

14 August 2020

Media Freedom Rapid Response (MFRR) partners, media protection, human rights, transparency and whistleblowing support organisations, alongside international jurists call on Monaco to immediately withdraw the arrest warrant that led to SBM Offshore whistleblower Jonathan Taylor being arrested in Dubrovnik airport.

We call on the Monaco authorities to immediately withdraw all charges against Jonathan Taylor and allow him to return home without further delay. On 31 July 2020, [he was arrested and detained at Dubrovnik Airport in Croatia](#) as he arrived for a short holiday with his wife and three children [on charges of "bribery and corruption"](#) originally lodged by the public prosecutor in Monaco. In 2014, Mr Taylor blew the whistle on a [\\$275 million international network of bribes](#) paid by his former employer, oil platform company SBM Offshore. Due to evidence he provided to the UK Serious Fraud Office, investigators in Brazil and the Netherlands as well as the FBI and the Department of Justice in the United States, SBM Offshore was fined over \$800 million. A judge in Dubrovnik released Jonathan on bail on 3rd August 2020, but he has to remain in Croatia, with the threat of pending legal action hanging over his head.

This is the latest outrageous example of SBM Offshore attempting to misuse legal mechanisms to intimidate and silence Jonathan Taylor for speaking out in the public interest. In 2014, SBM Offshore lodged a criminal complaint in Monaco against Mr Taylor and a year later, they initiated defamation proceedings against him in the Netherlands following an interview he gave in Vrij Nederland, demanding that he publish a retraction and pay damages to SBM Offshore. While this claim ultimately failed, the abuse of legal actions against whistleblowers by wealthy and influential parties demonstrates the precariousness of the public's right to know and the dangers inherent in blowing the whistle. It is in the public interest to share information that reveals potentially serious criminality that requires investigation by public authorities across the globe. It is a vital safeguard to ensure the rule of law is protected and no one is above or beyond justice. The fundamental importance of whistleblowing is now fully recognised in the European Union and was recently codified in the [EU Whistleblowing directive \(EU 2019/1937\)](#), which states: "providing effective protection to whistleblowers from retaliation increases legal certainty for potential whistleblowers and thereby encourages whistleblowing also through the media." When organisations and their leadership are not forthcoming, or obstruct calls for transparency and accountability then democracy depends on the actions and courage of whistleblowers such as Jonathan Taylor.

Taylor's arrest comes after Croatia responded to an Interpol Red Notice produced in reference to the improper charges lodged by his former employer SBM Offshore in 2014 but only issued by Monaco this year. This case is another example of how the [red notice system can be abused to target and intimidate critical journalists](#), whistleblowers and public watchdogs. Countries such as Turkey, Russia, Kazakhstan and others have issued notices against journalists, whistleblowers and human rights defenders, with little scrutiny or oversight, leaving the targets of these notices with few avenues for appeal or protection. Countries, including EU Member States such as Croatia, can refuse to enforce a red notice but, without an effective way to engage in their own independent vetting of these notices there is no consistent approach to handling these requests, leaving

whistleblowers such as Taylor unsure of their situation. The uncertainty and dependence on such an opaque system further isolates and victimises whistleblowers, while also dissuading others from coming forward and speaking out in the public interest. While reforms have been made to improve the transparency of the process, work remains to ensure states cannot abuse the system to stifle criticism and demonise critical voices.

We reiterate our call for Monaco authorities to withdraw their charges against Jonathan Taylor, and allow him to return home without delay. We also call on the authorities in Croatia to ensure Jonathan Taylor is afforded all rights and protections against these vexatious legal actions, and reaffirm their commitments to protecting whistleblowers.

Signed,

Organisations

Access Info Europe

African Centre for Media & Information Literacy (AFRICMIL), Nigeria

AMARC Europe

ARTICLE 19

Blueprint for Free Speech

Centre for Free Expression

European Centre for Press and Media Freedom (ECPMF)

European Federation of Journalists (EFJ)

Free Press Unlimited

Government Accountability Project

The Guernica Group

Legal Human Academy

Investigative Journalism Center (CIN/IJC), Croatia

Osservatorio Balcani e Caucaso Transeuropa (OBCT)

Pištaljka

Project on Organizing, Development, Education, and Research (PODER)

Protect

SpeakOut SpeakUp Ltd

The Signals Network

Transparency International Bulgaria

Transparency International Ireland

Transparency International Slovakia

Whistleblowing International Network (WIN)

Individuals

Renata Avila, *International Human Rights & Tech Lawyer*

Carolina González, *lawyer based in London and admitted in New York, Spain and Venezuela who specialises in the representation of international whistleblowers*

Mary Inman, *US lawyer based in London who specialises in representing whistleblowers under the various US whistleblower reward programs*

Cathy James, *Solicitor and former Chief Executive of Public Concern at Work (now called Protect)*

Sasa Lekovic, *Investigative Journalism Center (CIN/IJC) Croatia - Director*

David Lewis, *Head of the Whistleblowing Research Unit at Middlesex University*

Peter Matjašič, *Senior Program Officer at Open Society Initiative for Europe (OSIFE)*

Milica Pesic, *Executive Director, Media Diversity Institute*

Wim Vandekerckhove, *co-Director CREW, University of Greenwich*

Howard K Whitton, *Director, The Ethicos Group*

This statement was coordinated by the Media Freedom Rapid Response ([MFRR](#)), which tracks, monitors and responds to violations of press and media freedom in EU Member States and Candidate Countries. This project provides legal and practical support, public advocacy and information to protect journalists and media workers. The MFRR is organised by a consortium led by the European Centre for Press and Media Freedom (ECPMF) including ARTICLE 19, the European Federation of Journalists (EFJ), Free Press Unlimited (FPU), the Institute for Applied Informatics at the University of Leipzig (InfAI), International Press Institute (IPI) and CCI/Osservatorio Balcani e Caucaso Transeuropa (OBCT). The project is co-funded by the European Commission.

