

The Palgrave Macmillan Beyond WikiLeaks

Benedetta Brevini
Arne Hintz
and
Patrick McCurdy

Implications for the Future of
Communications, Journalism and Society



Beyond WikiLeaks

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Implications for the Future of Communications, Journalism and Society

Edited by

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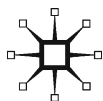
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*This book is dedicated to freedom of speech advocates
around the world*

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Foreword

Birgitta Jónsdóttir

Nothing is more powerful than an idea whose time has come.

– Victor Hugo

My first encounters with people from WikiLeaks occurred on December 1, 2009. Julian Assange and Daniel Domscheit-Berg were speaking at the same event as I. The event was hosted by the Icelandic Digital Freedom Society. WikiLeaks had become known in Iceland a few months earlier for leaking a loan book from Kaupthing, a large failed Icelandic international bank. The country was just waking up from its financial crash in 2008 that, for many, brought to bear the realization that everything we had put our trust in had failed us; academia, media, our regulatory bodies, parliament and heads of state.

When the Icelandic state broadcaster RUV was about to run a story based on the Kaupthing leak, the bank's resolution committee sought to have the loan book removed from the Internet and managed to secure a temporary injunction against its publication by RUV. The RUV news anchor, however, was so outraged at the gag order that instead of complying with it, he told his viewers about it and recommended that they go and investigate the loan book at the WikiLeaks website.

The leaked document provided a snapshot of Kaupthing's loans at a critical moment just before the bank failed. Confidential loan details in the document exposed the risks the failed bank and its largest customers were taking just weeks before the 2008 Icelandic financial meltdown. Alongside each loan, the leaked presentation provided a brief assessment of the risk tied to the loans and relations with many of the customers. A senior director from the bank sent WikiLeaks threatening letters that demanded that the site would take the leak down. Yet the WikiLeaks lawyer replied defiantly:

No. We will not assist the remains of Kaupthing, or its clients, to hide its dirty laundry from the global community. Attempts by Kaupthing or its agents to discover the source of the document in question may be a criminal violation of both Belgium source protection laws and the Swedish Constitution.

The heart of the talk by the WikiLeaks duo Daniel and Julian at the event we shared was not so much about WikiLeaks but an idea – an idea that impressed me to such a degree that I approached them later that day with a simple suggestion: “Let’s do it.” The idea had first been introduced to the same conference a year earlier by John Perry Barlow, a cyberlibertarian political activist and the co-founder of the Electronic Frontier Foundation (EFF). Julian and Daniel had developed the idea based on their own hands-on experience in relation to keeping information online, no matter what, and to protect their sources. The concept was to make Iceland a safe haven for online freedoms, including freedom of information, expression, and speech, based on the reality of the digital transformation. A transparency haven; a reverse tax haven.

If there was something Icelanders learned from the crisis, it was that the culture of secrecy is destructive and that we need more transparency and accountability. We needed a strong shield and encouragement for whistle-blowers and sources in order to be sure that a similar disaster never occurs again. And thus on Iceland’s independence day, December 1, 2009, the journey began to develop new standards for freedom of expression and to counterstrike at the erosion of the very fundamental freedoms of a healthy democracy. We set into motion a team of experts within the legal scope of online freedoms, with the task of going on a mission searching for the best functioning laws from around the world, and we discussed our vision with parliamentarians and members of all parties. On June 16, 2010 the Icelandic Parliament unanimously passed the proposal for an Icelandic Modern Media Initiative (IMMI), tasking the government to introduce a new legislative regime consisting of source protection, whistle-blower protection, limits to prior restraint and libel, process protection, protection of historical records, and an ultra-modern Freedom of Information Act. The various components of the proposal are currently being written into law by a special committee appointed by the minister in charge.

During the time when we were preparing and researching the groundwork for IMMI, I worked closely with Julian Assange on a daily basis. In February 2010 he showed me something in a cafe facing the Icelandic Parliament that would change my life forever. It was a video shot from the cockpit of an American helicopter, showing people being gunned down by that very helicopter in Iraq. It was so shocking to watch that even hardened investigative journalists would shed tears while being exposed to it for the first time. Thus begun my participation in one of WikiLeaks’ projects that became known as *Collateral Murder*, a project that would etch WikiLeaks into the historical records on a global scale.

I put my name to it as a co-producer and helped to realize its release with maximum exposure. I felt it was of utmost importance that the video showing war crimes in Iraq in such a stark way would be brought into the public domain, in the naïve hope that it might help end the war.

The video showed, among other horrific scenes, the killing of Reuters employee Saeed Chmagh, and of Iraqi citizens trying to get him to a hospital, including a man driving his children to school who had stopped his van in order to bring the wounded man out of the killing fields of New Baghdad. Despite the obvious war crimes exposed in this leak, no one has been held accountable. Instead, the US government has prosecuted those who have exposed the information, particularly alleged whistle-blower Bradley Manning, and most of us who put our names to the release of the video are a subject of investigation by the WikiLeaks Task Force (better known as WTF) and a grand jury in the United States.

The American government demanded access to my personal Twitter messages, my IP numbers, and various other personal data in a desperate attempt to criminalize everyone who volunteered for WikiLeaks in 2009/2010. Not only was Twitter forced to hand over my personal data, but so were three other companies which the courts are refusing to reveal to me. I have, in my battle to protect my personal data, been represented by lawyers from two amazing American organizations, the EFF and ACLU (American Civil Liberties Union). The unfortunate result of this battle is that we have lost at every level of the court system, effectively legalizing it for the federal government to probe anyone's data that floats in the data clouds above American territory. The court ruling suggests that we, the people who use the Internet, do not have permission to watch our own backs but have to rely on social media companies to look after us. It is clear that it might not always be within the scope, interest or even abilities of such companies to do so.

Just a few days before writing this foreword, military documents obtained through a Freedom of Information Act request and posted online by WikiLeaks suggest that the US government has designated WikiLeaks and its founder Julian Assange as "enemies of the state" – the same legal category as Al Qaeda and other foreign military adversaries. It is not clear if I, for example, as a former volunteer for WikiLeaks and vocal supporter, am now a formal "Enemy of the State." What of other people or volunteers in a similar position?

However, the conflict around WikiLeaks is much more than a conflict between people, or between an institution and a group of activists. As the Icelandic case has demonstrated, it is about the use of technology

for social change, democratic progress, and globally connected communication – and about restrictions to all these. On a tiny island in the North Atlantic Ocean with only 300,000 souls, and speaking an ancient language that no one but we understand, these opportunities seem particularly vivid. For me, discovering the Internet in 1995 transformed creative and intellectual claustrophobia into international connections and opened up a new planet of possibilities, free, wild, and untamable. A poem I wrote in 1996 included the words:

The countries of the world
are merging
borders falling
cultures crossing

Through the void
of cyberspace
earth is shrinking
sense for distance changing

One race
emerging

Floating through space
virtually real

I feel home
in every corner of the world

Expressions
through symbols
we can all understand

Imagine what your ideal free world would be. A blueprint for how we could interact, collaborate, share and trade freely beyond race, class, social status, faith, borders. Now imagine if this world already exists. The online world of the Internet employs many features that we would like to see in the offline world, and this is why we fight to keep it free from the walls that politicians and corporations have erected. But this world is under attack. The industrialization of the Internet is in full swing as those in power begin to put the same reigns and harnesses on it as are in place in the real world. Our freedoms online are eroding and

melting at the same alarming rate as the permafrost and the ancient glaciers. There is no time to lose. We must understand what is at stake.

We would be sailing obliviously at even greater speed into the eradication of online freedoms, had the icebreaker WikiLeaks not challenged our indifference and silence. WikiLeaks gave the words “freedom of information, expression, and the press,” “whistle-blowers,” and “source protection” new meaning, new understanding, and a new life in the digitalized reality.

The Internet has allowed us to understand that the world is increasingly globalized, financially and economically, as well as in terms of pollution and food. Through facilitating the coordination and sharing of information and collective efforts, the Internet has also provided us with a repertoire of tools to fight the lords of the offline world. As more people gain access and develop the skills to leverage the capacities of the Internet to push for positive social change, the ability to transform the offline world grows. People have come to understand that the all-embracing offline systems are old and rusty self-serving mechanisms of the global and local power elite. With the acts of WikiLeaks and its sources, the world became not only more informed, but also more inspired to rise up against these forces.

One of this book's key themes is activism. The Internet has allegedly given us the tools to empower ourselves in the real world, with knowledge beyond the cultural conditioning we acquire within our own culture. The Internet has given us the tools to work together beyond traditional borders, and it has allowed us to create windows into the real world that reach far beyond our cultural beliefs about other countries. However, this world beyond borders is now under serious threat, a threat that is growing at an alarming rate. Those who hold the reins of power in our world have discovered that the Internet needs to be tamed, like the rest of the world, and brought under their control – to be industrialized in the same manner that other media have been brought under control by industry and the state. Yet, as these untouchables try to hide their secrets for the chosen few, those secrets keep spilling out in a whirlwind of letters in every digital corner of the world. They sweep through the streets of Iraq, Afghanistan, Egypt, Tunisia, Greece, China, Iceland, Spain, Iran, and the United States. They fan the fires of a hope that believes in the free spirit within the wilderness of the Internet.

The Internet has given people access to information that should remain in the public domain; yet it is a trending policy within the belly of the all-embracing system to make everything secret by default. It is time to reverse this tendency and create a consensus about the process

of keeping secrets. Transparency and open access to information are the only real pressures on governments to remain true democracies. If you don't have freedom of information and expression, you are not living in a democracy; rather it is ruled by dictatorship with many heads.

As the media discourse has focused on the personalities of WikiLeaks, attention has been diverted from the historical significance of the leaks. Instead, if we allow ourselves to step away from the persons, we can see that the broader achievement of WikiLeaks was to put freedom of information on the agenda, all over the world, and make whistle-blowing a viable option in the fight against criminal behaviour in the public, military, and private sectors.

More than focusing on the plight of the organization WikiLeaks, this book serves as a reminder that there is a world beyond. This world includes, for example, one very brave individual who will have served 1001 days and nights in military prison before he will face trial: Bradley Manning. Many see his harsh treatment – he was kept on suicide watch for nearly a year – as a signal to other whistle-blowers to not blow the whistle if they witness a crime. The US Administration is on a witch-hunt mission against whistle-blowers. No other president has gone after as many whistle-blowers as Obama. He claimed that Manning was guilty when the latter had not even stood trial, making a mockery of any expectations of a fair trial. My parliamentary group nominated Manning for a Nobel Peace Prize in 2012 and will do so again in 2013. I firmly believe that blowing the whistle on war crimes is not a crime but a call of duty. Manning's alleged contribution has reached to every corner of the world, the real impact of which will never be fully understood or known.

Many feel that mainstream media have failed them and are turning to alternative media sources. Personally, I am shocked by the lack of courage shown by American media in relation to WikiLeaks. Shocked because WikiLeaks simply acted as the "safe box" in cyberspace that received the brown envelope from the source and handed it over to the media. Shocked by the ignorance of the media, for it is obvious to me that if WikiLeaks or the people behind it will be taken down, it will be harder for other media to stand on firm ground when under attack for publishing leaked material from whistle-blowers and secret sources.

To be sure, the WikiLeaks age has also ushered in an age where corporations and specialized law firms are using a litany of libel laws, super injunctions, prior restraints, gag orders, and out-of-court settlements to attack and gag journalists, writers, publishers, and the rest of the media. Important stories have vanished from the public domain, altering the

historical record and denying the public the opportunity to be informed about the activities of the most influential corporations and politicians in our world. These modern-day book burnings occur daily. Through lawmaking and creative resistance we must do everything in our power to stop them.

The evolution and transformation of our democracies depends on an informed public having access to the information that should remain and be brought into the public domain. WikiLeaks set the tone; now it is up to each and every one of us to use the information provided and to help create safe passage for more to come, be it from local sources or from services such as WikiLeaks. This includes creating a legal environment that supports and safeguards the freedoms we hold dear as the pillars for healthy democracies. If we manage to legalize freedom of information, expression, and speech to such a degree that transparency of the state is the norm we won't need websites like WikiLeaks.

I left WikiLeaks a while ago for various reasons. I might not agree with how it has developed, but its significance remains the same. We need many more leak sites until we have real laws in place that protect content, whistle-blowers, sources, and journalists. The culture of free flow of information is still strong online, and every attempt to block, hinder, or erase information is met with increased creativity. Yet those of us who care for freedom of information have to step up our quest to remove the gags, tear down the firewalls, and dissolve the invisible filters.

Our flagship known as WikiLeaks might be dented, for the walls to pass have been great and mighty as it took on some of the most powerful giants in our world. But WikiLeaks did not sink and has thus shown the rest of the world that the story of David and Goliath is not a myth but reality. Aptitude, speed, and resilience are trademarks of this new culture. This book will bring you closer to understanding how and why WikiLeaks became legend and how it has changed our world. Within it are words by some of the people that have shown they have a comprehensive understanding of why WikiLeaks is important and why it will remain important during these extraordinary times – times in our human history when nothing is what it seems and when the people of this world have started to understand that this century belongs to us, the people. Information is the true power. WikiLeaks provided us with this understanding.

*Reykjavík, Iceland
October 2012*

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Introduction

Benedetta Brevini, Arne Hintz, and Patrick McCurdy

We live in fascinating times. Technological, social, and political changes have created new opportunities for people to communicate and exchange information; participatory culture continues to expand in many shapes and forms, from Wikipedia to participatory political practices; and campaigns for transparency and openness are challenging established administrative routines. Yet, while such changes create opportunities for some, they pose challenges for others, many of which strike at the very heart of traditional power relations and structures. Although the extent to which the rise of the network society has altered relations is debatable, the fact that societal changes are afoot is undeniable. The rise and legacy of the online transparency and whistle-blowing website WikiLeaks offers a lens through which we can try and understand such changes. As WikiLeaks' release of classified information becomes a historical moment and its repercussions become gradually clearer, it is useful to start reflecting on the broader implications of WikiLeaks' practices and actions. What lesson does it represent for journalism, policy making, transparency activism, and social change? How does it help us identify transformations in these fields? What are the responsibilities, the consequences, and the changes brought by the freeing of an unprecedented amount of information?

To embark on this reflection, *Beyond WikiLeaks* has brought together a select group of international authors. The book's contributors include renowned scholars in the field of media and communications, international experts on key areas affected by WikiLeaks, and "insiders" who were directly involved with WikiLeaks or its media partners. Their contributions range from shorter pieces, recounting practical experiences and focusing on specific aspects of the WikiLeaks story, to longer, elaborate academic analyses of the broader social, political, and communicative subjects that WikiLeaks touches upon.

The chapters discuss a variety of such issues, from changes in journalism to new developments in online activism, from questions of political economy to trends in policy, and from the representation of whistle-blowing to its social and political effects in places like the Middle East. Together, these themes, as well as the variety of practical and theoretical approaches taken by the authors, enable us to explore the richness and wideness of the consequences of the WikiLeaks saga.

A history of WikiLeaks

WikiLeaks was founded in 2006 as an online platform for whistle-blowers and for publishing information that is censored by public authorities and private actors. Its goal has been to harness the speed, interactivity, and global reach of the Internet to provide a fast and secure mechanism to anonymously submit information, and to make that information accessible to a global audience. In its first few years of existence, WikiLeaks electronically published a range of documents of varying significance that had mixed media impact. Revelations included secret Scientology texts; a report documenting extensive corruption by the family of former Kenyan President Daniel Arap Moi; proof that British company Trafigura had been illegally dumping toxic waste in Côte d'Ivoire (a story that the British media became legally barred from reporting); the financial dealings of Icelandic banks that led to the collapse of the country's economy (here, too, local media had been banned by court order from reporting on the issue); the private e-mails of then US Republican vice presidential candidate Sarah Palin; member lists of a British right-wing party; the Internet filter lists of several countries; and many other disclosures of information previously hidden from the public eye. In hindsight, these releases, which occurred between 2006 and 2009, stand as a warm-up for the torrent of information WikiLeaks was to unleash in 2010, a year that would establish WikiLeaks as a household name and see its founder lambasted by some as a traitor and high-tech terrorist and celebrated by others as a hero and leading transparency activist.

On April 5, 2010, WikiLeaks published a video online that it evocatively titled *Collateral Murder*, an edited version of a classified US army video taken from an American Apache helicopter. The video is of a controversial 2007 US Baghdad air strike that resulted in the deaths of Iraqi civilians along with two Reuters employees. On July 25 – now in collaboration with established media organizations the *New York Times*, the *Guardian* and *Der Spiegel* – WikiLeaks published the Afghan War Logs, and on October 22 it released the Iraq War Logs, altogether

almost 500,000 documents and field reports that provided an unprecedented and comprehensive account of the two wars and revealed thousands of unreported deaths, including many US army killings of civilians. Finally, on November 28, WikiLeaks and its partner newspapers began publishing select US diplomatic cables in what became known as Cablegate. Taken from a pool of over 250,000 cables, the dispatches offered a fascinating perspective on international diplomacy. They revealed many backroom deals among governments, and between governments and companies; US spy practices on UN officials; cover-ups of military air strikes; and numerous cases of government corruption, for example in Middle Eastern and North African (MENA) countries, where the revelations fuelled the growing anger amongst populations at their national elites. Nine months after the first releases by partner newspapers, WikiLeaks made the full tranche of cables available on its website. It has since published other material, such as the Guantánamo Bay Files, information about the digital surveillance industry (Spyfiles) and e-mails from political figures and companies tied to Syria (Syria Files). However, in the wake of Cablegate, WikiLeaks operations became increasingly hampered by government investigations of its staff (particularly investigations of founder and editor-in-chief Julian Assange), internal strife, and extralegal economic blockades that have choked WikiLeaks' access to financial resources. WikiLeaks has seen an onslaught of attacks from both public and private actors, sustained attempts to shut down its operations, and even calls for Julian Assange's assassination.

Analysing WikiLeaks

A growing number of publications have emerged in the wake of the Cablegate releases and have described the organization, the major releases of 2010/2011, or have focused on specific aspects of WikiLeaks' activities. These include the first post-Cablegate book *The Age of WikiLeaks* by journalist Greg Mitchell, whose blog was one of the prime information sources on all things Cablegate during the most intense period of releases (Mitchell, 2011); *Inside WikiLeaks*, by disgruntled former member Daniel Domscheit-Berg, who gave a personal account of his time as Julian Assange's colleague (Domscheit-Berg, 2011); and the accounts by WikiLeaks' former media partners from the *Guardian* and the *New York Times* (Leigh and Harding, 2011; Star and Keller, 2011). Rosen (2010) has reflected on the emergence of the "stateless news organization," while others have written about how WikiLeaks might

“lead us to mobilise ourselves to bring about a different functioning of power” (Žižek, 2011). Other authors have highlighted the organization’s devotion to transparency and justice (Sifry, 2011), and have analysed its contribution to the evolution of news-making and journalism (Beckett and Ball, 2012).

Beyond the information that it has published, WikiLeaks has received significant attention for its peculiar characteristics, its ethics, organizational practices, and personalities. Rooted in hacktivism and in ethics of radical transparency, exploiting technological expertise and opportunities, and carrying the “wiki” concept of open publishing and collaborative work in its name, WikiLeaks connects with both an alternative countercultural and a digital citizen media model, similar to Indymedia, which had introduced easy participatory content production (what later came to be called “Web 2.0”) at the turn of the millennium.

Beyond WikiLeaks

Beyond WikiLeaks provides a platform to discuss the richness and wideness of the consequences of the WikiLeaks narrative. Chapters 1–5 reflect on WikiLeaks’ relationship to journalism and on what the WikiLeaks case suggests about the challenges and opportunities that established and emerging media organizations face at this historic juncture. Chapters 6–10 are concerned more explicitly with the effect of the WikiLeaks model on dominant articulations of power in contemporary societies, and they investigate how WikiLeaks challenges the current balance between openness and secrecy in domestic and international politics. Authors of these chapters question the policy implications of the formal and informal pressures and mechanisms deployed by governments to control information, and they suggest which policy environment we should promote to safeguard freedom of information and the communicative rights of citizens.

Finally, Chapters 11–15 examine whether WikiLeaks has ushered in a new generation of social movements and online activism. What type of media activism can be seen to have emerged in the wake of WikiLeaks activities? Are we witnessing new forms of engagement, new organizational models, and new repertoires of action, or is WikiLeaks-induced activism just an extension of the potential of Web-based resources to existing mobilization modes? Following the characterization of social change activism in the WikiLeaks age, authors also discuss a concrete instance of political change – the Arab Spring – and explore WikiLeaks’ role in this historic uprising. The book closes with