



**15th INTERNATIONAL
ANTI-CORRUPTION
CONFERENCE**

**MOBILISING PEOPLE:
CONNECTING AGENTS OF CHANGE**

**BRASÍLIA BRAZIL
7-10 NOVEMBER 2012**

Short Session Report: Global Solutions

Session Title: Whistleblowers and Official Secrecy, Corruption and Repression

Date & Time: November 9, 2012; 17:30 – 19:30

Report prepared by: Francesca West, Policy Director, Public Concern at Work

Experts:

Thomas Drake; Whistleblower

Jesselyn Radack, Director, National Security and Human rights Program, Government Accountability Project (GAP)

Kristin Hrafnsson, Spokesperson, Wikileaks

Name, Position, Organisation

Moderated by: Beatrice Edwards, Executive Director, GAP

Session coordinated by: Beatrice Edwards, E.D. GAP

Main Issues Covered (500 words or more, narrative form)

Whistleblowers and official secrecy, corruption and repression

The session explored the relationship between corruption, secrecy and repression through four presentations. First, Bea Edwards, the Executive Director of the Government Accountability Project (GAP), spoke about the inevitable relationship between repression and corruption: if citizens' human rights are not respected by political leaders, then economic rights are not going to be respected either. The panellists then spoke about their experiences of retaliation when they or their organizations challenged the US government's official secrets

Tom Drake, a whistleblower who disclosed corruption at the National Security Agency of the United States involving the waste of billions of dollars, detailed the ordeal of official retaliation to which he was subjected for four years. He was

indicted for revealing state secrets, despite the fact that evidence used against him was distorted and fabricated. He faced 35 years in prison, but the case against him collapsed on the eve of trial. His account of retaliation illustrated the relationship between secrecy and fraud in the US, as well as the increasing disregard for civil and human rights as the country takes on the features of a national security state.

Jesselyn Radack, the Director of the National Security and Human Rights Program at GAP, spoke about her role as Drake's attorney. She explained how the media coverage of the Drake case was fundamental to turning the tide of public opinion in his favour. She also described her own ordeal of reprisal after she exposed serious misconduct at the US Department of Justice related to the treatment of a prisoner in Afghanistan in 2001.

Finally, Kristin Hranofsen, the spokesman for Wikileaks spoke about the importance of government openness, the corrosive effect of secrecy, and the role of Wikileaks in combating official secrecy. He, too, described the retaliation launched by the US government against Julian Assange, the founder of Wikileaks, as well as the concerted official effort to destroy the website, itself.

The session concluded that corruption does not occur in a vacuum, but rather it grows in an atmosphere of secrecy and official truth. In such an atmosphere, whistleblowers are crucial witnesses who warn the public and they must be aggressively defended.

Main Outcomes/Outputs

The session provided support for the proposal that journalists and whistleblowers cooperate to promote significant disclosures in the public interest about fraud, corruption waste and abuse.

Recommendations, follow-up Actions (200 words narrative form)

Organizations, such as GAP, which defend and protect whistleblowers must develop systematic relationships with networks of journalists skilled in developing investigative pieces in the public interest.

Highlights (200 words please include interesting quotes)

The session showed how sophisticated the state apparatus can be in silencing whistleblowers by retaliating through the justice system. In the case of Thomas Drake in the US, the government dismissed him, blacklisted him, and prosecuted him as an “enemy of the state.” Only favourable media coverage saved him from a lengthy prison sentence.

Jesselyn Radack explained that journalists working with a whistleblower must be sensitive to the effects of intense retaliation and must be willing to protect their sources in the event that state pressure comes to bear.

Beatrice Edwards spoke about the inevitably close relationship between official secrecy, corruption and repression and the consequent importance of transparency. She emphasized the importance of protecting whistleblowers as an instrument of transparency and anti-corruption, when official mechanisms fail, either because they never developed or because the state has dismantled them.

Key Insights Recommended to be included in the IACC Declaration

Whistleblower legislation is an important step in shielding workers of conscience when they make disclosures about misconduct in the workplace. Such legislation, however, must be comprehensive, consistently monitored and effectively implemented if it is to provide meaningful protection.

A network of whistleblower protection organizations and journalists is to be promoted to advance government transparency and accountability.



Rapporteur's name and date submitted
Francesca West November 10, 2012
