

SILENCED

International Journalists Expose Media Censorship

Edited by
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 **Prometheus Books**

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*This book is dedicated to journalists everywhere
who refuse to tread the easy path.*

Our ability to assess the actions of government during a time of crisis would also be severely hindered. How could we assess the correctness of going to war, of sacrificing our soldiers, of spending enormous amounts of money on defense without some assessment of these actions? How could we judge that the cause was just or that our interests were being best served? Would we travel to Senate hearings and ask for budget details, or would we rely on others to do that job?

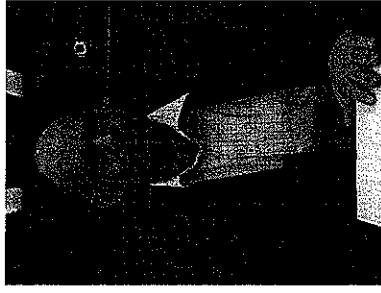
Naturally, such an alternative world would be of interest only to crooked politicians, but it reveals the importance of the media's work: the difficult, and often thankless, task of scrutinizing the government on our behalf. For this reason, it is clear that their fight for information is our fight for information and that their censorship is ultimately our censorship. *Silenced* shows this struggle taking place in many countries far away from the United States. It is a struggle we should better acknowledge.

David Dadge

FROM BRUSSELS TO BURMA

HANS-MARTIN TILLACK

Hans-Martin Tillack was born in 1961 in a small city close to Berlin in what was then the German Democratic Republic (RDA). He studied sociology and political science in Marburg and West Berlin before becoming a staff writer with the left-of-center Berlin daily *Tageszeitung (Taz)* in 1988. From 1992 he covered national German politics in Bonn (then the seat of the federal government), first for *Taz* and since 1993 for *Stern*, one of the three big German newsmagazines. From 1999 to 2004, he was the EU correspondent for *Stern* in Brussels, Belgium. From August 2004 to March 2005, he worked in the political department at *Stern* headquarters in Hamburg, Germany. Currently he covers national politics in the Berlin office of *Stern*. For his reporting on the European Union, he received the Leipziger Medienpreis.



It was seven o'clock in the morning and I was still fast asleep when my doorbell rang. On the third ring, I opened the door to six men who introduced themselves as plainclothes officers of the Belgian Federal Police.

The men briefly showed me a search warrant and said that the EU Anti-Fraud Office had sent them. They wanted to know who had given me some highly confidential documents about fraud and irregularities in the European Commission, the executive arm of the European Union. The police informed me that I was suspected of having bribed an official to obtain these documents.

This must be a bad dream, I thought. As the Brussels correspondent of the German magazine *Stern*, I had written extensively about fraud and waste in the EU Commission. It was true that I had often benefited from leaked documents, but why would I be so stupid as to commit corruption myself while writing about it?

Unfortunately, the policemen were not part of a nightmare—they were real. The police officers took my private computer, mobile phones, diary and address book, bank account statements, and even a copy of the book *Spaceship Brussels*,* which I had published with Andreas Oldag, a colleague from *Süddeutsche Zeitung*.

After the search, I was driven in an old Ford Mondeo to the *Stern* office in the Brussels International Press Center. The officers wanted me to show them where I had filed some specific documents. I refused and reminded them that the European Court of Human Rights had recently condemned Belgium for violating freedom of expression and the protection of journalists' sources.

My statement failed to impress the policemen. Because I had refused to cooperate, they decided to take nearly everything in my archive at the *Stern* office. The (British) *Daily Telegraph* would later call it the "biggest archive of investigative files of any jour-

* *Reunnschiff Brüssel: Wie die Demokratie in Europa scheitert* (Berlin: Argon, 2003).

nalist in Brussels."* The police used seventeen boxes to transport the material to their headquarters.

On several occasions, I asked to be allowed to call both a lawyer and my wife, Katja, who at the time worked in Estonia. But the policemen refused. I had not been cooperative, one of them explained to me. When I complained, I was told I should be happy that I was "not in Burma" or "central Africa." "In these places," one detective said, "journalists could be treated much worse."

I had been thrilled five years earlier, in August 1999, when I had first moved to Brussels. Until then I had worked for *Stern* in Bonn, the seat of the German federal government at that time. *Stern* had later sent me to Brussels to open our first office in the capital of Europe.

That was an interesting time to be in Brussels. The common currency, the euro, had just been introduced. With a budget of 100€ billion, and a staff of twenty-five thousand, the EU Commission was already by far the biggest and most powerful supranational authority on the planet. Its authority stretched from the Arctic Circle in northern Finland to the Canary Islands, not far from the African coast. Gone were the times when Brussels's decisions concerned little more than discussions on cucumbers or the technical details of tractor seats.

Now, the European Union also dealt with foreign and immigration policy and had supremacy over nearly all matters of economic policy, consumer protection, and environmental law. Brussels, it was said, was now responsible for every second new law that the 375 million citizens in the member states of the European Union had to respect—and soon the European Union would also encompass ten new member states in eastern and southern Europe, which would boost the EU population to 450 million.†

Going to Brussels was one of the most exciting challenges of

* Ambrose Evans-Pritchard, "Reporter Following Trail of Corruption in Eu Arrested," *Daily Telegraph*, March 20, 2004.

† On May 1, 2004, ten new countries joined the European Union.

my professional life as a journalist. As with so many continental Europeans, especially Germans, I was enthusiastic about building a closer union among the EU member states. Only by doing so was I convinced that Europeans could become an equal partner with the United States. Indeed, when I caught sight of the blue EU flag with its twelve gold stars, I sometimes felt a sort of patriotic shiver—a feeling that Germans of my generation do not often have when looking at the German flag.

Of course, I knew about the shortcomings of the EU project, especially its gaping democratic deficit. It is difficult to explain to non-Europeans how the union works, especially when many European citizens struggle to grasp it. Most of the legislation happens behind the closed doors of the commission and the Council of Ministers, where officials from member states negotiate with each other. By comparison, the powers of the European Parliament remain weak. The EU Commission resembles a government in many ways, but unlike a democratic government, the commission is not an elected body. The heads of the administration are not called ministers but commissioners. The commission—now numbering twenty-five men and women—is appointed by the governments of the member states. It is, however, no secret that the complicated Brussels bureaucracy is run by long-serving senior civil servants. Because many of the decisions are not made in public, the old boy networks and lobbies of all kinds have far-reaching influence.

But, five months before my arrival in Brussels, an earthquake had shaken the political landscape of the union. The twenty-five men and women who then headed the EU Commission were forced collectively to step down in March 1999. Journalists and Members of the European Parliament (MEPs) had revealed an embarrassing number of fraud cases in the EU administration.

Millions had gone missing. Sometimes the money would end up in the pockets of officials or their wives, husbands, mistresses, or friends. Bribes of all kinds, from free Formula One tickets to

shiny new cars, had been paid to civil servants. Well-organized networks of officials invariably seemed to benefit from the protection of the highest levels of the commission, and the leading directors general of the commission services always appeared eager to avoid any scandal that might harm the institution's reputation. Hardly anyone seemed to care where the money transferred from Brussels ended up.

Stern had reported on these scandals. Now, the ability of the newly appointed commissioners to clean up Brussels was a major story for *Stern*. My first story in Brussels included an interview with Michael Schreyer, a Green politician from Germany. She was the new commissioner responsible for fighting fraud. On the question of fraud and the actions of the previous commission, Schreyer said it was shortsighted to try to cover up corruption and promised never to do so.

I believed her, especially as I knew her rather well. Schreyer dubbed me her "old friend" when she once called me soon after we both arrived in Brussels in the summer of 1999. When I had worked with the left-of-center daily *Taz* in Berlin in the late eighties, she was—briefly—regional minister of environment and town planning. Schreyer had no experience at the national or European level, but many thought, as someone with a fresh outsider's perspective, she might be the right person to clean up Brussels.

While still new in Brussels, I also met Paul van Buitenen. He had been instrumental in bringing down the previous commission. The assistant accountant and low-grade EU official from the Netherlands had watched for years while his superiors sought to avoid drawing conclusions from even the most obvious cases of fraud and financial irregularities. Frustrated, in December 1998, he finally informed the Green group in the European Parliament of what he knew about the fraud and cover-up in the commission.

How did Paul van Buitenen feel now? The solidly built guy smiled shyly. He was not too optimistic. All the officials who had

been responsible for the wrongdoings were still there, van Buitenen warned me. No real regime change had occurred.

Van Buitenen's attitude was understandable. The old commission had suspended him with half his pay. The new commission had given him another job but continued with the disciplinary case against him. We held a reception at the newly opened *Stern* office in October 1999. Schreyer was among the guests, along with van Buitenen. He tried to approach the commissioner in order to shake hands—after all, they were both members of Green parties, she German, he Flemish. A photographer turned quickly toward the couple, but Schreyer backed away as if she had been addressed by Osama bin Laden. Schreyer's head of cabinet and personal aid, Eckart Guth, was an old commission hand. Guth accompanied Schreyer nearly everywhere and quickly warned me off van Buitenen. Nothing that van Buitenen had revealed was new, Guth confided to me.

Guth was a clever man. He must have known better. Official reports had concluded that the commission had failed to draw conclusions from even the most obvious cases of wrongdoing. Van Buitenen had been right. Why did Guth believe he could mislead me? And was he trying to do the same thing to Schreyer?

That would have been worrying. Schreyer and the commission president Romano Prodi had not only promised to fight fraud with a "zero-tolerance" approach but also announced reforms that would help to "break completely with the past," as Prodi pledged. Financial controls would be reinforced and critical officials encouraged, not harassed.

But soon I received information that the complete opposite was true. Only weeks after having taken office, Schreyer closed down an important audit department—the same one that had discovered nearly all of the big scandals that had brought down the old commission. It was the same department where van Buitenen had worked.

Of course, it had not been Schreyer's idea to dissolve the audi-

tors' unit. It had apparently been the proposal of the director general of financial control, Isabella Ventura. Strangely enough, Ventura had been responsible for financial control under the old commission. She had largely failed, but Schreyer had allowed her to stay. Some said that the reason for the closure of the audit unit was that Ventura was settling her accounts with those officials who had created trouble in the past.

Fresh doubts about Schreyer's reform pledge occurred when I wrote a number of stories about another fraud case. The French company Flécharde had—before Schreyer and Prodi took office—benefited from a favor worth 14€ million. Flécharde received the money despite the fact that it was involved in fraudulent exports of EU butter. Nearly all of the high-ranking officials who had been responsible for this case were still in office. Mysteriously, the minutes of a high-level commission meeting on the case had disappeared. In an internal letter to Schreyer, published by *Stern*, three senior officials signed an astonishing joint statement. The minutes of the meeting, they wrote, had been "taken away" under "completely bizarre circumstances" from each of their three offices.

It had the appearance of organized crime. But why was it so important for them to make these minutes disappear?

Nobody really cared. With the exception of *Stern*, no other newspaper wrote about this strange case of theft. The Anti-Fraud Office searched for the document but never found it. Some MEPs looked at the case but soon lost interest. And Schreyer and her colleagues had already publicly declared that the case was to be closed. The story made me wonder! Documents disappearing in German federal ministries had created scandals. Why not in Brussels? Apparently, the standards were different.

One day, I found an internal audit report in my mailbox that revealed serious discrepancies found in the awards procedure of the EU research program. The program was worth 4€ billion and the report was—as I was able to verify—authentic. In vain, the auditors had considered disciplinary measures against the

responsible officials. When I wrote an article about the audit report, hardly anyone was shocked. The commission did not reject the facts of our story but claimed that there was no need to worry. Once again, no other media took up the story.

When I first arrived in Brussels, another spokesman (of the social democratic party group in the parliament) tried to explain to me how journalists were supposed to work here. "There are no scoops in Brussels," he told me. "Whatever is new is always already known to all of the journalists."

At first, I did not understand what he meant. Then I started to publish my news stories—only to learn that my fellow journalists did not find them interesting enough to print. "The commission had denied it," one told me. "I could not believe that that was true," another reporter said to me, after the research story had come out. The reporter continued, "One German MEP said it was a non-story." On another occasion, a German radio reporter gave me some advice about a story of mine that concerned a big German bank and a multi-million-euro deal with the European Parliament that the bank had obtained in contravention of the tendering rules.

Had the radio colleague read the *Stern* story? "No," she said. The word of the MEP—whose party was linked to the bank—was enough. Finally, I understood the message of the spokesman. News was what my German colleagues collectively had decided to be news. They apparently contacted each other on a regular basis to reach an agreement about what would and would not be covered. In their view, information released or approved by the commission was newsworthy. What conflicted with the commission perspective was often not worth printing. So it was not news.

In January 2002, Schreyer hired a new chief accountant. But, after only five months, Schreyer suspended Marta Andreasen—after the experienced accountant refused to sign the commission accounts because she found them open to manipulation and fraud. The Andreasen case quickly became a huge issue in the European press, from the United Kingdom to Italy—with the

exception of nearly all of the German dailies, TV stations, and news agencies.

A colleague of the highly respected German *Frankfurter Allgemeine Zeitung* even publicly attacked Andreasen at a press conference because she had blown the whistle. Besides, the representative of the newspaper claimed, the commission would already be under increased pressure from some Euro-skeptic governments. Therefore—so his argument went—one should not deliver ammunition to the enemies of greater European integration.

The situation was quite bizarre, I thought. Although it was the German commissioner Schreyer who was under growing pressure, I was virtually the only German correspondent who was writing about what had happened.

The commission administration did what it could to feed the eight-hundred-strong press corps. Every day at noon, the correspondents were invited to the press briefing. I often went but used the time as an opportunity to meet colleagues and exchange gossip. The briefing invariably started with the commission spokespeople proudly presenting some new achievement that would range from a new study on European space policy to a European-wide passport for pets. It was not uncommon for the commission spokespeople to state beforehand what questions they were prepared to answer. The correspondents normally accepted such pronouncements.

Although it was clear that the commission spokespeople called the shots in the pressroom, the atmosphere often resembled a gathering of friends. Spokespeople and journalists were all supposed to be on first-name terms. The briefings always ended with the chief spokesperson wishing "bon appetite" to everyone.

"Journalists and spokespeople shared the same goal," a senior colleague of *Frankfurter Allgemeine Zeitung*, Michael Stabenow, claimed in a ceremony for an outgoing chief spokesman. "Whether journalists or officials, we are all there in order to [provide information] about Europe," Stabenow said.

Overall, the situation looked similar to embedded journalism during the US-led invasion of Iraq. However, the journalists had managed only to adapt to the specific nature of Brussels politics. Nobody expected public debates on the performance of individual commissioners or the pros and cons of a new commission proposal. When the German government presents a new scheme, it immediately comes under attack from the opposition. In Brussels, there is no opposition. Most MEPs support the commission.

I was often told that I had broken the unwritten rules. When the commission claimed in 2001 that EU enlargement would be very cheap, most colleagues presented that as a fact to their readers. I wrote the opposite, based on internal figures and the in-depth studies of well-known economists. By accident, I later ran into commissioner Günter Verheugen (another German). I said hello—but he started to shout at me. I had missed the point completely, he told me. "Don't you see that you are completely isolated among your colleagues because none of the other journalists takes up your stories?"

Apparently, he thought that journalists should decide the truth by majority voting among their peers instead of by checking the facts. Three years later, the commission would nevertheless present a budget proposal for the upcoming seven years and ask for an additional 40€ billion per year. My colleagues would explain to their readers that this was quite okay, as no one could have expected that enlargement was available for free. As a result of these experiences, I learned to cooperate with my British, French, Polish, and Danish colleagues to ensure that a story was published in more than just one language. This approach increased the chances of people reading the story, and working with these colleagues was a clear indication that my reporting had not gone unnoticed.

Once I complained to a commission spokesman about how long it took him to reply to one of my interview requests. His answer was very telling. "We treat all journalists equally," he told

me, "[including] . . . those who are Commission friendly . . . [and]," he said, looking at me, "those who are hostile to us."

"Do you have blacklists?" I asked him in astonishment. And what had I done to deserve the title of an official enemy of the commission?

Of course, you could hardly miss the problem: The commission was unused to critical coverage in the media. It was a logical consequence of the fact that there was no opposition in parliament and very little pressure from the media. One British MEP described the attitude of the commission people very well: They behaved like "spoiled kids." Even before the Santer Commission had been forced to step down in 1999, the public relations officers had tried to fight off critical coverage by applying all kinds of pressure. One journalist had been accused—unfairly—of being a right-wing extremist. Investigative journalists even found fake documents with allegations against a commissioner in their letterboxes; fortunately, they checked the facts and did not publish the story.

Naturally, all over the world, spokespeople do what they can to mislead journalists. But never before in my career had I received so many flatly wrong statements as I did in Brussels. This was possible because the commission's spokespeople got away with telling untruths.

Nevertheless, I still could not understand why journalists were anti-European if they wrote about people who broke European law or wasted the money of European taxpayers. As a result, I carried on reporting irregularities.

Over time, I began to receive more and more internal documents from people working in the various European institutions. Sometimes I found an anonymous letter in my mailbox. Sometimes officials were ready to talk to me in their offices, while others preferred to meet me in private, for example, in a small restaurant somewhere on the outskirts of Brussels or in their private apartments.

"This is a devilish world," one source explained to me over coffee. "You have to keep in mind that there are extremely strong networks in place, run by senior officials who have known each other for many years."

"The commission is sick," another source told me. "They were never under any real control, so networks could spread and gain control. The downfall of the Santer Commission came as a shock to many. So afterward they had one main aim: to finish with those who had caused this accident."

"There is a dinosaur living in the commission," the European Ombudsman Jacob Söderman confided to me. He was Finnish and used to Nordic transparency. Now he was responsible for handling citizens' complaints about the EU bureaucracy. "After the Santer crisis, the dinosaur was weakened," Söderman said. "But that is over."

Not that everything remained unchanged. Under pressure from the European Parliament, a new and more independent Anti-Fraud Office was set up in summer 1999. It was called OLAF, the French acronym for *Office Européen de la Lutte Anti-Fraude*. Since March 2000, the former German public prosecutor, Franz-Hermann Brüner, leads the organization. He has powers unlike any other EU investigator before him. He can raid any office in the European Commission without the prior approval of a judge. He would not even have to stop in front of the office of the commission president. He commands a budget of 50€ million and a staff of more than three hundred.

I met Brüner shortly after he had taken office. The small, bearded man was apparently not very good with words and constantly mumbled while smoking his pipe. He told me how important it was to cooperate with journalists. After all, it was the press who would have to protect him if the commission tried to interfere with his independence.

Brüner soon realized that the commission officials felt uncomfortable about OLAF's powers. After his initial months in

office, the German even publicly criticized the commission for withdrawing its earlier commitments against fraud. The commission had accepted OLAF when it had been weakened, Brüner told deputies. Now, however, some officials were trying to recover the ground that had been lost.

I wrote about this conflict between Brüner and the commission, but, once again, I was the only one to do so. The OLAF boss also realized that he was not increasing his own popularity by investigating the wrongdoings of the commission.

The European Parliament had wanted OLAF to focus on internal fraud cases. This was a direct consequence of the failure of the Santer commission. But Brüner's investigators did not concentrate on Brussels fraud. Many of the investigators worked on the fight against cigarette smuggling or customs fraud—cases that concerned the illegal import of Chinese tiger nuts or frozen shrimp from Bangladesh.

As important as these crimes are, the authorities of the member states were already responsible for investigating them. OLAF could do little more than assist them in their investigations; sometimes their work annoyed national investigators who felt that the OLAF people were trying to meddle in matters that did not concern them.

But, by choosing this policy, Brüner clearly pleased Romano Prodi's people. Pia Maria Filippone, a high-ranking Italian EU official (and protégé of the commission president) openly admitted as much in an internal meeting in 2001. Filippone said that in 99 percent of cases OLAF's job would be to fight fraud in the member states, and, as a consequence, the inquiries would be "no real problem" for the commission officials.

Brüner followed this line. In 2003, he assigned no more than thirteen people to internal corruption cases. It was the smallest unit within OLAF. "Even [Brüner's] press service is bigger," the Austrian MEP Herbert Bösch used to joke.

Whenever one met OLAF investigators, they either bragged

about another strike against cigarette smugglers or they mysteriously failed to do their job.

In the summer of 2000, OLAF proudly announced a successful investigation of companies that had smuggled impure butter, which contained no real butter but a considerable amount of chemicals. Among the companies involved was the French enterprise Fléhard—the same company that had been suspected of fraud in the past but had been whitewashed by Commissioner Schreyer. Now, once again, the commission and OLAF were quick to promise that everything was under control. They said there was no danger for the consumers and no need for the powerful European dairy industry to worry! All the dubious butter products—on sale in Italy, France, and Belgium—had been seized, Brüner's spokesman Alessandro Butticié claimed.

The statement was untrue. But Butticié would only admit this after a *Stern* investigation (which would not have been possible without the help of Italian Brussels-based investigative journalist Marcello Faraggi). As it turned out, not all of the so-called Mafia butter had been seized. Apparently, questionable dairy products had even been delivered to the German company Bayernland. The enterprise denied any wrongdoing—and it was well connected to politicians in Brüner's German home state of Bavaria. The chairman of the Bayernland board was a member of the German Parliament for the political party that governed Bavaria. Had Brüner tried to play political games?

Paul van Buitenen also grew impatient about the work of Brüner's fraud busters. In August 2001, he delivered a 232-page report with fresh allegations of fraud and irregularities in the commission. But Brüner quickly downplayed the importance of the report. It contained little news, he wrote to an MEP in early 2002.

No one could question Brüner's assertion, as no one outside the commission knew of the report's existence. But, on a cold February evening in 2002, one official—"never mention my name," he said—handed me two confidential documents: first,

van Buitenen's report, and, second, an even more confidential internal OLAF memorandum containing an analysis of the van Buitenen papers. One thing was clear from the reports—the OLAF experts did not share their director's opinion that van Buitenen had not delivered any sensitive information. On the contrary, the investigators recommended that OLAF open four new investigations and relaunch a number of dormant cases.

The story I wrote with the help of these documents made headlines all across Europe. It was quoted in the (London) *Guardian* as well as in *Le Monde* of Paris. The information we had obtained suggested that under Prodi and Schreyer the Commission had treated accusations of fraud and irregularities lightly. Gone was the much-heralded "zero-tolerance" approach. Based on what was contained in the report, even high-ranking commission officials such as Secretary General David O'Sullivan and Prodi's chief spokesman Jonathan Faull had apparently taken part in activities that could be described as an attempt to cover up financial scandals.

The commission reacted with unprecedented anger. Never again did he want to read such "nonsense," the normally well-controlled Briton Jonathan Faull hissed at a press conference. Nevertheless, he never took the trouble to outline the so-called nonsense in my articles. OLAF boss Brüner hurried to Faull's assistance. He wrote to my editors that my article had been "factually incorrect." In fact, the OLAF chief promised, the documents did not contain any criticism of Faull's behavior.

Brüner told a lie and he knew it. Two years later, in February 2004, in their complaints to the prosecutors in Belgium and Germany, which triggered the police raid, the OLAF investigators quoted precisely the same *Stern* article on Faull and added that we had quoted him correctly. Ominously, my article now served as proof to OLAF that *Stern* had possessed the confidential documents.

But, in March 2002, it was more important for Brüner to be economical with the truth in order to protect Prodi's spokesman.

Subsequently, the commission and OLAF did what they could to label me as a maverick journalist. Commission officials warned correspondents that they should not collaborate with me, as it would be harmful for them. A Prodi spokesman confided to me, that many in the commission saw me as a "lone rider with a mission."

Finally, on March 27, 2002, OLAF published a press release on the leak of the van Buitenen memoranda. OLAF said it would now investigate the possibility that "the journalist" who had received the papers paid officials in order to obtain them. I was completely shocked when I read that. Immediately, *Stern* published a press release in which we rebutted any suspicion of wrongdoing. Afterward, I briefly benefited from another leak: I got hold of an internal e-mail by OLAF spokesman Alessandro Butticié to all OLAF staff. In the e-mail, Butticié admitted that there were only "rumors" to support the bribery claim.

Looking back, I doubt there was even a rumor to bolster this claim. Two years were to pass before I learned that the then newly appointed spokesman of Commissioner Schreyer, Joachim Gross, was behind the false allegations. Gross had met OLAF spokesman Butticié for dinner on March 22, 2002. At the dinner, Gross (who worked under the direct authority of Prodi's chief spokesman, Faull) claimed he had heard something interesting, namely, that I had paid for internal documents. How much? Allegedly, 8,000€—or was it perhaps deutsche marks? Who could have told him? Gross declined to provide a name. For Butticié that was enough to put the allegation in a press release—a mere five days after his dinner with Gross.

The OLAF spin doctor presented his allegation in an extremely tricky fashion. He published it in such a way that we could not challenge OLAF in court. The lawyers at *Stern* headquarters told me that because my name was not explicitly mentioned in the OLAF press release, we could not sue. However, everyone understood that the accusation was directed against

me—the same conclusion that the European ombudsman drew in November 2003. After hearing a complaint I had introduced, he slammed OLAF for a severe case of "maladministration." You should not publish an accusation without presenting any evidence, the ombudsman argued. It was a principle understood by every journalist but not the European Anti-Fraud Office.

Clearly OLAF was running a twin-speed judicial system. High-ranking commission officials—like Jonathan Faull—were immediately cleansed of any wrongdoing, even though the evidence said otherwise. But the journalist who wrote about the irregularities was publicly attacked by OLAF without a shred of evidence to prove the allegations.

Nevertheless, I carried on my investigations, especially into Eurostat, the statistical agency of the commission. In early 2001, I had received documents showing that a major EU trade union had complained to the responsible commissioner about widespread irregularities and fraud at Eurostat. But everyone in the commission denied there were problems.

In February 2002, I knew much more. Eurostat figured prominently in the van Buitenen memoranda. Since 1999, OLAF had apparently been informed on many occasions, and by different sources, about widespread sleaze in the statistical agency. There was talk of contracts for the husband of a Eurostat director, as well as slush funds and the harassment of those officials who had opposed the local management culture. According to the confidential documents, OLAF had opened several cases since 1999 but had never started a proper investigation or even properly "filed" the evidence.

From March 2002 on, I had spent many days and evenings in Luxembourg, checking the company register and meeting the Eurostat officials of different nationalities. Nobody could avoid the fact that there was something seriously wrong in the commission department. I wrote about dodgy statistics, dubious tendering procedures, and apparent nepotism in favor of a number

of Greek companies (under the responsibility of a Greek Eurostat director). But, despite all the promises of "zero tolerance," President Prodi and his officials did not pay much interest to the allegations. In fact, the commission did its utmost to protect Yves Franchet, the head of Eurostat.

A Frenchman, Franchet had only recently been praised by the commission vice president Neil Kinnock for his approach to "total quality management." Based on this, it was no wonder that Kinnock had also turned down the complaint of a Danish Eurostat official. As *Stern* reported in May 2002, the Danish official had tried to prevent inflated payments to an obviously fraudulent company. Her superiors had not only insisted on the high payments but also stripped her of responsibility for the contract.

In March 2003, we revealed in our book *Raumschiff Brüssel* that OLAF was running no fewer than six fraud investigations into Eurostat and that Prodi's new spokesman, Reijo Kempainen, continued to defend the "proactive" reform policy of Franchet.

This changed only after the *Financial Times* broke the story on the front page in May 2003. The *Financial Times* had some exciting news about a complaint OLAF had finally sent to the public prosecutor in Paris. Now, more than one year after my first reports on this case, my colleagues were suddenly becoming interested in these stories. As a result, the commission reacted, finally opening its own inquiry. The commission found itself being misled by Franchet and later removed the whole upper management of Eurostat.

It later transpired that the Eurostat management had manipulated tenders and favored a small number of companies with contracts worth millions. In turn, these undertakings employed friends and family members of the Eurostat officials, and they created slush funds out of inflated payments from the commission. These funds were, in turn, exploited by commission officials—though, allegedly, only for official purposes. However, these official purposes included cocktail parties, expensive restau-

rants and hotel bills, as well as payments to a horse-riding center and a volleyball club.

Several commissioners were under pressure from the European Parliament, including Michael Schreyer. The services under her authority had issued damning audit reports about Eurostat as early as the autumn of 1999. They had warned about possible "fraud," but Schreyer claimed she had never been informed.

Sadly, that was an acceptable excuse in the eyes of most of the deputies and journalists. And what about the fraud investigators at OLAF? Since early 2000, they had known of official reports that denounced possible "fraud" at Eurostat, but the investigation only really started after my story, and those of other journalists, was published in the world's media.

"Why could OLAF only act after 'the press [had] reported' and the Parliament had asked for it," the Danish MEP Freddy Blak wondered.

Eurostat was not the only internal case where OLAF had failed. Supervisory officials noted in an internal memo that all too often OLAF would produce nothing but "simulated investigations." My sources continued to deliver me material that left me with no choice other than to conclude that Brüner did not really want to investigate internal fraud cases. Why not? My sources told me that it was for fear of being reappointed.

Brüner had never hidden his ambition to stay in office for another five years—until 2010. And the reappointment procedure was to be opened shortly, with the commission as the responsible body.

In November 2003, I published a detailed account of the work of Brüner and OLAF. *Stern* reported about fraud cases where OLAF simply did not take the trouble to investigate properly, in spite of overwhelming evidence of organized fraud. I also outlined a case where OLAF had evidence of criminal conduct by a leading Belgian politician that Brüner decided not to pass on to the Belgian judicial authorities. (Later, in my particular case, he

would argue that he was "obliged" to transfer all evidence of illegality to the prosecutor).

"Brüner catches the small [ones] and lets the big ones run," I quoted a frustrated OLAF official. I also reported that European deputies were discussing whether to replace Brüner when his session became due in 2004.

The article made considerable waves, at least by Brussels standards. Newspapers in Britain and Italy took up the story. At the OLAF headquarters, a postmodern glass tower in the European quarter of Brussels, the spin doctors once again reached for their telephones. OLAF spokesman Buttice even asked Prodi's people to confirm how much they trusted Brüner, and a Prodi spokesman subsequently obliged.

Apparently, the OLAF mandarins missed the irony of what they did! Brüner was supposed to investigate Prodi and his officials. In spring 2000, Brüner had told me that if he felt threatened he would call on the journalists to help him. In late 2003, the opposite had happened—Brüner felt frightened by the journalists and was seeking the help of the commission.

"They are obsessed with you," an OLAF agent warned me in early December 2003. He also claimed something that I could hardly believe, that Brüner's investigators had reopened a much-neglected investigation: "Special Case Number 3"—also known as the investigation against me.

Now, the OLAF investigators remembered Joachim Gross, the former Schreyer spokesman, who had pretended to know that I paid officials for information. On January 6, 2004, they interviewed him again. This time he provided the investigators with a new revelation. The source for his information on me was none other than one of my superiors at *Stern*, managing editor Wilfried Krause.

Later, the former spokesman (he had left the commission in July 2003) would admit that Krause had given him no information about my bribing officials. He would later claim that his source was another person in Brussels. When asked to reveal this

source, he refused to provide the name of the mysterious character. A court would later ban Gross from repeating that Krause or any other *Stern* colleague was his source.

In January 2004, the OLAF investigators did nothing to verify the accuracy of Gross's statements. Had they even properly examined them? OLAF rushed into action. About one week after having talked to Gross, the OLAF investigators met with prosecutors in Brussels and Hamburg (where *Stern* has its headquarters) to discuss how to proceed against my editors and me. On February 11, they filed detailed complaints with the prosecutors in Brussels and Hamburg. They suggested "parallel searches" in the *Stern* offices of both cities.

There was an apparent need to act urgently. Alberto Perduca pressed the prosecutors because I was about to move to Washington, DC, as *Stern's* correspondent.

The statement was a complete fiction. In fact, I was about to move to Hamburg, and OLAF Director Brüner was aware of this. But, without this fiction, it would have been difficult to explain why there was such "urgency," particularly because Hamburg was well within the reach of European prosecutors.

Of course, I learned about all of this—including that the responsible judge in Hamburg refused to grant a search warrant—only months later. OLAF had a better relationship with the public prosecutor's office in Brussels. A search warrant was signed on March 12, 2004. Just one day earlier, I had published a new story that made some noise and angered a number of people. The story said that EU deputies were suspected of having sent assistants or other individuals, on their behalf to sign the official attendance list in the European parliament to fraudulently obtain the daily allowance of 262€. The German tabloid *Bild* put the revelation on its front page, and newspapers in France, Britain, Belgium, Austria, and Denmark followed suit.

It was eight days after the publication of this story that the police came to my door. Many thought there was a link between

the two events. Perhaps someone at OLAF believed I had made so many enemies in the European Parliament that they would not have to face any substantial criticism from the deputies. But OLAF had underestimated the reaction of my colleagues.

The policemen accompanied me to my office in the International Press Centre. While walking down the corridor, I ran into a German colleague from the magazine *Focus*, Ottmar Berbalk. "Call my wife, call the news agencies, call *Stern* headquarters!" I yelled at him while the police tried to drag me away.

Ottmar and his *Focus* colleagues did what they could. A crowd of photographers, TV people, radio journalists, and other reporters gathered in front of my office door. Whenever the police opened the door, there were flashes lighting up the corridor. After the raid, newspaper and TV journalists in European countries—from Britain to Italy and from Finland to Bulgaria—called, interviewed me, and reported about the case. The line they chose was nearly always the same: Why did OLAF use all its powers to get back at a journalist when it had failed to show any interest in following the fraud trail inside the commission? Why had there been no OLAF searches of the private homes of the Eurostat directors? Why were there no OLAF searches of the commission offices?

German national deputies called me to express their support. The House of Lords in London discussed the case, and a leading deputy in the French Assemblée Nationale, René André, protested in letters to Schreyer and Pat Cox, president of the European parliament.

In addition, some EU deputies—the Austrian Herbert Bösch, the Dane Jens-Peter Bonde, and the Briton Chris Heaton-Harris—attacked OLAF for this unprecedented assault on press freedom. Unfortunately, they remained minority voices.

Cox told a TV interviewer of the BBC quite bluntly that he had no criticism for the OLAF investigators. Perhaps, he suggested, one should ask questions of the Belgian police. "This case stinks,

no?" the BBC interviewer said to Cox. He replied that OLAF deserved no blame.

Helmuth Kuhne, a German MEP and spokesman for the social democrats in the Budget Control Committee, even attacked those colleagues who had questioned OLAF's actions. It was an "absolute scandal" that people had tried to help me, he shouted. Many people seemed to share Kuhne's view. The EU Commission—normally a defender of press freedom in remote areas of the globe—first tried a "no comment" policy. Next, it tried to wash its hands of the situation. The commission had "no role" in the story, Prodi's spokesman asserted.

Then word spread that the commission was in it up to its neck. Schreyer and Faull had apparently even encouraged Cross to testify against me in front of OLAF investigators. The commission finally decided to back OLAF openly. "You are their *bête noire*," an OLAF official told me. "They will not do anything to help you."

When I went to court to protest the actions of OLAF and the commission, the EU administration insisted that the Anti-Fraud Office was right to instigate a police inquiry into my sources. The arguments of the commission lawyers were revealing. In their eyes, we had neglected to realize how our reporting had affected "the reputation and the privacy of dozens or hundreds of EU officials who should have a right to fair internal investigations and [a] defense."

Strangely enough, the commission seemed to suggest that journalists should not write about ongoing investigations into their officials' wrongdoing—or if they did so, then the police had a right to intervene. To the commission, therefore, the "efficient pursuit of breaches of professional secrecy" was of the utmost importance.

After some weeks, the police returned most of my files. But they kept an astonishing number of documents—a thousand pages, plus copies of my hard disks, my address books, as well as other papers.

Most of the seized papers had nothing to do with the van Buitenen memoranda. Many of the documents that were kept by the police came from 1999, 2000, 2001, 2003, or 2004—despite the fact that the police claimed to be investigating a case from 2002.

Apparently, the commission was very interested in obtaining access to all of this material. The protection of sources was not its business—the commission wanted to find the officials who had originally leaked the information.

During this time, I had a revealing conversation with police detective Philippe Charlier. "Why do you go through this ordeal?" he asked me. "Why did you not simply reveal to us the name of your source?"

"Because if I had done so, my career as a journalist would have been finished," I explained. "My sources would have dried up. Nobody would have given me any confidential information anymore."

"Why?" Charlier replied. "Okay, you would have burned one source. But that would not have hindered your access to all possible official channels of information."

"What?" I retorted. "What kind of a journalism would that be where you could base your reporting only on official press releases and the words of those who govern us?"

I was not sure whether he got my point. It is not always easy to explain why protection of sources is essential for the work of journalists. Some people seem to believe that journalists are looking for undue privileges.

While I write these words, many questions remain unanswered. Why was the Belgian prosecutor ready to open a case on such a flimsy basis and with such speed? Had OLAF promised something to the Belgians in return? The question has to be asked because, in the past, the commission security service has hired Belgian police in return for services the police have rendered to commission officials, for example, by scrapping speeding fines against them.

And what of the Belgian judicial system! It was obvious that Belgian judges might find it tempting to be employed by OLAF at a salary three or four times as high as that provided by the Belgian authorities. And there was more to explain the good cooperation between OLAF and Belgians. Just prior to Brüner's investigators filing a complaint against me, OLAF had done several favors for local politicians by dropping cases of fraud in which Belgians were involved. (See page 21.)

Belgian judges and the police are notorious among the Belgian people. They have a solid reputation for being slow and ineffective, especially when they are supposed to be investigating members of the Belgian power elite. Nowhere in western Europe do citizens distrust their police and justice system more than in Belgium—at least that is the outcome of a recent commission poll, the so-called Eurobarometer of spring 2004.

I did not have to be paranoid to believe that there was some form of collusion between OLAF and the Belgian forces. Even Raymond Kendall, a former Interpol secretary general and current chairman of the OLAF Supervisory Committee, had the same impression. "There had obviously been some agreement between the magistrate in the OLAF office from Belgium and the magistrate who was going to receive the information from OLAF." Apparently, Kendall told a committee at the House of Lords that they had agreed to issue a search warrant.

They wanted "to get back at [me]," as Kendall put it. But why was I such a danger to the OLAF hierarchy members that they would endanger their own reputations?

The more the public learned about this case, the more embarrassing the story seemed to become for Brüner and his team. First, they claimed that they had nothing to do with the raid—until OLAF admitted the opposite was true. Before the European Parliament, OLAF officials claimed that they had never mentioned a possible "search" when talking to the public prosecutors. Like the others, this statement was soon exposed as a lie.

The Belgian judge and OLAF refused to give me access to the investigative file. But, luckily, the dossier was then leaked to journalists. Even the name of the hearsay witness—former spokesman Joachim Gross—became known. And newspapers like the *Süddeutsche Zeitung* and the *Daily Telegraph* were asking whether OLAF was “abusing its power.”

Not surprisingly, that made the OLAF people furious. Obviously, they had hoped to keep their involvement secret. They had even promised Joachim Gross that his testimony would be confidential. When Gross’s name came out, OLAF also started an investigation into this leak.

It still chills me to think of what happened. Never in my five years in Brussels had anyone seriously questioned the veracity of what I wrote. But, in this case, people tried to smear my character and put my professional career in jeopardy. OLAF apparently did not act in isolation but received support from the commission and from leading figures in the European Parliament.

Not that I had many illusions left about the character of the Brussels bureaucracy. Indeed, the EU Commission remains an institution that fears nothing more than accountability itself. As Jules Muis—the Dutch accountant and former vice president of the World Bank who left the commission in frustration in March 2004 after three years as chief auditor—once told me, the governing principle of the EU Commission was still “might makes right.”

But, for all its weaknesses, the European Union is a club made up of democratic nations. As citizens of a democracy, people tend to place their trust in the rule of law, and they think that they are safe, especially when their breaches of law do not extend beyond the occasional parking ticket. As a result of my experiences, my trust in European democracy has suffered a severe blow.

I felt personally traumatized for weeks. Every time I left my apartment to go jogging—with only the keys to the house in my pocket—I was anxious. What would be left of my possessions when I returned?

The *Washington Post* reported on my case in August 2004 and quoted commission vice president Neil Kinnock: “Those who want to believe that we’ve got some kind of KGB here bent upon suppressing and, when that fails, penalizing whistle-blowers, are living on Mars.” In fact, it is Kinnock who must be living on another planet. My journalistic sources are now possibly exposed to the police and—worse—the EU institutions, which employed many of the people who had leaked information to me. These actions were justified on the basis of an accusation that was completely fictional.

I was lucky because *Stern* is a big media organization. My bosses were ready to defend me and to pay the lawyers’ fees. While I am writing this, we have started no fewer than five law suits: one appeal against the Belgian prosecutor, one court case against the commission (representing OLAF), one complaint against Brüner for defamation, and two law suits against Joachim Gross.

At least we were able to deter the Belgian police. Afterward, one of the policemen confided in me that he did not want to handle another case involving journalists during his lifetime. Journalists, he said, were too much of a nuisance.