

STATEMENT OF WITNESS

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

Statement of : Dean Yates

Age of witness
(if over 18 enter 'over 18') : Over 18

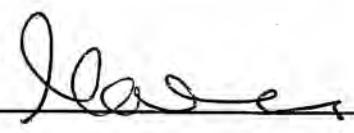
Occupation of witness : TRAUMA COUNSELLOR

Address : [REDACTED]

This statement, consisting of 9 pages signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

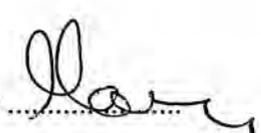
Dated the 13th July 2020

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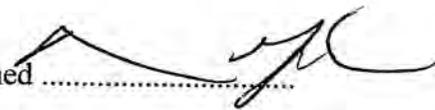
1. I am by profession a journalist and writer. I was for 23 years employed by Reuters, the world's largest news provider as a journalist, bureau chief and senior editor. My postings included Baghdad, Jerusalem, Jakarta, Hong Kong, Hanoi and Singapore.

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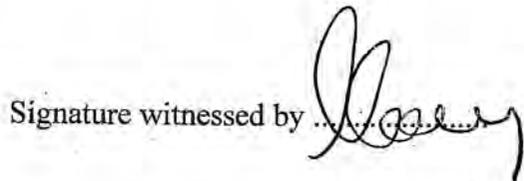
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2. For three years until January 2020 I was head of strategy at Reuters for mental health and wellbeing. The stresses on journalists posted in war zones are exceptional; my own cumulatively, but in particular as a result of events in July 2007 and their still continuing aftermath have in many ways determined my subsequent life and commitments.
3. I make this statement in respect of those events in 2007, at which time I was the Bureau Chief in Baghdad, Iraq. I was diagnosed later with post traumatic stress disorder and it was not long after that I became head of mental health strategy for nearly three years until January 2020. I am currently writing a book about the journey I and my family have travelled through trauma.
4. Early on 12th July 2007 I was at my desk in the Reuters office in Baghdad's red zone. It was quieter than usual. Suddenly loud wailing broke out near the back of our office. I still remember the anguished face of the Iraqi colleague who burst through the door. Another colleague translated: *'Namir and Saeed have been killed.'* Reuters staff drove to the al-Amin neighbourhood; Namir had told colleagues he was going to check out a possible US dawn airstrike. Witnesses said Namir, a photographer, and Saeed, a driver/fixer, had been killed by US forces, possibly in an airstrike during a clash with militants. It was my task at the same time as trying to discover what had happened, to file a news story about the deaths. I emailed Vice Admiral Mark Fox, spokesman for the U.S. military in Iraq. Fox, a navy combat pilot during the First Gulf War, was based in the Green Zone. As a one-star general, I figured Fox could get me information quickly. I'd met Fox several times and liked him. He was intelligent and easy-going. I said we had reliable reports that Namir and Saeed had been killed by U.S. forces, possibly in an air strike. Fox replied, saying he would check.
5. While the bureau was in a crisis of anger and mourning, and I still had to write the early stories about the two men killed on my watch, I initially wrote that they had died in what Iraqi police called "American military action". Pictures taken by

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our photographers and camera operators showed a minivan at the scene, its front mangled by a powerful concussive force. There was much we didn't know. As US soldiers had seized Namir's two cameras, we were unable to check what he'd been photographing.

6. By early evening the military spokesman still had not replied. I pressed him for a response – and for the return of Namir's cameras. Just after midnight, the US military released a statement headlined: *"Firefight in New Baghdad. US, Iraqi forces kill 9 insurgents, detain 13."* It quoted a US lieutenant-colonel as saying: *"Nine insurgents were killed in the ensuing firefight. One insurgent was wounded and two civilians were killed during the firefight."* The two civilians were reported as employees for the Reuters news service. *"There is no question that Coalition Forces were clearly engaged in combat operations against a hostile force."* I updated my story to take in the US military's statement.
7. On the day of the funerals I pressed the US military for Namir's cameras and for access to cameras and air-to-ground recordings involving the Apache that killed my colleagues. On 15 July the US military returned Namir's cameras. Namir had photographed the aftermath of an earlier shooting and, a few minutes later (just before his death), US military Humvees at a nearby crossroads. There were no frames of insurgent gunmen or clashes with US forces.
8. Reuters staff had by now spoken to 14 witnesses in al-Amin. All of them said they were unaware of any firefight that might have prompted the helicopter strike. The Iraqi staff at Reuters were concerned that the bureau was too soft on the US military. But I could only write what we could establish and the US military was insisting Saeed and Namir were killed during a clash.

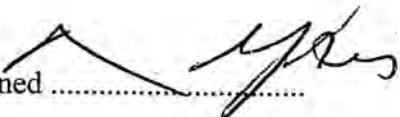
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9. In an effort to improve journalist safety in Iraq, I led an effort with other foreign media organisations to engage with the US military to better understand its Rules of Engagement.
10. On 25 July I attended a meeting at US military headquarters in the Green Zone. A Reuters colleague and I met Vice Admiral Fox and Brigadier-General Vincent Brooks, a deputy commanding general of U.S. forces in Baghdad and who had overseen the investigation into the killing of Namir and Saeed. Brooks did most of the talking.
11. The generals outlined a considerable amount of detail, telling us a US battalion had been seeking militias responsible for roadside bombs and had called in helicopter support after coming under fire. One Apache had the call sign Crazy Horse 1-8. They described a group of men spotted by this Apache, saying some were armed. Crazy Horse 1-8 requested permission to fire after seeing a group of 'military-aged males' who appeared to have weapons and were acting suspiciously. We were told that those men were then 'engaged'. The generals showed us photographs of what was collected after the shooting, including one AK-47 [assault rifle], two RPG [rocket-propelled grenade] launchers and two cameras.
12. There was some debate about what permitted Crazy Horse 1-8 to open fire if there was no firefight. One of the generals said the dead were of "military age" and, because apparently armed, were therefore "expressing hostile intent". Then they said, "OK, we are just going to show you a little bit of footage from the camera of Crazy Horse 1-8." We were shown about three minutes of video, beginning with a group including Saeed and Namir on the street. We heard the pilot seek permission from the ground to attack. After the pilot receives permission, the men are obscured. The chopper circles for a clear aim. I didn't know what was on the rest of the tape. I'd just watched the lead-up to Namir and Saeed's deaths. We'd never heard of the Rules of Engagement that Brooks cited to justify the initial attack.

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13. When the chopper circled around, Namir can be seen going to a corner and crouching down holding something – his long-lens camera – and is taking photographs of Humvees. One of the crew says, 'He's got an RPG' ... He's clearly agitated. And then another 15, 20 seconds the crew gets a clear line of sight. On the video I can see Namir crouching down with his camera which the pilot thinks is an RPG and they're about to open fire. I then see a man I believe to be Saeed walking away, talking on the phone. Then cannon fire hits them. The generals stopped the tape.
14. I put my head in my hands. The generals then downplayed a slightly later incident when they said a van had pulled up and Crazy Horse 1-8 assessed it as aiding the insurgents, removing wounded insurgents and weapons. My colleague asked to see the additional footage. Brooks said no. We asked for a copy of the full video and the photographs. The answer was no. We had to go through a Freedom of Information application. Reuters did so, but the requests were denied. During the next year, I checked when it might be released. All the while I and other bureau chiefs from foreign news organisations continued our good faith interaction with the US military to enhance the safety of our Baghdad staff.
15. I stayed in Baghdad until October 2008; we did not get the full video. Reuters continued to ask for it. I was reassigned to Singapore. At this time I was displaying symptoms of post-traumatic stress disorder, including noise aversion and emotional numbness. I avoided anything to do with Iraq and had trouble sleeping.
16. On 5 April 2010, when Wikileaks released Collateral Murder at the National Press Club in Washington, I was off the grid walking in the Cradle Mountain national park on a Tasmanian holiday with my wife, Mary, and our children. Two days after Assange released the video, I emerged from Cradle Mountain. It was hours before I turned on my phone and checked emails, finally learning of

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Collateral Murder in a local newspaper. I thought this couldn't be the same attack; there were references to much other data that we never knew about.

17. Here was the full horror – Saeed had been trying to get up for roughly three minutes when a good Samaritan pulls over in his minivan and the Apache opens fire again and just obliterates them – it was totally traumatising.
18. The Collateral Murder video shows Namir and Saeed in eastern Baghdad where they had travelled after hearing about a U.S. airstrike on a building around dawn. They can be seen with a group of men in a street, a few of whom appear to be armed with AK-47s and an RPG launcher, all pointed downward. The men walk about casually.
19. A large contingent of U.S. soldiers from the 2-16 battalion had been operating in the area. After earlier coming under attack from small arms and RPGs, the U.S. ground commander had requested air support. Two Apache gunships arrive and later spot the group that included Namir and Saeed. After checking if any U.S. or Iraqi forces were near the men, one of the Apaches with the call sign Crazy Horse 1-8 seeks and gets permission from the ground unit to attack. At that moment, however, the crew's line of sight is blocked by houses. It has to circle around. Some 20 seconds later, Namir can be seen crouched down, peering around a street corner with his long lens camera raised. He's about to photograph U.S. Humvees crossing an intersection less than 100 metres away. One of the Apache's crew exclaims: *"He's got an RPG."* About 45 seconds later the helicopter fires the first of several bursts of 30-mm rounds from its automatic cannon.
20. Collateral Murder is distressing viewing. The carnage wrought by the 30mm cannon fire from the Apache helicopter is devastating. The video shows the gunner tracking Namir as he stumbles and tries to hide behind garbage before his body explodes. *"Oh, yeah, look at those dead bastards,"* a pilot is heard saying. *"Nice,"* a comrade replies. *"Good shoot'n" "Thank you"*

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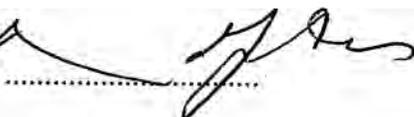


21. Saeed survives the first shots. The chopper circles, Saeed in its sights, as he crawls, badly injured. The crew wants to finish him off. *"Come on buddy,"* says one. *"All you gotta do is pick up a weapon,"* says the other, apparently referring to U.S. rules of engagement that will give the green light for another volley of cannon fire. The crew then see a minivan stop next to Saeed. One member tells the U.S. ground unit that the van is "possibly" picking up bodies and weapons and requests permission to attack. The video shows the minivan driver, Saleh Matasher Tomal, 43, get out and slide open the cargo door. Two other men who'd arrived on the scene, apparently unarmed, pick up Saeed and put him in the vehicle. Permission to attack is given. The Apache fires several bursts, 120 rounds in total. Saeed and Tomal are killed. Two of Tomal's children, his son Sayad 10, and daughter Doaha 5, were wounded but miraculously survived. Tomal had been taking them to school. *"Oh yeah, look at that. Right through the windshield!"*

22. About seven minutes later, U.S. ground troops can be heard speaking: *"I've got uh 11 Iraqi KIAs (Killed In Action). One small child wounded. Over."* *"Roger, we need, we need a uh to evac (evacuate) this child. Ah, she's got a uh, she's got a wound to the belly."* *"Well it's their fault for bringing their kids into a battle,"* says one of the Apache crew. *"That's right,"* says the other.

23. I immediately realised that the US Military had lied to us. When I think back to that meeting with the two generals in Baghdad, I feel cheated, they were not being honest. I have wondered for many years how much of that meeting was choreographed so we would go away with a certain impression of what happened. The day after Collateral Murder was released, a spokesman for US Central Command said an investigation of the incident shortly after it occurred found that US forces were not aware of the presence of the news staffers and thought they were engaging armed insurgents. *"We regret the loss of innocent life, but this incident was promptly investigated and there was never any attempt to cover up any aspect of this engagement."*

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24. My own distress was compounded. Edited into the story Reuters published on the release of the video was the line from an article I had written on the first anniversary of the killings of Namir and Saeed. Although I had argued that the off-the-record agreement with the US military should be broken – the Pentagon had still not given Reuters the tape – my superiors insisted the agreement must be honoured and the article I wrote included the sentence: *“Video from two US Apache helicopters and photographs taken of the scene were shown to Reuters editors in Baghdad on July 25, 2007 in an off-the-record briefing.”* Outraged staff in Iraq believed that I had seen the whole video two weeks after Namir and Saeed were killed. I just did not feel able to take the opportunity to set the record straight. I emailed a senior editor that night who emailed back: *“Rest assured we’re not letting this drop.”*
25. (When I had first been shown a part of the video in 2007 by the US military it had been burnt into my mind that the reason the helicopter opened fire was because Namir was peering around the corner. I came to blame Namir, thinking that the helicopter fired because he had made himself look suspicious and it just erased from my memory the fact that the order to open fire had already been given. The one person who picked this up was Assange. On the day he released the tape he said the helicopter opened fire because it sought permission and was given permission. He said something like *“If that’s based on the Rules of Engagement then the Rules of Engagement are wrong”*.)
26. I found it impossible to grapple with the moral injury – I had in my mind unfairly blamed Namir for the Crazy Horse 1-8 attack. I was devastated at having failed to protect my staff by uncovering the Rules of Engagement in the US military before they were shot – and for not disclosing earlier my understanding of the extent to which the US had lied. I was profoundly affected.
27. So far as the others are concerned and their reactions the US knows how devastating Collateral Murder is, how shameful it is to the military – they are fully aware that experts believe the shooting of the van was a potential war

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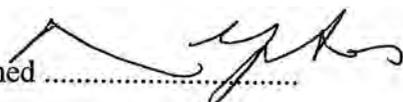
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crime. They know that the banter between the pilots echoed the language that kids would use on video games.

28. I know Namir and Saeed would have remained forgotten statistics in a war that killed countless human beings, possibly hundreds of thousands of civilians. Had it not been for Chelsea Manning and Julian Assange the truth of what happened to Namir and Saeed, the truth of what happened on that street in Baghdad on July 12, 2007, would not have been brought to the world. What Assange did was 100% an act of truth-telling, exposing to the world what the war in Iraq in fact was and how the US military behaved and lied. The video was picked up by thousands of news organisations worldwide, sparking global outrage and condemnation of US military tactics in Iraq.

29. I have set out here some of the detail of those events. I often think and write about what happened. Together with this statement, I append one of the recent pieces I have written about the events of that day and my feelings.

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