así el derecho a la defensa. In addition to the lawyers, who had been particularly violated, there were other medical professionals, journalists, collaborators and other visitors who had also been affected. Therefore, although this complaint is presented by Mr. ASSANGE, directly affected by the criminal acts, it is noted that the investigation should be extended to other affected subjects, such as their lawyers, to whom the corresponding offer of shares should be made at the point.
- 137.** These allegedly criminal acts committed between Spain, the United Kingdom and the United States by Spaniards would be subject to the jurisdiction of our courts and specifically to the jurisdiction of the Audiencia Nacional on the basis of the jurisdictional title of the extraterritorial connection established in art. 23.2 of the Organic Law of Judicial Power (LOPJ) of 1985.
- 138.** The National High Court has full jurisdiction to investigate and prosecute these crimes on the basis of the extraterritorial connection established in art. 23.2 LOPJ, known doctrinally as the principle of active personality, because the alleged unlawful acts were also committed by these Spanish citizens abroad. By the principle of active personality, a Spanish citizen who has allegedly committed a crime abroad may be investigated and prosecuted in Spain. The jurisdictional power of the Kingdom of Spain is clearly established in the following terms:

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It shall also know the Spanish jurisdiction over crimes committed outside the national territory, provided that those criminally responsible are Spaniards or foreigners who acquired Spanish nationality after the commission of the act and meet the following requirements:

- That the act is punishable at the place of execution, unless, by virtue of an international treaty or a normative act of an international organisation to which Spain is a party, such a requirement is not necessary, without prejudice to the provisions of the following paragraphs.
- That the aggrieved party or the Public Prosecutor's Office file a complaint before the Spanish Courts.
- The offender has not been acquitted, pardoned or sentenced abroad, or, in the latter case, has not served his sentence. If only part of it has been complied with, it will be taken into account in order to reduce proportionately the amount corresponding to it.

**139.** In this case, the criminal activity that has taken place abroad has been committed by a Spanish national, David MORALES GUILLÉN, and a mercantile company with headquarters in Spain, UC GLOBAL.

- a. As regards the crime against privacy and against the secrecy of attorney-client communications (art. 197 CP in relation to art. 197 quater CP, and art. 197 quinquies CP), the recordings of the cameras, the recordings of the microphones, the identity documents of the persons concerned (some of whom were Spanish lawyers), and the rest of the information, would have been obtained at the Embassy of Ecuador in London, transferred to Jerez de la Frontera, and subsequently delivered in the United States, so that the crime would also have been committed abroad by Spanish nationals.
- b. The crime of misappropriation (art. 253 CP) was also partly committed abroad, since those hard disks were at the diplomatic mission of Ecuador in London, and had been transferred to Jerez de la Frontera, by order of MORALES, a Spanish national, and subsequently transferred by him to the United States.
- c. With respect to the crime of bribery (art. 424 CP in relation to art. 427 CP and art. 427 bis CP) although its commission is connected with our territory, because payments have been made in our country, we cannot ignore the fact that the recipient is a foreign public official, so there is also an extraterritorial connection that justifies jurisdiction as the Spanish national active subject.
- d. Finally, the offence of money laundering (art. 301 CP and art. 302.2 CP) could also have been committed abroad, since the funds obtained as a result of the criminal activity could have been deposited in accounts or laundering activities in Gibraltar.

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140. In addition, it is necessary to point out that in this case all the requirements of art. 23.2 LOPJ are fulfilled so that the extraterritorial jurisdiction of the principle of active personality can be deployed. The defendants are citizens with Spanish nationality who would have committed criminal offences abroad. With regard to the principle of dual criminality, the offences for which they are accused are common and are therefore typified in the other jurisdictions involved (United Kingdom, Ecuador and the United States). As for the requirement of prosecutability, this procedural requirement is also fulfilled, whereby the plaintiff with absolute active procedural legitimacy is the aggrieved party of these crimes. Finally, it should be noted that none of the defendants has been acquitted, pardoned or sentenced abroad, so that the *ne bis in idem* principle is not violated.

- IV -

### INVESTIGATION MEASURES

Together with this statement of complaint, it is considered appropriate to agree, on the basis of art. 311 et seq. of the Criminal Procedure Law (LECrím), a set of investigative measures that are considered fundamental for the investigation of the facts:

**First** - This procedural representation is required to transfer the identity of the two UC GLOBAL workers, in order for this judicial body to grant the status of protected witness of these people, in accordance with the provisions of Organic Law 19/1994, of 23 December, on the protection of witnesses and experts in criminal cases.

**Second** - This party is required to identify the Notary's office in which the minutes of these two witnesses, workers of UC GLOBAL, act, in order for this judicial body to require the Notary's office to transfer the minutes of these demonstrations for incorporation into the instruction.

**Third** - The workers of UC GLOBAL, under the status of protected witness, are to take a statement in order to ratify the minutes of demonstrations made before a Notary Public and to be questioned by this judicial body, the Public Prosecutor's Office and, if appropriate, this representation, in order to extend their statement.

**Fourth** - The arrest of David MORALES GUILLÉN, and as many other persons as may be involved, on the basis of the provisions of art. 273 LECrím, prior to the adoption of the following investigative measures, for the purpose of avoiding the destruction of evidence or affecting them.

**Fifth** - It is agreed by this judicial body the entry and registration, on the basis of art. 545 LECrím and following, in the headquarters and offices of UC GLOBAL, in Calle Cerrajería, number 5, Parque Empresarial Oeste, Jerez de la Frontera (Cádiz), for the

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purposes of seizing all electronic devices, storage units, accounting books, and all paper records of the entity, in order to be incorporated into this case if there is criminal relevance of them.

**Sixth** - The judicial intervention of UC GLOBAL is agreed, appointing for it an administrator designated by this judicial organ, within the framework established in art. 601 LECrim and following.

**Seventh** - The Mercantile Registry of Cadiz is issued with an attentive order to transfer to this judicial body all the information related to the mercantile UC GLOBAL.

**Eighth.** The Spanish Banking Association (AEB) and the Spanish Confederation of Savings Banks and the Spanish Association of Private Banking and/or the Spanish Tax Administration Agency be duly instructed to provide this judicial body with the list of accounts, banks, savings books, safety boxes and/or any other financial instruments or deposits of which they are the holders, David MORALES GUILLÉN, his wife Noelia PÁEZ GUTIERREZ, and the mercantile UC GLOBAL, indicating the persons who are co-owners of the accounts of those mentioned or who have powers of disposition, and in the case of safety boxes the historical of visits to them.

**Ninth:** The General Treasury of the Social Security should be duly instructed to forward the list of employees hired by UC GLOBAL from its creation to the present, so that they may be called upon to testify by this judicial body within the framework of the instruction.

**Tenth - The** Spanish Tax Administration Agency be duly instructed to forward the list of self-employed workers and business entities with which UC Global has had a contractual relationship for the provision of services.

**Eleventh** - The Land Registry Index Service shall be duly instructed to report on the real estate owned by David MORALES GUILLÉN, his wife, Noelia PAÉZ GUTIERREZ, and if applicable, the domicile in Rota of her father's father and father-in-law of the first.

**Twelfth - It** is agreed by this judicial body the entry and registration, on the basis of art. 545 LECrim and following, in the homes of David MORALES GUILLÉN, his wife, Noelia PAÉZ GUTIERREZ, and her father and his father-in-law, mainly located in Rota, for the purpose of seizing all electronic devices, storage units, and paper documentation, in order to be incorporated into this case if there is criminal relevance of them.

**Thirteenth** - Order the Commissioner General for Aliens and Borders to forward the records of the departures and entries into national territory of David MORALES GUILLÉN, for the last 5 years, in order to prove his movements to the United States.

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**Fourteenth** - It is agreed to issue a European Order of Investigation to the judicial authorities of Gibraltar, within the framework of Law 3/2018 regulating the European Order of Investigation (derived from Directive 2014/41/EC of 3 April 2014), for the purposes of identifying whether there are bank accounts or commercial companies, titled by David MORALES GUILLÉN, or his wife, Noelia PÁEZ GUTIERREZ, and if so, to send the documentation relating to them.

**Fifteenth** - It is agreed to issue an attentive Rogatory Commission to the Republic of Ecuador, within the framework of the principle of reciprocity, to the effect that the authorities of the country secure the stickers with the indication CCTV that are in the upper left part of all the windows of the Embassy of Ecuador in London, requesting that experts from the Spanish judicial police be allowed to travel to the aforementioned diplomatic mission for the physical extraction and subsequent examination in Spain of one of those stickers for the purposes of this criminal procedure.

**Sixteenth** - It is agreed to issue a European Order of Investigation to the United Kingdom authorities, within the framework of Law 3/2018 regulating the European Order of Investigation (derived from Directive 2014/41/EC of 3 April 2014), in order to take a statement from the plaintiff, Mr. Julian Paul ASSANGE, currently in Belmarsh prison, London, through the means of criminal assistance that are opportunely agreed, such as videoconferencing.

**Seventeenth** - The procedure should be offered to the different victims identified in this complaint and to those resulting from the investigation, if their rights have been affected by the allegedly criminal activity being reported.

**Eighteenth.** - All accompanied documents are incorporated, as well as their specific analysis by the judicial and scientific police, issuing the corresponding reports to advance the investigation and instruction.

**Nineteenth.** - Any other diligences derived from those immediately related and from the documentation provided.

Therefore, and exercising on behalf of my represented the criminal action that corresponds as prejudiced by what is related in the facts, as well as in his case, the civil action arising from them,

**I REQUEST TO THE JUDGMENT:** that having presented this writing with its copies and documents that are accompanied, admit it to procedure and have me as accusing party in the representation that is already accredited in the proceedings and serve to have formulated criminal complaint against persons, physical and legal, listed at the beginning of this writing for crime against privacy and against the secrecy of communications lawyer - client (art. 197 CP in relation to art. 197 quater CP); misappropriation (art. 253 CP); bribery (art. 424 CP in relation to art. 197 quater CP); misappropriation (art. 253 CP); bribery (art. 424 CP in relation to art. 197 quater CP); misappropriation (art. 253 CP); bribery (art. 424 CP in relation to art. 197 quater CP).

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427 CP) and money laundering crime, all of them in relation to David Morales Guillén; and for crime against privacy and against the secrecy of attorney-client communications (art. 197 quinquies CP), bribery crime (art. 427 bis CP) and money laundering crime (art. 302.2 CP) in relation to UNDERCOVER GLOBAL (UC global); in addition to others in which the facts described in this complaint can be subsumed, and those that may arise from the investigation carried out by this judicial body, in the interest of carrying out the investigative diligences exposed by this part.

It is justice that I ask for in Madrid, on the twenty-ninth day of July, two thousand nineteen.

**FIRST OTHER YES I SAY: REQUEST FOR CAUTELARY MEASURES -** Under the provisions of Article 273 of the Criminal Procedure Act, the **preventive detention of the defendant**, David Morales Guillén, is requested to avoid the concealment of evidence or evidence of the crime under investigation and/or of his escape and, consequently, the obstruction of justice.

**SUPLIARY TO THE JUDGMENT**, has made the previous statements to the legal effects that proceed.

**SECOND OTHER IF I SAY: REQUEST FOR CIVIL CAUTELARY MEASURES** - Under articles 13, 299, 590, 589, 615 and 764 of the Law of Criminal Procedure and article 727 of the Law of Civil Procedure, the following civil precautionary measures are requested:

- **Preventive annotation of embargo and prohibition to dispose of the assets of David Morales Guillen and UNDERCOVER GLOBAL (UC Global);** therefore

**SUPLIARY TO THE JUDGMENT**, has made the previous statements to the legal effects that proceed.

**THIRD OTHER IDIGO:** It is requested the **adoption of protection measures for the witnesses who are cited in the body of this statement of complaint and whose statements are provided in copy of notarial deed** in sealed envelope to prevent their knowledge until it has been adopted the measure that, respectfully, is requested, at certain risk to their personal integrity and security, therefore

**SUPLIARY TO THE JUDGMENT**, has made the previous statements to the legal effects that proceed.

For being justice that I reiterate in the place and date *ut supra*.