

## 8. Committee on Civil Liberties, Justice and Home Affairs – LIBE II

A. Wikileaks was started in 2006 by an anonymous group led by Australian citizen Julian Assange. Their goal “is to bring important news and information to the public”<sup>1</sup>. In within five years they have gained a high reputation regarding collecting and publishing top secret rated documents of governments and companies. Whistleblowers can drop the documents in an “electronic dropbox” which is assured to grant anonymity using modern encryption standards.

They became popular when they published a video clip called “collateral murder” showing US-Soldiers in an helicopter killing civilians as well as Reuters staff members. On July 25<sup>th</sup> 2010 they uploaded 76,000 called “Afghanistan War Logs”. In October, Iraq War Logs followed uncovering evidence of torturing and abuse by Iraqi and American security forces.

In late November 2010, Wikileaks started publishing leaked US embassy cables. They contain reports of US embassies from all over the world. The next day, Wikileaks faced verbal attacks by popular US politicians. Sarah Palin urges the government “Mr. Assange to be pursued with the same urgency we pursue al-Qaeda and Taliban leaders”<sup>2</sup>.

The main fear stated in public by US government is that the release of leaked materials by Wikileaks could harm lives of US citizens. Amazon as the former host of Wikileaks homepage cut of the homepage in respond to the enormous public pressure lead by Joe Lieberman, chairman of the Senate’s committee on homeland security<sup>3</sup>. US website hosting company EveryDNS terminated services for Wikileaks on the 3<sup>rd</sup> December. Paypal closed Wikileaks account because Wikileaks would violate their terms of service. Credit Card companies VISA and MasterCard followed soon.

The international group of internet activists called “Anonymous” soon called for “Operation Avenge Assange”. They carried out attacks on various sites which showed strong opposition to Wikileaks such as MasterCard or the homepage of Sarah Palin.<sup>4</sup>

Currently, the US government struggles to find a law to accuse Julian Assange in court. Whistleblower Bradley Mannings remains in custody. Still, there is vital discussion whether the published documents have cost lives.<sup>5</sup>

During the discussion, a general question arose:

1. Which is more important, the freedom of press to inform the public or diplomatic secrets which may be used to save lives?  
Sometimes, you also could hear that question:
2. How can the western democratic culture be united with the, in most cases, extralegal internet?

B. Even though also some European leading politicians were subject of the US embassy cables, the European Union did not take any specific measurements regarding Wikileaks so far. Mr. Assange was accused of sexual abuse in Sweden. There was an Interpol search for him so that he was arrested in London. He and his supporters believe that the European Union member states do want to help the United States of America by handing him over to them. For the time being, England and Sweden deny that. On the 14<sup>th</sup> December, there was a question hour with president Barroso on Wikileaks and Cybersecurity.

He says “Freedom of expression in all its forms is not only a fundamental human right, it is also not negotiable. [...] At the same time it is also clear that there is information [...] which by its nature is sensitive and cannot be accessible to the wide public, data protection is also anchored in fundamental rights”<sup>6</sup>. Later on he states that he is not able to comment on the accusations against Julian Assange being done by Swedish judiciary system as well as those done by the United States.

Barroso points out though that the activity of Wikileaks raises the awareness on cybersecurity in within the European Union. He refers to the “Proposal for a Directive on attack against information systems [...]”<sup>7</sup>, that included an suggestions on improving the framework from 2005 “Council Framework Decision 2005/222/JHA of 24 February 2005 on attacks against information systems”. Barroso and the EU administration see the main role of the EU in providing solutions for a better communication and a framework that every member country can adapt.

C. Wikileaks and related topics have become a quite interesting and important topic during the past two years. During the discussion in media, I had several thoughts which I want to explain here in short. First of all, Wikileaks seems to be a development of the investigative journalism, which could only be possible by the opportunities created by the world wide web. The media has become quite a regulating instance in modern democracies. Their main task is to explain, analyze and comment on actual topics that got rather complex. Wikileaks demonstrates that in a quite effective way.

One of the main aspects of Wikileaks that have to be criticized is its anonymity. They demand wide information of the public and want to inform as many people as possible. Wikileaks itself is quite anonymous. Only a few individuals around Mr. Assange are known, lots of the staff is not known. The methods how Wikileaks works are not transparent enough. On the one hand, they criticize the breaking of laws by companies and governments, on the other hand, they are using sometimes dubious methods to get their information. Moreover, you do not know why the information was published from the initial whistleblowers. There is a quite high danger that misinformation could take place due to political reasons. Wikileaks can not be controlled or regulated in any way.

In general, while discussing all those questions, you have to bear in mind, that this all is a mirror of society and a mirror of common thoughts and moral values in a society. That implies, that the everyone has to act responsible. Responsible has got two meanings in this context. Responsible acting means on the one hand side, that the governments and companies need to rethink their way they look at people and whether secrets really need to be kept. Responsible acting also means that people need to rethink whether really important information should be published and thinking about the consequences of “whistle blowing”. On the first meaning, the EU can have a direct influence. On the second meaning, the EU should think about how ethical and moral values can be changed.

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1 <http://213.251.145.96/>, accessed 27<sup>th</sup> March

2 <http://www.bbc.co.uk/news/technology-10757263>, accessed 27<sup>th</sup> March

3 <http://www.guardian.co.uk/media/2010/dec/01/wikileaks-website-cables-servers-amazon>, accessed 27<sup>th</sup> March

4 [http://en.wikipedia.org/wiki/Operation\\_Payback](http://en.wikipedia.org/wiki/Operation_Payback) accessed 27<sup>th</sup> March

5 <http://www.bbc.co.uk/news/world-us-canada-11882092>, 27<sup>th</sup> March

6 [http://ec.europa.eu/commission\\_2010-2014/president/pdf/transcriptqh14-12-2010\\_en.pdf](http://ec.europa.eu/commission_2010-2014/president/pdf/transcriptqh14-12-2010_en.pdf), 31<sup>st</sup> March

7 <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/10/463>, 31<sup>st</sup> March