



RESOLUTION ON THE ESSENTIAL ROLE OF WHISTLEBLOWERS IN FREEDOM OF EXPRESSION WORK

A comprehensive, global surveillance and espionage regime, which targets both states and citizens, was revealed by whistleblower Edward Snowden in 2013. His revelations of mass phone and internet surveillance carried out by the United States and Five Eyes alliance represent one of the most important events in international politics in recent years and a serious crisis of legitimacy in foreign and security policy. Moreover, the revelations mark a breach of trust regarding the neutrality of the internet.

In spite of these facts, Mr. Snowden's case has not been met principled legal action from U.S. authorities, regardless of the fact that the domestic bulk collection of metadata was ruled illegal by the U.S. Court of Appeals in 2015. Instead, the U.S. authorities have charged Mr. Snowden with espionage and theft of state property and have asked that he be extradited from Russia where he now lives in exile. They have not taken into consideration the international debate of judicial protection of whistleblowers in international law. He risks a life sentence if he returns to the US. A campaign is growing calling on President Obama to pardon Snowden before he leaves office.

In respect for Mr. Snowden's brave and unique work as a whistleblower, Norwegian PEN has awarded him the Ossietzky Prize 2016 for outstanding work for freedom of expression. Norwegian PEN has also asked Norwegian authorities to guarantee his safety if he chooses to come to Norway to attend the award ceremony on 18 November 2016.

In order to legally establish that Norway has no right to extradite Snowden to the United States, Snowden and Norwegian PEN filed a joint lawsuit against the Norwegian State, the Ministry of Justice and Public Security. The Attorney General dismissed the lawsuit on formal grounds. The State argues that the case should be handled in accordance with criminal procedure and the plaintiff's civil action cannot be initiated on formal grounds.

The fact that the Norwegian State is attempting to avoid a judicial review of its extradition law and, consequently, Edward Snowden's safe access to the country on formal grounds, confirms the importance of this case from a free speech perspective. The court's decision has been appealed.

In light of these concerns, the Assembly of Delegates of PEN International, meeting at its 82nd World Congress in Ourense, Galicia (Spain), 26th September to 2nd October 2016:

- Urges all governments to strengthen the legal protection of whistleblowers in order to bring national laws into line with international legal standards including article 12 of the Universal Declaration on Human Rights, article 17 of the International Covenant on Civil and Political Rights;
- Urges the government of the United States to abide by the ruling of the Court of Appeals and recognize Edward Snowden's status as a whistleblower and human rights defender;
- Calls on President Obama to consider issuing a presidential directive to the US Attorney General to dismiss the charges against Snowden before he leaves office;
- Urges the Norwegian authorities to guarantee Snowden's safe travel to Norway in order to receive the Ossietzky prize in Oslo on 18 November 2016;

- Urges the authorities in European countries to consider Edward Snowden's right to asylum, in line with article 10 of the European Convention on Human Rights and Fundamental Freedoms and in accordance with the October 2015 resolution of the European parliament on this matter.

