

*“All that is needed for evil to prosper is for people of good will to do nothing”*—Edmund Burke



# *The*

# *Whistle*

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Newsletter of Whistleblowers Australia



Jean Lennane, 1940–2014

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## Articles

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### Jean Lennane

Whistleblowers Australia is sad to report the death of Dr Jean Lennane, long-time president and member of the national committee. Jean passed away in Canberra on 18 September 2014 following a short illness.

A psychiatrist by profession, Jean became a whistleblower when she worked as director of drug and alcohol services at Rozelle Hospital in Sydney. She was dismissed in 1990 for publicly criticising cuts to mental health and drug and alcohol services in the public health system, and this experience led her to become involved with the self-help and mutual-help organisation for whistleblowers that became WBA.

Jean was enormously influential in shaping WBA. She worked tirelessly both on providing practical support to whistleblowers and in adding significantly to the body of academic research on the subject. In particular, her contributions to understanding of the medical aspects of whistleblowing have been highly important. She was appalled by the abuse of psychiatry as a means of silencing, dismissing and punishing whistleblowers, and campaigned relentlessly within her profession to combat this.

Jean is survived by her sons Richard and James. Contact them at [jimbocool@homemail.com.au](mailto:jimbocool@homemail.com.au).

*The January 2015 issue of The Whistle will include tributes to Jean.*

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### Battered plaintiffs

Jean Lennane

THERE are hired guns in other medical specialties, but they appear to be most frequent, and most vicious, in psychiatry — probably because, as a ‘soft’ science, lacking the hard evidence of X-rays and tissue examination, psychiatry is more open to opinions, no matter how outrageous.

This is unfortunate for the victims on two counts: firstly, a psychiatric diagnosis carries a severe stigma in our society, and however sane the victim may in fact be, some mud can be expected to stick, particularly among their enemies. It is thus an extremely effective way to discredit the victim together with their complaints, and supposedly confidential reports are commonly overtly or covertly circulated where they can do most damage. Secondly, a psychiatric examination, on a traumatic issue, is often traumatic in itself because the patient is compelled to relive the trauma. This is acceptable for the purpose of therapy, but purely for medico-legal purposes will almost inevitably add another injury to the psyche. If the psychiatrist is an abusive hired gun, and if the patient is forced by the system, as many are, to see a number of them, the additional injury can be severe. Also most whistleblowers, and many Workers’ Compensation claimants, do develop psychiatric problems such as depression, anxiety, and post-traumatic stress disorder, for which they will need help, usually from a psychiatrist. If the trust necessary for an effective therapeutic relationship has been damaged or destroyed by a traumatic earlier encounter with a hired gun psychiatrist, the effect can be devastating, and a condition that should have been relatively easy to treat can become crippling.

*This is a brief extract from one of Jean’s articles, available at [http://www.bmartin.cc/dissent/documents/Lennane\\_battered.html](http://www.bmartin.cc/dissent/documents/Lennane_battered.html)*

### Whistleblowing and loyalty

Whistleblowers can gain insights from Jonathan Haidt’s studies of the foundations for morality.

Brian Martin

WHISTLEBLOWERS speak out in the public interest, for example to expose corruption, abuse or dangers to the public. Although this should be seen as a valuable service, whistleblowers are frequently treated as traitors, as guilty of something worse than the abuses and crimes they reveal.



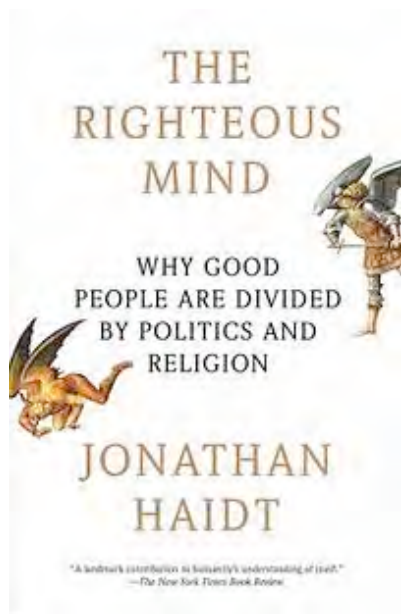
National security whistleblowers, such as Chelsea Manning and Edward Snowden, have been called traitors. Whistleblowers who are teachers, police officers, public servants or corporate executives may be called traitors, doblers, snitches or other epithets.

Just as important as words are the reprisals that whistleblowers experience, including ostracism, petty harassment, demotions, referral to psychiatrists and dismissal. To be targeted with such hostile actions signifies condemnation, even contempt. Where does this vitriol and hostility come from?

Also important is the role of bystanders, in particular the co-workers who might personally support the whistleblower but are unwilling to take a stand. Many of them are afraid they will become targets themselves; others always support management, sometimes in the hope of rewards. It is reasonable to ask, where does the incredible power of the organisation come from?

## *The Righteous Mind*

Insights can be gained from Jonathan Haidt's book *The Righteous Mind* (New York: Pantheon Books, 2012). Haidt, a psychologist, set out to discover the biological bases of human morality. But first it is useful to explain Haidt's picture of the mind.



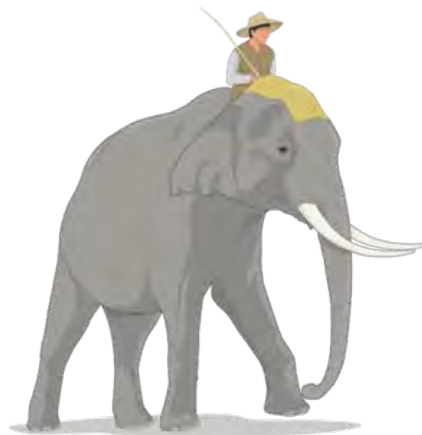
Imagine that your mind has two main components. The first is a rational, calculating operator that can examine courses of action and logically consider principles of behaviour. This is how most people think of themselves. Haidt calls this component the “rider.”

The second part of the mind is an intuitive operator that makes judgements on the basis of gut instinct, without consideration for facts or logic. This part is filled with passions and commitments, which the rider might consider biased and impulsive. Haidt calls this second part of the mind the “elephant.” The elephant makes day-to-day life possible; its quick responses are often sensible — but not always.

Haidt uses the metaphors of the rider and the elephant to highlight a key insight from studies of the mind: for many purposes, rational evaluation is unable to restrain instinctive responses. The elephant is too large and powerful to be controlled by the rider.

Haidt, through careful assessment of psychological research, concludes that in most cases the primary role of the rider is to figure out ways to justify what the elephant does. In other words,

people reach their views about the world on the basis of gut instinct, and then their rational minds figure out reasons to justify these views.



This is not a pretty picture, especially for those who believe in the primacy of rationality, or believe that they personally follow reason rather than emotion.

The next step in Haidt's analysis is discovering the foundations of morality. Through a variety of means, he arrived at six main foundations that shape people's senses of right and wrong: care, liberty, fairness, loyalty, authority and sanctity. Haidt used various tests to work out which of these values influence judgements in US people. He found that “liberals” (who might be called progressives in Australia) rely especially on care, liberty and fairness, whereas conservatives rely more equally on all of the foundations. This helps explain some of the political differences in the US.

Most of these foundations are relevant to whistleblowers. One key foundation, care, means looking after those in need, for example children and people suffering misfortune. When whistleblowers speak out about abuse of children or shortcomings in health services, they are implicitly appealing to the care foundation for morality. Another foundation, fairness, is relevant for those who speak out about corruption, including bribery, theft and nepotism. These are all violations of fairness.

So far so good. But whistleblowers come up against some of the other foundations. They are seen to be disloyal (to their employers), undermining authority (of their bosses) and sometimes transgressing on things considered sacred (such as when

revealing confidential information). Haidt's framework suggests that whistleblowers can gain support from some foundations of morality but are up against instinctive responses based on others.

At this point it is worth remembering the rider-elephant metaphor. Few people sit around scrutinising the bases of their own morality. Rather, their ideas of right and wrong are intuitive: they react with their gut and then search for rational justifications for their feelings. So if someone's morality is strongly shaped by respect for authority, they may react emotionally against a co-worker who breaks ranks and then find reasons for their antagonism.

Sometimes there are multiple sources of authority. For example, a person can accept the authority of church leaders or seek a higher authority in the teachings of spiritual leaders such as Buddha, Jesus or Mohammed. However, the rider-elephant factor enters in here: because most teachings can be interpreted in various ways, the rider can find ways of justifying the elephant's actions. For example, even when religious texts oppose killing, most religious leaders allow participation in war, using various rationalisations.

However, it seems too simple to say that whistleblowers put a priority on care, fairness and liberty (moral priorities for liberals) whereas bosses put a priority on loyalty and authority (which influence conservatives more than liberals). Whistleblowers vary greatly in their beliefs; many are the epitome of the loyal employee. Furthermore, what about all the bystanders, who by their inaction support bosses and let whistleblowers cop it? They are bound to include people driven by a variety of moral precepts.



Various researchers have tried to figure out what, psychologically, makes whistleblowers different from others. Employers would love to know, so they could avoid hiring potential whistleblowers or, having hired one, keep them away from sensitive information. Given the lack of any reliable psychological tests to detect potential whistleblowers, it is safe to assume that psychology is not the key to understanding whistleblowing. This is especially the case for inadvertent whistleblowers, the workers who report a problem, are totally surprised when they experience reprisals, and afterwards say “I was just doing my job.” There are psychological factors involved in this, for example honesty and conscientiousness, but no obvious connection to the foundations of morality traced by Haidt. Or is there?

### Care versus loyalty?

Sexual abuse is a violation of the morality of care: those who are vulnerable need to be protected. Speaking out about the abuse, on the other hand, challenges authority and loyalty.

Consider, for example, sexual abuse by clergy. The disturbing reality is that many people in churches knew about it but took little or no action. This can be interpreted as loyalty and authority taking precedence over care. On the other hand, the response of many members of the public, when they learned about the abuse, was completely different: many were horrified and disgusted. As outsiders, their conceptions of loyalty were potentially quite different. They may have had no particular connection to the church, or perhaps had their own loyalty, for example to their children.

But what about authority? Those who are not directly subject to a particular authority may not think deference to it is so important. This observation is compatible with the advice that whistleblowers can gain greatest support from other whistleblowers and from members of the public, for example through media stories.

So morality based on authority seems, at least when it applies to whistleblowers, to be quite specific: deference to authority takes precedence mainly when people are directly subject to the authority, as in the case

of bosses or church leaders. This deference can also be explained a different way: people are afraid of the consequences of bucking authority. They might lose their job or, just as worrying, be subject to reprisals such as reprimands, harassment and ostracism. It might seem that fear is a fundamental factor in this dimension of morality.

### Loyalty to what?

For me, this raises another question. Why should the two factors of loyalty and authority be tied to the organisation where a person works? In terms of evolution, humans lived in groups whose very survival often depended on banding together. Dissent was potentially dangerous, so it could have been advantageous to attack or expel those who challenged the group’s leaders or threatened its cohesion.

However, many groups today are a far cry from the groups in human prehistory, which were often quite small and probably never much more than a few hundred people in size. Working for a government or corporation with thousands of employees is not the same, neither in scale nor in the danger to the organisation of a bit of dissent.

This suggests to me that although loyalty is a key factor in morality, how loyalty is assigned remains open. Inside a school, for example, a pupil might be loyal to a peer group, a sporting team, a teacher or the school as a whole. In a corporation, a worker might be loyal to a work team, a union, professional peers in the field, a particular boss or the company as a whole. The possibility that loyalty is not automatic suggests that it is worth looking at the methods by which organisations foster it.

### Changing gut reactions to whistleblowing

It’s worth considering each of Haidt’s six foundations for morality and asking, what can be done, by whistleblowers and their supporters, to change gut reactions to whistleblowing so it is more valued? The foundations of care, fairness and liberty are ones that should create favourable attitudes towards whistleblowers. The message is to continually emphasise care for others when speaking out about

hazards to the public, emphasise fairness when speaking out about corruption, and emphasise liberty — resistance to domination — when speaking out about threats from government or corporate power.

Those three foundations are the easy ones for whistleblowers, namely ones where they have a natural advantage. The other three foundations are more challenging: loyalty, authority and sanctity.

Loyalty to the employer is commonly expected. Whistleblowers violate this sense of loyalty: they are seen as traitors. Are there other ways to assign loyalty to which whistleblowers could appeal? One possibility is loyalty to the mission of the organisation, not to the organisation itself. Of course organisational leaders say they are pursuing the mission, so distinguishing between the mission and the organisation is hard to sell.



Another possibility of an alternative loyalty is to other workers, especially when they are supportive of each other, as in work teams or unions. Instead of speaking out as an individual, a worker concerned about abuses could instead build networks and alliances first, gaining support in order to promote collective action. This is not easy, but does have a prospect of fostering a different assignment of loyalties.

Then there is authority, a moral foundation that whistleblowers almost inevitably challenge. Questioning the boss’s authority is difficult, whether by direct confrontation or by reporting problems to the boss’s boss, higher officials or watchdog bodies. Is there

any different line of authority that can be an alternative source of legitimacy? One possibility is the authority of laws. If bosses are violating the law, they are violating legal authority. The trouble is that by the time legal sanctions are applied — if they ever are — it is too late for the whistleblower. After all, corrupt operators do not declare they are breaking the law. Indeed, they commonly allege that whistleblowers are criminals, by violating terms of employment, confidentiality agreements and the like.

One of the advantages of whistleblower laws is that they give legitimacy to whistleblowers. Even though the laws may give little protection in practice and, even worse, give a false sense of security, their very existence may help undermine the assumption that authority is always right.



Finally there is sanctity, a moral foundation of special significance to many political conservatives. If corruption is stigmatised, then whistleblowers can draw on this moral foundation. This is suggested by the expressions “clean hands” and “dirty hands,” referring to honest and dishonest individuals. Whistleblowers can assist their cause by avoiding any activity that can be easily stigmatised as dishonest or unsavoury. By the same token, employers regularly manipulate the sanctity foundation by trying to stigmatise the whistleblower, by spreading rumours (sexual misbehaviour is a favourite allegation) and by treating the whistleblower as tainted, not to be trusted or even spoken to. Ostracism — cutting off personal relationships — is in essence to treat a person as dangerous and even contagious.

When whistleblowers join together with others, and obtain support from bystanders, it is far more difficult to

stigmatise them. There is protection in numbers.

Considering the various foundations of morality thus provides some direction for whistleblowers and their supporters.

- When appropriate, emphasise violations of care, fairness, and liberty.
- Search for alternative bases for loyalty and authority.
- Try to assign stigma to wrongdoers.
- Be prepared for the tactics used to turn these moral foundations against whistleblowers.

Brian Martin is vice president of Whistleblowers Australia and editor of *The Whistle*.

### Comments from Kim Sawyer

[Kim was a whistleblower at two Australian universities, and has been active on whistleblowing issues for many years.]

Excellent analysis – corresponds to the thoughts I’ve had over a long period of time. Haidt’s prescription of the rider-elephant dichotomy and the six foundations of morality are insightful. Your application of those foundations to whistleblowing is spot on. Two general comments, and then some specific comments from my experience.

First, whistleblowing acts to elevate the conflict between the foundations. It brings morality into focus for everyone; the whistleblower, the respondent, the bystanders. The foundations are like latent characteristics, and whistleblowing becomes the realization of those characteristics so that an individual has to now make a choice. It’s like going to the ballot box, you have to now choose between fairness and loyalty to the institution.

Secondly, one aspect which could be highlighted more is risk. Everyone, whistleblower, respondent and bystander, assesses their risks. Risk minimization takes over – that is, self-interest. The bystander may see the same unfairness as the whistleblower, but they also see the risk to themselves. You could say that these six foundations are a portfolio, and the whistleblower and bystander assign different weights to different foundations. My sense is that the bystander

will always converge to the less risky portfolio which is loyalty to authority.

Some specific comments from my own experience

1. For me, fairness was always the important factor. In both whistleblowing cases, I chose fairness over loyalty to an unfair authority. And it correlates with my political leanings which are progressive. Of course, there was also a sense of professional responsibility, that a professor should act in the long-term interests of the institution and of higher education in general. Obviously, I took my professional responsibilities too seriously.
2. The two cases I was involved with highlighted the singularity of whistleblowing, but from vastly different starting points. In both cases though, the institution tried to replace the loyalty of colleagues to me by loyalty to the institution. This strategy emphasises the whistleblower and not the whistleblowing; the weaknesses of the whistleblower and not the foundational issues were highlighted.
3. Another issue is the conflicting loyalties **within the whistleblower**. I had loyalty to both universities, but the loyalty was principally to the long-term, not to the short-term management. Whistleblowing involves a lot of internal conflict for a whistleblower between fairness and loyalty to authority. Fairness won out for me.



Kim Sawyer

### Vindicated by ICAC, but sacked SES whistleblower still without job

Michaela Whitbourn  
*Sydney Morning Herald*  
30 August 2014, page 7

THE corruption watchdog found she was improperly sacked from the State Emergency Service as a “reprisal” for exposing potential misconduct in the ranks.

But Tara McCarthy is still waiting to be reinstated in the “job of her dreams” — and the government says it is powerless to do so.



Tara McCarthy

Ms McCarthy, the first female deputy commissioner of the SES in its 60-year history, was vindicated in May when the Independent Commission Against Corruption found her boss Murray Kear had acted corruptly by sacking her a year ago for making allegations against his “mate” Steve Pearce.

“I can’t believe that they can’t just reappoint her, given that the ICAC found the original sacking was a corrupt sacking,” Public Service Association general secretary Anne Gardiner said.

Emergency Services Minister Stuart Ayres says he is unable to give Ms McCarthy her job back because it is a matter for the head of the Justice Department, Andrew Cappie-Wood, and Public Service Commissioner Graeme Head.

Ms McCarthy said she had been negotiating with the men “for three months and it feels as if I am on a merry-go-round, going nowhere ... with no decisions made and no offer of reinstatement.” Ms McCarthy, a former paramedic and a mother of two teenage boys, said her “unlawful and corrupt sacking was devastating enough, but now the failure of the government to provide me with the protections they promise to whistleblowers is soul-destroying.”

“All I ask is to be reinstated to the job I loved, a job I should rightfully have,” she said.

Ms McCarthy said she would also consider a permanent position of equivalent rank and responsibility. But the only offer on the table has been for a temporary and more junior role at another organisation.

In a letter to Mr Head on July 15, Mr Cappie-Wood said it was his “firm view” that Ms McCarthy’s “wellbeing and safety” would be at risk if she returned to the SES.

But he said in a statement that he and Mr Head remained in “active discussions” with Ms McCarthy about her future.

A spokeswoman for the Public Service Commission said that existing whistleblower laws — introduced 20 years ago — did not have a mechanism for reinstating senior executives “where removal has occurred contrary to the legislation.”

“Hence there is no legal capacity to reinstate Ms McCarthy in the role she held in the NSW State Emergency Service or an equivalent role,” the spokeswoman said.

The commissioner was finalising advice for the government’s consideration “on mechanisms that would enable reinstatement”, including where a person was sacked as a reprisal for whistleblowing.

Ms Gardiner believes “a good option” would be for the minister to intervene and exercise his power to appoint Ms McCarthy as commissioner or acting commissioner of the SES.

Mr Kear resigned as commissioner earlier this year after the ICAC

findings. Mr Pearce remains on leave with full pay.

Greens MP David Shoebridge said unless Ms McCarthy was reinstated “after being entirely vindicated by an ICAC hearing ... it shows the state’s whistleblower protection laws are worthless.”

“There needs to be a change in focus in the state’s laws that makes reinstatement the primary remedy for any whistleblower whose claims are validated in either ICAC or civil proceedings,” Mr Shoebridge said.

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### Germany’s dire record on protecting whistleblowers

**Germany has some of the least effective protection for whistleblowers in the G20, new research has revealed. Despite good intentions in the coalition contract, the Merkel government remains apathetic.**

Ben Knight  
*DW*, 26 September 2014



Brigitte Heinisch made legal history. Or at least she should have done. In 2000, the then 39-year-old care-worker took a job in a Berlin home run by the city-owned company Vivantes. She was confronted with horrifying conditions: chronically under-staffed, the home allowed its under-trained workers to tie residents to beds, leave them in their own faeces for hours, or falsely file documents showing treatment had been carried out when it hadn’t.

Heinisch filed a criminal complaint against Vivantes in 2004, and was sacked for her trouble. Her dismissal was upheld by three different courts in Germany before the battle ended up at the European Court of Human Rights, who in 2011 found that Heinisch’s

right to free speech had been violated. In the end, the Berlin labour court reviewed its decision and Heinisch was awarded 90,000 euros (\$116,000) in compensation.

Now a similar case is working its way through the German courts — paramedic Sascha Lex is contesting his dismissal for drawing attention to unhygienic conditions and poor maintenance of the ambulances he worked in. He claimed the lack of proper equipment led to the death of a premature baby.

The case has raised the hackles of whistleblowing campaigners. “He would have been automatically protected if Germany had a whistleblower law that complied with international standards,” said whistleblowing activist Mark Worth. “Instead, he has to hope for the best in the courts, which has set subjective standards for whether a person should be protected from retaliation if he or she exposes wrongdoing.”



Brigitte Heinisch

### “Closer to Saudi Arabia than the US”

Worth is co-author of an international report published in early September, which showed that German whistleblowers are still among the most vulnerable in the G20. Despite broad political support for major whistleblowers like Edward Snowden, Germany’s own record remains weak.

The report, which pooled researchers from Blueprint for Free Speech, Melbourne and Griffith Universities, and Transparency International Australia, made a whistleblower league table of the G20 nations according to a number of different criteria. These ranged from the legal definitions of whistleblowing, to the level of protection, to confidentiality, to transparency. In the end, Germany ended up “closer to Saudi Arabia at the

bottom than the US and Australia at the top,” as co-author Suelette Dreyfus, of Melbourne University, put it.

“That really surprised me,” she told *DW*. “Being the economic powerhouse and leader of Europe, one might have expected that it would also be a leader on things like anti-corruption.”

### “Keep your mouth shut”

The report found that Germany has practically no legal protections for whistleblowers, apart from “a limited provision that applies to government officials who report bribery.” The report also criticized the lack of any federal agency to receive or investigate disclosures, which means that whistleblower disclosures are left to labor tribunals. “Such decisions depend significantly on an employee’s behavior and the potential harm a disclosure causes to the employer,” the report said.

Guido Strack, chairman of the German Whistleblower Network, has campaigned against the German government’s apathy for many years. “In Germany it’s impossible to calculate or limit the risk [of whistleblowing] properly,” he told *DW*. “So the most sensible thing is often to keep your mouth shut.”

“Companies all say they think whistleblowing is great, but then add that they want to do it internally,” said Strack. “They want to have the information for themselves and then decide, ‘what are we going to do with it?’ We need state controls.”



Guido Strack

### More publicity — and political will

The problems could be deeper too. Strack argues that major disasters happen when whistleblowers aren’t listened to, and there is no culture of independent inquiries that could change that. “At the Love Parade in Duisburg [when 21 people were crushed to death in a tunnel at the event in 2010], there were people who

pointed out that it could lead to a disaster,” he said. “What’s missing is the examination of disasters. And we have to make legal changes that make that easier.”

Publicity — or to use the jargon word, transparency — is a key issue, but little can be done without political will. The coalition contract drawn up in 2013 by the current German government — an alliance of Angela Merkel’s Christian Democratic Union and the Social Democrats — does contain a promise that Germany’s whistleblowing laws will be assessed to see whether they conform to international standards.

But what’s happened to that pledge? At the end of August, the Green party’s Bundestag MP Konstantin von Notz put in an official information request on the matter, and the government simply responded, “The assessment is not yet completed.”

Notz’s party is currently preparing its own law proposal, and — theoretically at least — whistleblowing legislation should be on the way. On Thursday (25 September 2014), the Bundestag finally dealt with some unfinished business and voted to ratify the United Nations anti-corruption convention UNCAC, which contains an article requiring a whistleblowing law. But how long will that take to emerge, given Germany’s glacial legislative process?

Brigitte Heinisch’s case shows how whistleblowing can affect ordinary lives as easily as it can — like the Snowden affair — spark international scandals. Dreyfus describes it as “a kind of crowdsourcing of best ethical behaviour.” “Any one of us can find ourselves in a tricky ethical situation at work, or being on the board of a local hospital or church or kindergarten, trying to grapple with what’s the right thing to do,” she said. “You may not need [protection legislation] now, but when you do need it, you really need it.”

## Whistleblower harassed after court case ended

Zul Othman  
*The New Paper* (Singapore)  
25 September 2014



Mr Tan Keng Hong

SINGAPORE — He had information that a crime was being committed.

So, in 2011, Mr Tan Keng Hong reported it to the authorities, and the culprits were eventually taken to task.

But soon after the court case ended in January 2012, the 52-year-old said he and his family became victims of incessant harassment, which has continued to this day.

This, he alleged, was because his name, identity card number and address were included in an open-court document used in the case.

Now, Mr Tan has filed a law suit against the Maritime and Port Authority of Singapore (MPA), which carried out the prosecution, seeking damages for the grief he and his family have been through.

In his statement of claim filed in July, Mr Tan detailed more than seven instances where he and his family had been harassed at their first-storey unit.

On one occasion, someone had used a bicycle chain to lock his metal gate. Some of his flowerpots were smashed and paint was splashed on his door and windows on several occasions. He also received incessant calls on his phone in the middle of the night, with the caller making threats and cursing him.

As a result, he and his family are now “living in constant fear, stress, anxiety”, said the court document.

Before this, he and his family had resided “without incident” at the three-room flat since 2010, he said.

Mr Tan, who is married with a 23-year-old son, said they are still living there as they have no money to move.

### Police reports

He has since made 12 police reports on the harassments.

He said he installed a closed-circuit television camera outside his unit, but removed it earlier this year during a block upgrading.

Mr Tan, who worked as a marine coordinator for another shipping company when he made the report, had provided information that led to the prosecution of a Singaporean company known as Elcarim Petroleum.

In August 2011, he witnessed the company’s motor tanker loading a cargo of unrecovered waste oil, which they were not supposed to, at Tanjong Kling Road.

In January 2012, the company pleaded guilty to five charges of contravening Regulation 7 of the MPA (Dangerous Goods, Petroleum and Explosives) Regulations.

It was fined \$7,500.

In his statement of claim, Mr Tan, through his lawyer M. Lukshumayeh, said there was an “implied agreement” that MPA should protect him by not disclosing his identity and address.

Mr Tan left his old job and was subsequently jailed for 11 months for smuggling contraband cigarettes across the Causeway.

Since his release from jail in February, he has been working as a freelance marine coordinator.

### Complaint was unsolicited and voluntary

He was neither a confidential informant nor did he make any request for anonymity.

These were some of the details the Maritime and Port Authority Of Singapore (MPA) provided in its defence of the claims made by Mr Tan Keng Hong.

In its defence, which was filed in the State Courts on July 25, MPA’s lawyers from Straits Law Practice LLC said neither the agency nor its prosecutor, Mr Ng Hak Mun, had acted in “bad faith” when it named Mr Tan in its court hearing on Jan 10, 2012.

MPA said the information from Mr Tan was not provided directly to the agency, but through a report made at Bukit Merah Neighbourhood Police Centre on Aug 3, 2011.

The police subsequently referred the matter to the MPA, which then investigated.

Since the complaint was unsolicited and voluntary, there could not have been any agreement of confidentiality, argued MPA.

The agency also submitted that any individual who made a complaint to the police or any regulatory body “would reasonably have known that they may be called as witnesses in court in the prosecution of any persons for offences pursuant to the relevant laws, statutes and regulations”.

### “Open justice”

Also, when requests are made by accused persons, the police “may be duty-bound” to furnish the first information reports to such accused persons “in the interest of open justice”, the defence added.

When contacted, an MPA spokesman said the agency has a “strict policy” when it comes to protecting “the identity of any whistle-blower”.

The MPA will not divulge the identity, except in documents that have to be tendered to the courts, she added.

The spokesman said: “Where credible information is provided to MPA, we will follow up to investigate and take appropriate action based on the evidence we have gathered.”

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## Retaliation complaints jump at US Veterans Affairs

Matthew Daly  
Associated Press, 9 July 2014

WASHINGTON — A federal investigative agency is examining 67 claims of retaliation by supervisors at the Department of Veterans Affairs against employees who filed whistleblower complaints — including 25 complaints filed since June 1, after a growing health care scandal involving long patient waits and falsified records at VA hospitals and clinics became public.

The independent Office of Special Counsel said 30 of the complaints about retaliation have passed the initial review stage and were being further investigated for corrective action and possible discipline against VA super-



visors and other executives. The complaints were filed in 28 states at 45 separate facilities, Special Counsel Carolyn Lerner said.

Instead of using information provided by whistleblowers as an early warning system, the VA often “has ignored or attempted to minimize problems, allowing serious issues to fester and grow,” Lerner said Tuesday night at a hearing before the House Veterans Affairs Committee. Worse, officials have retaliated against whistleblowers instead of investigating their complaints, she said.



Carolyn Lerner

Lerner said her office has been able to block disciplinary actions against several VA employees who reported wrongdoing, including one who reported a possible crime at a VA facility in New York.

The counsel’s office also reversed a suspension for a VA employee in Hawaii who reported seeing an elderly patient being improperly restrained in a wheelchair. The whistleblower was granted full back pay and an unspecified monetary award and the official who retaliated against the worker was suspended, Lerner said.

James Tuschmidt, a top official at the Veterans Health Administration, the VA’s health care arm, said he was sorry that VA employees have suffered retaliation after making complaints.

“I apologize to everyone whose voice has been stifled,” he said after nearly three hours of testimony by other hearing witnesses about VA actions to limit criticism and strike back against whistleblowers.

“That’s not what I stand for,” Tuschmidt added. “I’m very disillusioned and sickened by all of this.”

The VA said earlier Tuesday it was restructuring its Office of Medical Inspector following a scathing report by Lerner’s agency last month.

Acting VA Secretary Sloan Gibson said the department would appoint an interim director of the medical inspector’s office from outside the current office and was suspending the office’s hotline immediately. All complaints would be referred to the VA’s Office of Inspector General.

The head of the medical inspector’s office retired June 30 following a report by the Office of Special Counsel saying that his office played down whistleblower complaints pointing to “a troubling pattern of deficient patient care” at VA facilities.

“Intimidation or retaliation — not just against whistleblowers, but against any employee who raises a hand to identify a problem, make a suggestion or report what may be a violation in law, policy or our core values — is absolutely unacceptable,” Gibson said in a statement. “I will not tolerate it in our organization.”

Meanwhile, a doctor at the Phoenix veterans hospital says she was harassed and humiliated after complaining about problems at the hospital, where dozens of veterans died while on waiting lists for appointments.

Dr. Katherine Mitchell said the hospital’s emergency room was severely understaffed and could not keep up with “the dangerous flood of patients” there. Mitchell, a former co-director of the Phoenix VA hospital’s emergency room, told the House committee that strokes, heart attacks, internal head bleeding and other serious medical problems were missed by staffers “overwhelmed by the glut of patients.”



Katherine Mitchell

Her complaints about staffing problems were ignored, Mitchell said, and she was transferred, suspended and reprimanded.

Mitchell, a 16-year veteran at the Phoenix VA, now directs a program for Iraq and Afghanistan veterans at the hospital. She said problems she pointed out to supervisors put patients’ lives at risk.

“It is a bitter irony that our VA cannot guarantee high-quality health care in the middle of cosmopolitan Phoenix” to veterans who survived wars in Iraq, Afghanistan, Vietnam and Korea, she said.

Scott Davis, a program specialist at the VA’s Health Eligibility Center in Atlanta, said he was placed on involuntary leave after reporting that officials were “wasting millions of dollars” on a direct mail marketing campaign to promote the health care overhaul signed by President Barack Obama. Davis also reported the possible purging and deletion of at least 10,000 veterans’ health records at the Atlanta center. More records and documents could be deleted or manipulated to mask a major backlog and mismanagement, Davis said. Those records would be hard to identify because of computer-system integrity issues, he said.

Representative Jeff Miller, Republican from Florida, chairman of the House veterans panel, praised Mitchell and other whistleblowers for coming forward, despite threats of retaliation that included involuntary transfers and suspensions.

“Unlike their supervisors, these whistleblowers have put the interests of veterans before their own,” Miller said. “They understand that metrics and measurements mean nothing without personal responsibility.”

Rather than push whistleblowers out, “It is time that VA embraces their integrity and recommits itself to accomplishing the promise of providing high quality health care to veterans,” Miller said.

## Lax standards and exam cheating spur advice crackdown

Adele Ferguson and Ben Butler  
*Sydney Morning Herald*, 16 August  
2014, Businessday pages 8–9  
(extracts)

It was September 2008 and “dodgy” Don Nguyen was on suspension for alleged fraud and cash backhanders at the Commonwealth Bank’s Chatswood branch. Financial planner Jeff Morris was beavering away and studying hard to meet his quarterly competency training target.

As Morris studied for the continuous professional development (CPD) test — a requirement for all financial planners — he became aware that not everyone was taking it as seriously.

After hitting the “send” button on his computer, he did a double-take a few days later when he overheard some colleagues joking about the test and the manila folder of cheat sheets being passed around. When he went to a team meeting he was even more horrified when some planners discussed working together, saying “Just do one each and swap the answers”.

This contemptuous attitude to continuous professional development was symptomatic of a far deeper problem on which Morris was about to blow the whistle at CBA [Commonwealth Bank of Australia] and which involved allegations of forgery and fraud and a cover-up by management that would result in losses to clients of tens of millions of dollars.

The Commonwealth Bank financial planning scandal, which triggered a Senate inquiry, a recommendation for a royal commission into the bank and the opening up of compensation to hundreds of thousands of customers, has thrown light on some dark places in the financial planning industry, including the disturbingly low levels of education required to qualify as a financial planner and provide advice to customers on managing their life savings. [...]

The misconduct in Macquarie’s private wealth division occurred about the time Morris approached ASIC warning it of a “high-level conspiracy” to conceal the “corruption and gross incompetence” of some of the CBA’s

star financial planners, including Nguyen.

As Morris says: “The basic qualification to be a financial planner could be regarded as a joke were it not for the fact that financial illiterates armed with nothing more than this flimsy ‘qualification’ are turned loose to advise people on their life savings, with often tragic results. That this has been the case for so long is yet another damning indictment of the slumbering regulator, ASIC.” [The remainder of this lengthy article addresses training and qualifications for financial planners.]

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## A whistleblower’s call finally answered

Jeff Morris  
*Sydney Morning Herald*  
4 July 2014, p. 25



Jeff Morris

My phone rang on Thursday morning at nine o’clock. It was Ian Narev, the CEO of Commonwealth Bank (CBA). It is a call I have been waiting nearly six years for now.

I had offered to meet with him when I still worked at CBA. I offered to meet with David Turner, the chairman of CBA, a year ago to set him and the board straight about the things CBA were saying publicly that were not true. He politely declined.

A year and a scathing Senate report later, and I will be meeting Ian Narev

in a couple of weeks. He was friendly and seemed sincere in his desire to finally fix this problem that has run out of control.

At 10am I began reading the CBA press release. Alarm bells started ringing loudly in my ears. It sounds all right but I have heard it all before. I’m sorry but the CBA can’t be in control of this process. It should not be the first point of contact for victims. The process should not rely on victims coming forward at all. Many are old and sick and frightened. Some are dead.

No, all of the files should be reviewed by an independent, qualified body to uncover where the problems are. The clients should be contacted by this body, not the other way around.

I watch the press conference. I realise Ian Narev still doesn’t know what has gone on in his organisation. There was a good deal more bad faith in the way CBA dealt with victims than he acknowledges.

Senator Bishop, the chair of the committee that delivered the scathing verdict on CBA is on next. It is clear that he gets it. CBA cannot be left in charge of this process. Nor can the Australian Securities and Investments Commission (ASIC) for that matter.

Where is ASIC on this day of mea culpa? Why does it seem to be able to dodge being held to account for its incompetence in failing to regulate CBA over the years.

Why does it take a persistent whistleblower spending six years of his life, a few determined victims like Jan Braund, Merv and Robyn Blanch and their daughter Marilyn Swan, an investigative journalist like Fairfax Media’s Adele Ferguson and a scathing verdict from a Senate inquiry to do the work of ASIC? Why didn’t ASIC stand up and protect the victims against the depredations of the CBA?

Maybe that’s why we still need a royal commission.

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Jeff Morris is a former Commonwealth Bank financial planner. He was the whistleblower who went to ASIC and CBA management about practices inside the planning arm.

## Scapegoating the whistleblower

How a former CIA officer's efforts to get Congress to investigate the rendition and torture of a CIA captive failed

Jason Leopold

*Al Jazeera*, 26 June 2014



Sabrina De Sousa

Photo: Barbara L. Salisbury/MCT/Landov

WASHINGTON, DC — As a presidential candidate in 2008, Barack Obama made many promises. One notable pledge was that, as president, he would strengthen whistleblower-protection laws to make it easier for federal employees to report waste, fraud and abuse in government.

“Often the best source of information ... is an existing government employee committed to public integrity and willing to speak out,” Obama said, in a campaign fact sheet entitled “The Change We Need in Washington.” “We need to empower federal employees as watchdogs of wrongdoing and partners in performance.”

Since then, Obama has signed an executive order and a bill strengthening the rights of whistleblowers. But the new law does not provide the same protections to government employees who work in the intelligence community and want to report wrongdoing. Former undercover CIA officer Sabrina De Sousa found that out the hard way.

In 2005, De Sousa, who was officially listed as a State Department diplomat assigned to the U.S. Consulate in Milan, was implicated in the rendition of a radical Egyptian cleric in Italy named Hassan Mustafa Osama Nasr, better known as Abu Omar. Italy had granted him political asylum in 2001 after the Egyptian government alleged that he was part of a terrorist group. While in Italy, Abu Omar spoke out publicly and vehemently against

U.S. military action in Iraq prior to the March 2003 invasion. Italy responded by placing him under surveillance.



Abu Omar

Photo: Khaled Desouki/AFP/Getty Images

On 17 February 2003, while walking to his local mosque, Abu Omar was approached by an Italian police officer and longtime CIA informant named Luciano Ludwig Pironi, who asked to see his passport. Moments later, a white van pulled up and Abu Omar was shoved inside. He was then flown to Egypt, where, he said, he was subjected to brutal torture techniques, such as electric shocks, for four years. When Italian authorities tried to locate Abu Omar, U.S. officials told them he had disappeared into the Balkans.

Italy launched an investigation into Abu Omar's abduction in 2005, and in 2007 more than two dozen Americans suspected of being involved in the rendition, including De Sousa, who Italian law enforcement officials alleged was one of the masterminds of the operation, were indicted. Nineteen of the Americans whom Italy indicted and convicted, De Sousa says, were not working under their true identities. This meant she was one of the few “real” operatives accountable for the rendition.

But De Sousa insists she never played an active role in the execution of the rendition. She says she worked as a translator between the CIA rendition team and the Italian military-intelligence-and-security service, which was involved in the early stages of planning the rendition. In November 2009, she was sentenced in absentia to a five-year prison term in Italy.

Abu Omar was released from detention in Egypt in 2007 and remains there with his family. He has filed a civil claim against De Sousa. Last year, Italy convicted him in absentia on terrorism charges in what appears to be an attempt to cover up the Italian

government's own role in his rendition.

Last year, for the first time, De Sousa revealed that she was a CIA operative working for the National Clandestine Service (NCS). For nearly a decade, she had been working behind-the-scenes firing off letters to members of Congress and executive branch officials, informing them that the U.S. violated international laws when the CIA decided to kidnap Abu Omar.

De Sousa has never publicly discussed all the efforts she undertook to alert government officials and lawmakers that the Abu Omar's kidnapping was a “colossal mistake” and convince them to investigate her claims of wrongdoing, which implicate top CIA officials. She told *Al Jazeera* that she first contacted top Bush administration officials, but received no response. In 2009, hoping the response would be different under Obama, she disclosed to then-CIA Director Leon Panetta and Secretary of State Hillary Clinton what she says are troubling details about her treatment by the U.S. government in the aftermath of her whistleblowing. But, like the Bush administration officials before them, they also ignored her pleas, De Sousa says, and the CIA turned her into a “scapegoat” while the executive branch looked away.

### Blowing the whistle

Though she was aware of the plans to capture Abu Omar, De Sousa says, she was eventually “cut out” because she did not get along with the CIA station chief in Milan, Robert Lady, and that on the day of the operation she was skiing with her family.

There was nothing definitive in the classified cables, De Sousa says, about the threat the CIA said Abu Omar posed to national security as the rendition operation was being planned. “The cable was full of ‘suspected of,’ ‘alleged to.’ Nothing that said ‘he was responsible for.’ Nothing definitive,” De Sousa says.

De Sousa describes her CIA colleagues in Rome and Cairo as acting like keystone cops in the aftermath of Abu Omar's rendition, trying to figure out who had the evidence against him to present to Egypt so he could be prosecuted.

“The CIA station chief in Cairo said to Jeffrey Castelli [CIA station chief in Rome] ‘Where’s the evidence?’ Castelli said, ‘I thought you had the information.’ And Cairo said, ‘We don’t have it. We thought you had it.’ Castelli says, ‘We don’t have it.’ Then Cairo says, ‘We issued this arrest warrant on your behalf. So where is the evidence?’ The blunder ultimately forced Egypt to set Abu Omar free.

“This is exactly when the whole cover-up started,” she says. “It turns out there was a big miscommunication between Cairo Station and Rome Station. There wasn’t any prosecutable evidence against Abu Omar. It’s why he was never picked up by the Italians. But Castelli decided he wanted a rendition and he got one.”

De Sousa alleges that Castelli was gunning for a promotion to a coveted CIA position in New York City and to land it someone had to be subjected to extraordinary rendition. “Who could he pick out from this target list of 10 people he had? Abu Omar because it was the easiest. Why was it the easiest? Because he was already under surveillance by the Italians and they were sharing information [with the CIA],” De Sousa says.

Castelli, who now works at a private security firm in Arlington, Virginia, called Endgame, did not respond to requests for comment.

“Abu Omar was a nobody,” De Sousa says. “The renditions are meant for imminent, very dangerous threats and [are meant to be used in] countries that are incapable of laws that would allow them to pick up people who pose threats to national security. They’re not meant for a country like Italy already following the guy around.”

De Sousa says that, based on her reading of classified CIA cables, there were “four people responsible for this thing”: the CIA’s chief of counterterrorism in Rome who was responsible for coming up with a target list; Castelli; a shadowy figure identified as “Agent X,” whom De Sousa would not discuss further and who told Lady to make sure the Abu Omar rendition was executed; and Pironi, the CIA informant and Italian police officer.

But De Sousa says Italy demanded that people be held accountable for the embarrassing mistake and the CIA chose her and several of her col-

leagues. “Despite the circumstantial charges against me, the CIA scapegoated me to deflect attention from those who authorized the rendition and also prevent further investigations into the operation,” De Sousa says. “Also, I believe I was left out of the initial immunity deal [Italy agreed to for other, more senior officers] in retaliation for my interaction with Congress.”



The first trial over the secret US “extraordinary rendition” program, in Milan in 2007, with 25 CIA agents among the defendants charged with the kidnapping of Abu Omar.

Photo: Giuseppe Cacace/AFP/Getty Images

In 2005, after the investigation in Italy began, the CIA instituted a travel ban for the officers connected to the rendition because arrest warrants had been issued for them in Europe. De Sousa, a naturalized U.S. citizen who was born and raised in India and whose family still lives there, was concerned she would not be able to see her elderly parents. She was able to make one trip back home in September 2005 (the CIA approved it as long as she could avoid traveling through Europe) to see her father, who was hospitalized and later passed away. The following year, she asked the agency if it would pay for her mother to the U.S. for Christmas. But CIA officials balked. (De Sousa’s family was unaware of her employment with the CIA.)

“They said, ‘You don’t qualify for the funds.’ They told my attorney they didn’t want to set a precedent,” she recalls. “We’re talking about \$6,000. They were spending millions on this cover-up.” De Sousa says she saw the writing on the wall. “They wanted me out,” she says. “They knew what my limit was. They knew that the minute they tried to force me to sign memos saying I wouldn’t travel overseas they knew I would resign.”

But it didn’t happen as quickly as the agency would have liked. De Sousa

spent three years trying to work through internal channels to bring a resolution to her case, at first raising questions about why the agency had not invoked diplomatic immunity for her and then calling attention to the rendition and alleged torture of Abu Omar by the Egyptians.

“I went through the whole thing internally,” De Sousa says. “I started off by approaching my supervisor, and then I went to the ombudsman at CIA. He was a great guy. He tried to go to bat for me and he was told to lay off. He said, ‘I can’t communicate with you anymore due to a seventh-floor edict [at the agency’s Langley headquarters where the director and other top officials work].’ I then went to the inspector general. The IG said, ‘It’s not part of our charter or mission to deal with this.’”

Yet after she approached the watchdog’s office, the inspector general at the time, John Helgerson, said he wanted to launch an investigation into the rendition, De Sousa says, an assertion confirmed in a 2008 report published by the *New York Times*. But the head of the NCS, Jose Rodriguez, who would later come under federal investigation for his role in ordering the destruction of nearly 100 interrogation videotapes of two high-value detainees held at black-site CIA prisons, said no. NCS would conduct its own review, Rodriguez said. In other words, the division of the CIA that De Sousa says screwed up would investigate itself.

Then-CIA Director Michael Hayden also convened an accountability-review board to look into the rendition. De Sousa asked to see the results but was told she was not authorized because she wasn’t involved in the rendition, despite the fact that she had been indicted and convicted for it.

“So I went to Congress informally,” De Sousa says. “I went to Linda Cohen, the liaison with CIA [for the House Permanent Select Committee on Intelligence]. I said, ‘Linda, did you see this review-board report?’ She said, ‘Oh, they’re smart. They sent this to committee. They put a such a high classification on it none of the staffers could see it.’” Cohen did not respond to requests for comment.

De Sousa wrote to Rodriguez and Hayden. But they did not respond to

her inquiries either. “So then I started sending letters to Congress,” she says. De Sousa sent letters to members of Congress who sat on the House and Senate intelligence committees, including Sens. Jay Rockefeller and Kit Bond and Reps. Pete Hoekstra, Silvestre Reyes and Jan Schakowsky. But she says Rockefeller, Bond, Hoekstra and Reyes did not respond and Schakowsky, whose staff she met with, did not help her.

In February 2009, De Sousa resigned from the CIA, forfeiting her retirement. “I get up every morning and say, ‘Why?’ In 16 years I never saw anything like this,” she says. “I didn’t sign up for this. If they told me when I signed up ‘By the way, just to let you know, it’s possible if something happens we’re going to disavow and you may not see your family again,’ I would have said, ‘I’m not doing this.’”

She continued firing off letters. On May 18, 2009, she wrote to former Secretary of State Colin Powell. “For three years, I tried every option for resolution available to me, both with my employer and in letters to the heads of several Departments and Agencies, as well as Congress and the Senate in both administrations without success,” she wrote.

Powell was Secretary of State when the Abu Omar rendition took place. He responded a couple of weeks later. “Thank you for your letter. I regret the situation you are in, but since the matter is in litigation, I am unable to be of any help,” Powell wrote. “Further, I have no knowledge about any of these matters that would give me a basis to comment or intercede.”

De Sousa says Powell’s State Department would have had to have authorized Abu Omar’s rendition, because Italy is a NATO member and the rendition took place on Italian soil.

In 2009, De Sousa sued the State Department for failing to invoke diplomatic immunity, which she argued she was entitled to as a State Department diplomat. The U.S. government retorted during a federal court hearing that it was not responsible for the actions of a foreign court. A federal district-court judge dismissed De Sousa’s case but the judge described her treatment by government officials

in the Obama administration as “appalling.”

A year after she wrote to Powell, however, De Sousa secured two important meetings: one with Schakowsky’s staff and another with Sen. Dianne Feinstein’s staff.

### **The intelligence committees**

Schakowsky is a member of the House Permanent Select Committee on Intelligence (HPSCI). She had initially expressed interest in attending the meeting, but never showed up, De Sousa says. Prior to the meeting, Adam Lurie, the staff director and counsel for HPSCI’s subcommittee on oversight and investigations, asked De Sousa’s attorney, Mark Zaid, if she would be invoking the Intelligence Community Whistleblower Protection Act. Zaid replied that she wouldn’t.



Jan Schakowsky

When De Sousa met with Schakowsky’s staffers, she says, they did not believe her claims. “They asked how did I know [about the mistakes the CIA made in rendering Abu Omar]? I said I read the cables,” De Sousa recalls. She says Schakowsky’s office never followed up. Lee Whack, a spokesman for Schakowsky, told Al Jazeera, “We are unable to comment on this issue. The congresswoman takes very seriously the privacy of anyone who brings issues to the committee. That said, we cannot discuss classified work conducted by the committee.”

De Sousa also met with Feinstein’s staff. The powerful chairwoman of the

Senate Select Committee on Intelligence (SSCI), has publicly proclaimed her support for whistleblowers and urged intelligence-community employees to air their grievances with select members of Congress. De Sousa enlisted the human rights organization Human Rights First to help set up the meeting. The organization sent a letter to David Grannis, the staff director for SSCI.

De Sousa communicated via email with Grannis in August 2010 after he expressed interest in hearing what she could disclose about Abu Omar’s rendition. Grannis told her the best way for her to share the information with him “is either by hard-copy delivery” or “via secure fax.” De Sousa prepared a memo and hand delivered it to the SSCI’s security director, Jim Wolfe. She never heard from Grannis or anyone else on the intelligence committee again, she says.

An SSCI staffer, however, denies that the panel did not investigate De Sousa’s claims. The staffer says De Sousa met with “SSCI staff multiple times on subjects that I cannot confirm openly but that she was raising at the time as concerns with CIA actions.”

“Committee staff followed up with CIA independently to seek CIA’s views and explanations,” the staffer says. “Any contention that the SSCI did nothing is simply factually untrue.” De Sousa says she was never informed about any inquiries the committee made about her with the CIA.

At the time De Sousa disclosed details about the Abu Omar rendition to Grannis, the SSCI was one year into a review of the CIA’s rendition, detention and interrogation program. The committee prepared a voluminous report on the program, the executive summary of which is currently undergoing a declassification review, and concluded that the approximately two dozen “war on terror” suspects were illegally rendered and secretly held by the CIA.

For years, De Sousa believed Abu Omar’s case would be included in the committee’s report. “It has to be,” she says. “It’s such a bungled case and it also involves torture by proxy governments [Egypt].” But the SSCI staffer told Al Jazeera in an email that the “executive summary and findings and conclusions of the committee’s

report,” that is the portions due to be declassified, “do not reference Abu Omar.”

“There are passing references to him elsewhere in the report, but I wouldn’t want you to have the impression that the report focuses on him or alleged CIA actions involving him to any significant degree,” the aide said.

The CIA would not comment on the allegations De Sousa leveled against the agency or respond to questions about the Abu Omar rendition.

### False promises

Recently, Feinstein said that former National Security Agency (NSA) contractor Edward Snowden could have and should have come to her with evidence of the agency’s mass surveillance of Americans instead of handing over a trove of highly classified documents to journalists.

De Sousa believes Feinstein would have ignored Snowden, just as her staff did, according to De Sousa, when she came to them with evidence of alleged wrongdoing by the CIA in the Abu Omar case.

And former Secretary of State Hillary Clinton recently told NPR’s Terry Gross that Snowden could have “expressed his concerns” in other ways, such as “reaching out to some of the senators” about the legality of NSA spy programs.

But when De Sousa’s attorney, Mark Zaid, wrote to Clinton at the State Department to raise concerns about her treatment and Abu Omar’s rendition and torture he never received a reply.

Earlier this month, the Senate passed an intelligence-spending bill that included new whistleblower protections for intelligence personnel that are supposed to codify Obama’s 2012 policy directive that strengthened whistleblower laws for federal workers. But the bill comes too late for De Sousa. She is now using the Freedom of Information Act in an effort to clear her name. She says she will aggressively try to pry loose government documents to reveal internal discussions about the Abu Omar rendition, whose case is pending before the European Court of Human Rights. In the meantime, there is still an international arrest warrant out for her. That

makes traveling to visit her mother and siblings difficult.



Sabrina De Sousa at home in Washington, DC, July 2013

Photo: Barbara L. Salisbury/MCT/Landov

She hasn’t given up on trying to hold government officials and her former colleagues accountable. “Castelli’s chain of command who approved the rendition — James Pavitt [former CIA deputy director of operations], Stephen Kappes, [a close confidante of Feinstein who was the agency’s deputy director], Tenet, [former chief of CIA covert operations in Europe Tyler] Drumheller, Rodriguez and Rizzo [former CIA general counsel]. Here are the guys I wish to hold accountable,” she says. “Hayden, Rice, Feinstein and Schakowsky also have to be held accountable for the subsequent cover-up and refusal to investigate an issue that is a violation of international law and torture.”

Zaid says that during one of the oversight committee meetings he attended with De Sousa to discuss the Abu Omar case, she had told congressional staffers that she had been unable to secure a job because of the conviction. “One of the staffers actually told her to go back to India and get a job there,” Zaid says. “Can you believe that?”

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## Whistleblower phone app seeks to outsmart corruption

Amy Fallon

*Yahoo! News*, 28 September 2014

Kampala (AFP) — Douglas Buule, a teacher at Kiwenda primary, a government school outside Uganda’s capital Kampala, has a recurring problem.

“The money used to access the chalk comes late, even towards the end

of term,” explains Buule. “It is a big burden to keep on writing on a chalk board. So sometimes the head teacher buys chalk on credit or even uses her own money.”

Funds arriving late or going missing altogether also mean the school’s 529 students usually only take exams twice a term instead of monthly, said the teacher.

“There is lack of transparency in many government institutions on the funds that are supplied and used,” said Buule, complaining of the country’s endemic corruption. “That lack of transparency is affecting day-to-day learning.”

But now, a new project is shifting the balance of power.

Through the Action for Transparency (A4T) Smartphone app, being piloted in three Ugandan districts, communities are being armed with information allowing them to report anonymously when budget allocations for health centres and schools fail to match public expenditure.

Using the GPS-enabled A4T app, a user can receive the location of a school or health centre, the number of staff allocated to them by both the government and the institution, and the amount of money approved and dispersed.

If they suspect money is being misused — for example if the government provides funds for an ambulance which then is nowhere to be seen — the user can simply click on the app’s whistle icon to send an instant report to the A4T website and their Facebook page.



Gerald Businge, 4AT project coordinator, demonstrates the anti-corruption phone app, Kampala, 19 September 2014

Photo: AFP Photo/Isaac Kasamani

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## Conference and annual general meeting

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### Conference

Saturday 22nd November 2014  
8.15am for 9am

**AGM** Sunday 23 November 2014  
8.15am for 9am

**Venue:** Uniting Church Ministry Convention Centre on Masons Drive, North Parramatta, Sydney NSW



**Non-members:** \$60 per day, includes lunch & morning/afternoon tea. Optional \$25 extra for dinner onsite 6pm Saturday night

**Members, concessional cardholders and students:** \$45 per day or \$80 for two days.

This charge (\$45/80) may be waived for members, concessional cardholders and students from interstate, on prior application to WBA secretary Jeannie Berger (jayjellybean@aol.com).

Optional dinner @ \$20 a head, onsite 6pm Saturday night.

**Bookings:** notify full details to treasurer Feliks Perera by phone on (07) 5448 8218 or at feliksfrommarcoola@gmail.com or president Cynthia Kardell (for phone/email see below under enquiries).

**Payment:** Mail cheque made payable to Whistleblowers Australia Inc. to the treasurer, Feliks Perera, at 1/5 Wayne Ave, Marcoola Qld 4564, **or** pay Whistleblowers Australia Inc by deposit to NAB Coolum Beach BSB 084 620 Account Number 69841 4626 **or** by credit card using PayPal to account name wba@whistleblowers.org.au.

**Low-cost quality accommodation is available at the venue:** Book directly with and pay the venue. Call 1300 138 125 or email service@unitingvenues.org

**Enquiries:** ring national president Cynthia Kardell on (02) 9484 6895 or email ckardell@iprimus.com.au

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## Whistleblowers Australia contacts

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**Postal address** PO Box U129, Wollongong NSW 2500  
**Website** <http://www.whistleblowers.org.au/>

### New South Wales

**“Caring & sharing” meetings** We listen to your story, provide feedback and possibly guidance for your next few steps. Held by arrangement at 7.00pm on the 2nd and 4th Tuesday nights of each month, Presbyterian Church (Crypt), 7-A Campbell Street, Balmain 2041. Ring beforehand to arrange a meeting.

**Contact** Cynthia Kardell, phone 02 9484 6895, [ckardell@iprimus.com.au](mailto:ckardell@iprimus.com.au)

**Wollongong contact** Brian Martin, phone 02 4221 3763.  
**Website** <http://www.bmartin.cc/dissent/>

**Queensland contacts** Feliks Perera, phone 07 5448 8218, [feliksfrommarcoola@gmail.com](mailto:feliksfrommarcoola@gmail.com); Greg McMahon, phone 07 3378 7232, [jarmine@ozemail.com.au](mailto:jarmine@ozemail.com.au)

**Tasmania** Whistleblowers Tasmania contact, Isla MacGregor, phone 03 6239 1054, [opal@intas.net.au](mailto:opal@intas.net.au)

**Schools and teachers contact** Robina Cosser, [robina@theteachersareblowingtheirwhistles.com](mailto:robina@theteachersareblowingtheirwhistles.com)

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Thanks to Lisa Hamilton and Cynthia Kardell for proofreading.

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## Whistleblowers Australia conference

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See previous page for details

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## Annual General Meeting

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Whistleblowers Australia's AGM will be held at 9am Sunday 23 November at the Uniting Conference Centre, North Parramatta (Sydney). See previous page.

**Nominations** for national committee positions must be delivered in writing to the national secretary (Jeannie Berger, PO Box 458, Sydney Markets NSW 2129) at least 7 days in advance of the AGM, namely by Sunday 16 November. Nominations should be signed by two financial members and be accompanied by the written consent of the candidate.

**Proxies** A member can appoint another member as proxy by giving notice in writing to the secretary (Jeannie Berger) at least 24 hours before the meeting. No member may hold more than five proxies. Proxy forms are available online at <http://www.whistleblowers.org.au/const/ProxyForm.html>.

## Whistleblowers Australia membership

Membership of WBA involves an annual fee of \$25, payable to Whistleblowers Australia. Membership includes an annual subscription to *The Whistle*, and members receive discounts to seminars, invitations to briefings/ discussion groups, plus input into policy and submissions.

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