

Claim No: QB-2018-006323

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

MEDIA AND COMMUNICATIONS LIST

BETWEEN:

John Christopher Depp II

Claimant

-and-

(1) News Group Newspapers Ltd

(2) Dan Wootton

Defendants

THIRD WITNESS STATEMENT OF AMBER HEARD

I, **Amber Heard**, of 2029 Century Park East, Suite 1500, LA CA 90067 WILL SAY AS FOLLOWS:

1. I am aware of the points that Johnny and some of his witnesses have raised in their statements in this claim and I will briefly respond to those here, trying not to repeat what I have already said.
2. In being asked to reply to the evidence Johnny has put forward in these proceedings, I am reminded again of how women who suffer domestic violence – and have historically tried to protect their abusive partners – have those attempts to protect their partners later weaponised against them: because we don't say something about it earlier, others assume it must not be true. It is incredibly upsetting for me to have to respond to the allegations he and his paid staff have now made against me in these proceedings, which were initiated by him, and in circumstances where our divorce

agreement required me to drop all claims of abuse but our agreed public statement made clear I had not made a false accusation. While these proceedings are not brought against me personally, they are directed at the veracity of my allegation of domestic violence. I am astounded that years after our divorce agreement was concluded, I continue to have to answer his continued harassment and bullying, and I continue to be blamed by him for a mess of his own making.

3. Johnny says that I have been diagnosed as borderline (or borderline toxic narcissistic) personality disorder, and that I have other unspecified personality disorders - that I am a sociopath, etc. This is all completely untrue.
4. As for what Johnny says about my so-called "agenda" in marrying him – for financial benefit or to somehow further my career – that is preposterous. I remained financially independent from him the whole time we were together and the entire amount of my divorce settlement was donated to charity. In fact, my desire to remain financially independent was one of the main sources of conflict during our relationship. It is not true that I told him I admired his films early in our relationship (to contradict one of his examples). I was always very clear with him that I hadn't seen his movies; it was something we joked about.
5. Johnny says I often drank more than him, and that I am a regular/heavy drug user. That's just not true, although of course I drank more than him during the brief periods when he was sober. If he was sober, then to be respectful, I would usually check with him that it was okay for me to drink wine in front of him. He would say yes and often insisted on pouring my wine.
6. I am not a habitual drug user. During our relationship I would say that I could count the number of times I attempted to smoke marijuana on two hands. I don't like it. I am not a personality that likes to be out of control. I did not take cocaine at all when I was with Johnny. I have taken MDMA or mushrooms a handful of times with friends. I was not under the influence of recreational or illegal drugs during any of the occasions set out in my last statement.

7. I was prescribed Provigil in my twenties, as I was having a hard time with sleep and that was causing problems with my work schedule: I was sometimes falling asleep in the middle of the day. I saw a sleep specialist who prescribed me the drug, which I take to this day in the prescribed dosage. I have not upped the dosage since I first started taking it. I am not addicted to it and I have never taken it outside of the way that it is prescribed.
8. I do like to drink wine, but I don't like to get drunk. I have never drunk two bottles of wine in an hour as Johnny claims; I couldn't do it and I wouldn't want to. I rarely drink to an extent that would get me past what I would characterise as "tipsy." Johnny's usage was something else entirely, as I have said. I was not drunk on any of the occasions that I talk about in my last statement. I was not drinking heavily on my birthday as Johnny says; my recollection is that I had not been drinking a great deal that evening.
9. As the principal and often sole advocate for Johnny's sobriety, it is preposterous that I could ever have encouraged Johnny to drink or take drugs. My well-being and livelihood would be severely and negatively impacted by Johnny's use. It was in my self-interest to advocate for and to support and protect his sobriety. To this end, I spent years trying to support him to get sober to help him and to save our relationship. As far as his allegation about the whiskey shot goes, it is not true – and I don't even drink spirits. It is difficult for me to even be asked to have to answer these allegations.
10. I did not lie about his drinking or drug use; frankly there was no need to lie, it was clear to everyone around him that he was doing drugs and drinking and he himself invited medical intervention to address it. It was clear throughout our relationship, throughout our divorce, and from the material in the public domain – including pictures of cocaine on his lapel on a red carpet or drunken appearances at awards shows – Johnny has issues with drug and alcohol use.
11. As I said in my previous statement, Johnny's violence often coincided with his substance abuse. I would sometimes take photographs of damage Johnny caused or take recordings on my phone to be able to show him – after he sobered up – how he would speak and behave towards me and the damage he would do. I exhibit at AH 3

a video recording that I took of Johnny in the kitchen shouting and smashing things sometime in 2016.

12. Johnny has said I was continually verbally and physically assaulting him during our relationship – he paints a picture that I was somehow the instigator and the abusive partner. That’s not true. It is true that I had to use my body and limbs to protect myself from Johnny’s violence and abuse. He also often referred to verbal insults, or even just perceived criticism, as “punches” or “hits”. As someone who surrounded himself with people and created a life which meant he never had to face criticism or critical feedback of any kind, Johnny would often refer to even perceived criticism as “blows”, “jabs” or “right hooks”.
13. He says that, during the December 2015 incident, I violently attacked him and scratched his face. I have already explained the violence that occurred that night. I was in fear for my life – he was suffocating me and I was genuinely scared that he might accidentally kill me without realising he had. I have no recollection of hurting him – and it is, again, difficult for me to be asked to answer these allegations when the next thing I can remember after the bedframe splintered is my friend Rocky coming in and saying “Oh my God!” when she found me on the floor, surrounded by chunks of my own hair and blood, and later called a nurse to do a concussion check on me.
14. I have read Samantha McMillen’s statement, where she says she saw me uninjured after this incident. I can’t say what Samantha saw, but I remember that she came over while I was getting my hair and makeup done in PH 5 on 16 December to cover up the injuries so that I could make my scheduled TV appearance on the James Corden show. At one point, she gave me a hug and held me while I cried. I was tender, my ribs were hurt, and my movement was stiff, and Samantha had to help me get into my clothes. I think it would have been obvious to anyone that I was in pain. I cannot imagine the motives of anyone who could say otherwise when it was, to me, a very clear and palpable memory we shared of dealing with the aftermath of an incredibly traumatic experience.
15. Johnny says in his statement that on the show I appeared visibly uninjured. I exhibit at AH 3 a video clip from YouTube of my appearance on the James Corden show. As can be seen from the clip, I am wearing a large amount of makeup, which was put on

specifically to cover the marks Johnny had left on my face. I had to wear the dark red lipstick that I am wearing for the show because it was the only colour that could hide the swelling and bleeding from my lip.

16. I did not punch Johnny after my birthday party in April 2016, as he alleges. I did not throw anything at him during the March 2015 staircase incident. I recall that Johnny threw a can of Red Bull at Debbie Lloyd. I never threw a remote control at Johnny – if Johnny did really say that to Kevin Murphy, then it is not true.
17. Sean Bett has said I was abusive to Johnny. Sean and other members of Johnny's security might have heard arguments. I don't deny shouting at Johnny during some of our fights, and Sean might have overheard that. I did, at times, throw objects at Johnny or in his direction in an effort to protect myself from his violent assaults. But I don't recall Sean ever being there when I threw anything at Johnny.
18. Ben King says I spoke to him on the way back from Australia. I don't recall saying "Have you ever been so angry with someone that you just lost it." But if I said anything like that, it would have been about Johnny, not me, and in the context of me trying to make sense of him being so angry that he lost control the way that he did.
19. I don't deny that we had verbal arguments and have, at times, said insulting things in response to the verbal abuse that I had become accustomed to receiving from Johnny.
20. I would also like to use this opportunity to briefly describe some other incidents that some people have spoken about but which I did not deal with in my first statement.
21. In June 2013, in the early days of our relationship, Johnny and I were in Hicksville, staying at a themed trailer park with some friends. One night around the campfire, Johnny got upset with a female friend for what he completely misinterpreted – a platonic interaction that he (wrongly) perceived as some sort of attempt to come on to me. By this point, I was already accustomed to the reaction that followed. He grabbed her by the wrist and threatened her by talking about the pressure that would be needed to break it if she didn't admit that she was trying to flirt with me. Johnny and I went back to our trailer cabin where he continued to fight about it. By that point, the amount of

cocaine he had taken affected his ability to make rational sense and he went into a manic state. He trashed the trailer in a rage. I especially remember a lot of smashed glass. He broke light fixtures and he broke the frosted glass front of a cabinet, and I think he threw glasses at me. He accused me of being “the moral police” and “lesbian camp counsellor” and of hiding his drugs. I had a pretty dress on that I’d dyed pink – and loved and wore all the time: he ripped one of the straps and then ripped it off me at the front, claiming to be searching for the drugs. I deal with the rest of this incident in the confidential annex to this statement.

22. Sometime before my birthday in April 2016, I remember that I had to postpone an audition that I had for a film about Marilyn Monroe, called ‘Blonde’. Auditions—particularly in movies with male actors—were often a major trigger for Johnny. If I was even trying to work, Johnny would use it as an excuse to blame me to justify going on a bender— to drink, take drugs, and often not come home. I can’t remember exactly what Johnny’s reaction was about that particular film, but we had a big argument. I remember crying about it, and I remember talking to Kristy Sexton about it. She was trying to ask me about my situation with Johnny, which was unusual because we normally talked about work and acting. Though I was still trying to protect Johnny at this time and didn’t tell her that he was hitting me, I do remember – from the questions she was asking me – that she seemed to know or suspect that something had been going on.
23. Throughout the relationship, others noticed I had cuts and bruises. I made excuses. People asked me ‘is he hitting you?’ I would deflect it; I wasn’t sharing it with people because I was trying to protect him and our relationship – and to protect myself from the humiliation that I felt about anyone knowing that I would allow this to happen to me. I became an expert in covering up the bruises and injuries. Later in the relationship, it became impossible to hide. I was reserved but increasingly open with the few people I could trust about what was happening to me. To my own detriment, and in a vain attempt to assert some agency over my own life, I represented my reality as if I was more in control of it than I really was.
24. Except for after the violence on 15 December 2015, I didn’t seek medical treatment for physical injuries because I was trying to manage it on my own as best I could – I learnt

how to manage my injuries and protect them from being discovered. I didn't want to expose what Johnny had been doing to me. I was trying to protect our privacy and I was worried that, given his profile, that it could be leaked. I was – to my own detriment. – trying to protect him and our relationship. I only called for medical help in December 2015 because I was concerned that I had sustained a concussion.

25. I understand that it has been said that I had returned from the Bahamas with Johnny in 2014. I may well have been mistaken about whether I had returned on my own or together with Johnny, but what I can say is – contrary to what Johnny has said – I went to stay in a hotel with friends when we got back to LA because I did not feel safe to be around him. I know the medical notes say that this was a joint decision taken by me, him and the medical team that we spend some time apart after what happened in the Bahamas. But I will say that it was because I insisted that I couldn't be around him because I was scared.

26. I understand that Johnny refers to the temporary restraining order (TRO) being “dismissed with prejudice”. It is important to understand that this was not because of any legal challenge to the TRO or the evidence on which it was based; it was the result of our divorce settlement. This is clear from Section 8.1 of the divorce judgment, which states:

Petitioner represents, and Respondent acknowledges and agrees, that on August 16, 2016 Petitioner dismissed her Request for Domestic Violence Restraining Orders against Respondent, with prejudice, in this dissolution action. The parties agree that neither Petitioner nor Respondent was the prevailing party for purposes of Code of Civil Procedure Section 1032J Family Code Section 6344, or any other statute.

27. Because of the terms and conditions secured in my divorce settlement, and because by then we were no longer sharing a residence, it became unnecessary for me to engage in and pursue a separate legal action in order to obtain a permanent restraining order (PRO).

28. I just wanted Johnny to leave me alone and for it all to be over – and hoped the divorce agreement would put it to an end so that we could both move on with our lives. Our

agreed public statement at the time of the divorce made clear that I had not made a false accusation (*"Neither party has made false accusations for financial gain"*). I did not anticipate that Johnny would later sue a newspaper claiming I had lied. The Sun, in common with many news organisations, has subsequently reported on the TRO application. I was not involved in that reporting nor did I do anything to encourage it. Although I am not being sued personally in this claim, I feel that the action is very much aimed at me because Johnny is using it a platform to repeat his false allegations that I lied about my experience of domestic violence in an attempt to address his perceived loss of his reputation at my expense, which I find very upsetting. That is why I am giving evidence in these proceedings.

STATEMENT OF TRUTH

I believe that the facts set out in this statement are true.

A handwritten signature in black ink, appearing to be 'AH', written over a horizontal dotted line.

Amber Heard

26 February 2020

Name: Amber Heard
Statement: Third
Party: Defendants
Exhibit AH 3
Dated 26 February 2020

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EXHIBIT AH 3
