



Session Report

Please know you may design the structure of this report to better suit the session. It's important to capture the key outcomes and solutions proposed for the future.

Session Title: Supporting Whistleblowers and Anti-Corruption Activists Through Sanctuary

Date & Time: Thursday, 08.12.2022, 5:30 pm- 7:00 pm GMT -5

Report prepared by: Gigi O'Connell, Manager, PR & Communications, TRACE

Moderated by: Pascale Dubois, Independent International Anti-Corruption and Governance Expert

Panellists:

- James Wasserstrom - **Founder, Integrity Fellowship and Sanctuary; Founder and Director, The Wasserstrom Group; UN Whistleblower**
- Claudia Escobar - **Board Member, Integrity Fellowship and Sanctuary; Guatemala Court of Appeals whistleblower; Visiting Professor and Researcher, TraCCC at George Mason University; Executive Director, BeJUST**
- Khadija Ismayilova - **Head of the Advisory Committee, Integrity Fellowship and Sanctuary; investigative journalist, the Organized Crime and Corruption Reporting Project; Editor in Chief, Toplum TV (virtual panellist)**

Share the thematic focus of the session, its purpose and corruption risks?

This workshop underscored the importance of protecting whistleblowers and anti-corruption activists highlighted, through first hand experiences, the challenges they face and the lack of systems to support them; and presented a forthcoming initiative, the Integrity Fellowship and Sanctuary, which will protect and support whistleblowers and anti-corruption activists in extremis with the goal of eventually returning to their home countries to continue their work.

Summary of panellists' contributions & discussion points (please be as detailed as possible)

Moderator **Pascale Dubois** polled the audience to find out (1) whether they work in the public sector, private sector or civil society; (2) which region they travelled from; and (3) whether or not they personally know a whistleblower. Pascale provided a brief introduction of the thematic focus and structure of the panel, as well as the importance of whistleblowers in the fight against corruption.

Each speaker, in 10 – 12 minutes, summarized their experiences as whistleblowers/anti-corruption advocates, detailing how they were targeted and the great personal costs they experienced.

Khadija Ismayilova provided an account of her experience as a target of Azerbaijan's government. After investigating corruption among the ruling Aliyev family, the government placed cameras, which were connected to the state telephone system, around the inside of her apartment—including in her bedroom and bathroom. They blackmailed her, threatening to publish an intimate video from her bedroom, but she refused to give in. Her blackmailers ultimately published the video. In 2014, Khadija was arrested and imprisoned on trumped-up charges. After spending some time in prison, following international outcry, and she was released on probation. She remained on a travel ban for five years until 2021. Khadija and her close associates—boyfriend, friends, even her taxi driver—were also targeted by Pegasus, the zero-click spyware. Khadija remains in Azerbaijan, where she still works as a journalist and trains others in investigative journalism. The bad guys think they can eliminate everyone by eliminating one, she said, and it's a principle for her to not allow them to dictate where she lives. She has exposed the Aliyevs' stake in mobile phone companies and gold mines; massive money laundering schemes; bribes for European politicians and more. Some investigations have resulted in actions, but there has been no justice in Azerbaijan—the only results have been retaliation against whistleblowers and journalists. One of the issues Khadija currently faces in her work is difficulty in protecting whistleblowers and sources that come to her with information, because she is constantly being surveilled by the government. She feels responsible, she said, when she is unable to protect a source's anonymity.

Claudia Escobar, formerly a judge with Guatemala's Court of Appeals, pursued a career in the judiciary to better her country—but she never imagined the level of corruption she would face. After discovering and denouncing a criminal network of law clerks, she received death threats—but she had the protection of the Supreme Court. Subsequently, she discovered a criminal network of lawyers who were stealing properties and businesses—but still, she was protected. The judicial system was working. She created an association of judges to promote change, transparency and efficiency. Then, she was faced with the biggest corruption scandal yet: Her re-appointment was conditioned on a resolution that would benefit politicians at the highest echelons of power, including the Vice President. She recorded the conversation on her iPhone and presented her case to the International Commission Against Impunity. The bribe-seeker eventually received a guilty verdict, but not before Claudia's life was threatened and she had to relocate to the United States.

James Wasserstrom was hired by the UN in Kosovo as a logistics manager, but he was soon asked to additionally clean up the public utilities system in preparation for privatization. He got wind of a \$5 billion plot involving a coal mine/power plant project that would provide a 10 percent kickback to Kosovo's Minister of Energy & Mines—and to James' boss, who was also involved in law enforcement. When James reported this to the Inspector General of the UN, investigators came, but they failed to protect him: His office was shut down and he was

fired, which he reported as potentially retaliatory. When the public utilities department asked if he would stay on and work to keep political interference out, and he agreed. UN criminal reported him as “violating” some kind of regulation that didn’t apply, and he was arrested under armed guard. The UN financial crimes police conducted an illegal search, and he was released the next day. The UN leaked a story that he was a corrupt UN official attempting to flee Kosovo, and his photo was plastered all over the place. They put crime scene tape across his office door. A criminal investigation eventually absolved him of any wrongdoing, but the administrative investigation dragged on. James was granted a retaliation investigation within the UN, which found that the actions against him were “random acts by rogue actors” and there was “no conspiracy at all.” He hired an attorney, who took the case to the UN’s internal justice system, where it dragged on for seven years. The media turned it into a David vs. Goliath story. James won the case in a lower court, but it was appealed at a tribunal. The dissenting judge said he failed to follow proper filing procedure, which didn’t exist at the time he filed the case—they applied it retroactively. Through all of this, James faced financial ruin and an attempt on his life. James later worked with Congress to pass a measure that has been effective, he said.

Pascale asked the panellists what they wished they’d had when they were being actively targeted.

Khadija responded that it’s critical to protect people while they’re still in their countries and can continue their work, and when that doesn’t work, they need a place to go. We also need to make access to information easier, opening up registries, promoting more transparency and ensuring safety through witness protection. But some governments are not inclined to participate. At her lowest point, she needed equipment to check her apartment for surveillance, a mechanism against spyware, and safety. We need to demand transparency from spyware companies, she said.

Audience member Ilgar Hajiyev took to the mic to thank Khadija for her reporting exposing the Aliyev family’s corruption. His business was stolen by Aliyev and Putin, and he had to flee to the United States.

Whistleblowers can protect themselves by going public, James said. “Rats and roaches love darkness—you want the light,” he said, and “the best protection for the whistleblower is public exposure.” He held a press conference when he was being actively targeted, which helped build international attention around his case.

James introduced the Integrity Fellowship and Sanctuary, which aims to take whistleblowers and anti-corruption activists out of environments where they’re under extreme duress and give them one to three years in a safe haven to recover from trauma, build an international network of support and prepare to re-enter their home country to continue their work. The initiative will be associated with a university and include an academic component. The Sanctuary will focus on three phases: (1) recovery, which includes accommodation for the Integrity Fellow and eligible family, with possible extension for another year; a monthly stipend; health insurance; counseling and other mental health services, as well as other emotional support, on a case-by-case basis as appropriate; (2) regeneration, which includes access to coursework and academic programs, both teaching and learning roles; collaboration with like-minded people who have been through similar experiences; and opportunities to grow a powerful international network; and (3) re-entry, which includes assistance in developing plans for what the Fellow will do upon re-entering their home country, as well as access to organizations that will help them regenerate and re-enter and will help connect them with appropriate support networks. There is potential for the Sanctuary to expand to other continents, but the initial location will likely be in Canada.

Khadija pointed out that communication with whistleblowers should begin before the whistle is blown, as it's helpful to have guidance through the process: how to document the case, how to leave the country safely, when/how to build publicity and who to call. It's difficult for Khadija to be accessible, she said, because she receives so many tips and it's challenging to filter through them to identify "the one" that will produce an impactful story.

Claudia took the floor to recognize a colleague in the room who blew the whistle on the Guatemalan Attorney General in 2018 for obstructing justice. The official was later recognized by the U.S. State Department as undemocratic and corrupt.

There are lots of whistleblower organizations now, James said, such as Whistleblowing International Network—every region has organizations that have stepped up. Social media is a powerful tool—today's whistleblowers may not have to face the filters that James confronted to get his story out as he had to convince people to listen to him.

One way whistleblowers can prepare, Khadija said, is to conduct a stakeholder friends and allies analysis. We need whistleblowers for access to information, and we must create more mechanisms for witness protection. Whistleblowers could be an asset in improving these systems.

The panel also pointed out that in terms of practical solutions, it's incredibly helpful for whistleblowers to know English.

The panel then moved to a short Q&A portion.

Maria Christina Mendes Caldeira introduced herself as a whistleblower from Brazil, previously married to Valdemar Costa Neto, who is currently the leader of President Jair Bolsonaro's Liberal Party. There was a corruption scandal involving the Ministry of Taiwan, and after she divorced Costa Neto, death threats followed. In 2005, she was one of the main witnesses in a major corruption case, and she testified for three hours before Congress. From 2005 to 2009, her father spent \$1M in legal fees to defend her in 22 cases brought by Costa Neto. After losing a baby at six months pregnant, surviving three car accidents, having guns pulled on her ten times, and the murder of her father, she left Brazil. Her inheritance has been held and stolen. She disagrees with the panel regarding the benefits of media exposure for whistleblowers, she said, because Costa Neto hired Edelman to destroy her image in Brazil. She went from the hero to the monster. In patriarchal countries, she said, they will always try to take the discussion to the bedroom, even if it's a living room discussion. This is something to be conscious of, especially in Latin America. The Sanctuary must think about safe journalists.

TI Board Member AJ Brown commended the Sanctuary and underscored that the concept stands out because other initiatives merely provide legal support. The academic component is crucial, he said, and some universities have been doing this in an ad hoc manner already.

An unidentified whistleblower from the audience commended the Sanctuary and emphasized that in addition to providing sanctuary, the initiative must also provide the environment. Whistleblowers don't set out to be whistleblowers, he said, and we must find a way for aggressors to be held accountable.

Main outcomes of session (include quotes/highlights and interesting questions from the floor)

- Whistleblowers and anti-corruption activists, including two audience members, recounted their first-hand experiences of being targeted by powerful interests and lacking systems to protect them.
- The panel underscored the importance of protecting whistleblowers and anti-corruption activists and their critical role in the fight against corruption.
- The panel introduced the Integrity Fellowship and Sanctuary as a solution to support whistleblowers and anti-corruption activists. This was followed by a lively discussion with audience members.

Key recommendations for the future and concrete follow-up actions

- Work to build transparency and accountability mechanisms within countries where whistleblowers and anti-corruption activists live and work.
- Support whistleblowers and anti-corruption activists with the Integrity Fellowship and Sanctuary. Provide the opportunity to recover, regenerate and re-enter so they can more effectively fight corruption and impunity.
- Keep an international spotlight on whistleblowers and anti-corruption activists being targeted by powerful interests as a protection mechanism. Keep telling their stories.

What can be done to create opportunities for scaling up the solutions discussed in the session? And by whom?

- Establish an academic partnership to prepare the Sanctuary for its first Fellows.
- Increase awareness of the Sanctuary among whistleblower and anti-corruption organizations, including regional organizations, to generate referrals when the initiative begins accepting Fellows. Increased awareness will also support donor relations.
- Continue protecting whistleblowers and anti-corruption activists in the countries where they live and work through witness protection and guidance.
- Leverage traditional media and social networks to draw attention to the challenges whistleblowers and anti-corruption activists face, including the lack of protection and support available to them.

Is there a specific call to action to key stakeholders, such as governments, businesses, funders, civil society, young people, journalists or any other stakeholder that should be noted?

Please specify if relevant.

- **Governments** must improve transparency, accountability and whistleblower/anti-corruption activist support mechanisms.
- **Businesses** should ensure whistleblowers are protected from retaliation and that whistleblower reports are taken seriously and investigated in a timely manner.
- **Funders** can make a difference in the fight against corruption by funding initiatives that protect and support whistleblowers and anti-corruption activists, such as the Integrity Fellowship and Sanctuary.
- **Journalists** are vital in keeping the spotlight on whistleblowers and anti-corruption

activists who are being actively targeted in order to build publicity around their cases, which can serve as a protection mechanism.

- **Civil society activists** can support the Sanctuary by increasing awareness of the initiative among colleagues, rule-of-law governments, and multinational and regional organizations.

Rapporteur's name and date submitted

Giavanna R. O'Connell, 09.12.2022