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Via email

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Re: RETALIATION -- URGENT CONCERN
Danske Bank Whistleblower, Howard Wilkinson

To Whom It May Concern:

We represent Mr. Howard Wilkinson, a former employee of Danske Bank who raised concerns over illegal money laundering. On September 26, 2018, the Estonian newspaper *Eesti Ekspress* stated that “the secret whistleblower [in the Danske Bank scandal] is Howard Wilkinson.” The article cited to four employees of Danske Bank as sources. Mr. Wilkinson was identified without his knowledge or consent. Much of the information related by the Danske employees was not accurate. We are extremely concerned that Danske Bank, which knew the whistleblower’s identity, has violated his human rights protected under law. We hereby request that your agencies

take prompt action to ensure that Mr. Wilkinson is not subjected to further retaliation, violations of his rights to privacy and/or his fundamental human rights.

Mr. Wilkinson became a whistleblower for ethical reasons. Revealing the name of a whistleblower who has remained anonymous and confidential since his initial disclosures in 2013 is extraordinarily problematic and constitutes retaliation and intimidation in violation of several international treaties.

We now call on your agencies, and the Danish and Estonian governments, to immediately and aggressively implement the [Convention Against Corruption](#), the [Convention Against Transnational Organized Crime](#), and the [Civil Law Convention on Corruption](#). Denmark and Estonia have either ratified or signed all three conventions, binding or obliging the countries to abide by the terms of the treaties.

The Convention Against Corruption

Article 13 of the Convention Against Corruption requires party countries to “take appropriate measures ... to promote the active participation of” citizens, including by “promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption.” Protections must also be provided against “potential retaliation or intimidation for witnesses and experts who give testimony concerning offences established in accordance with this Convention.” Art. 32.

Party countries must “provide access to [the relevant anti-corruption bodies] ... for the reporting, including anonymously, of any incidents that may be considered to constitute an offence established in accordance with the Convention.” Each party country should also “provide protection against any unjustified treatment for any person who reports ... to the competent authorities any facts concerning [these] offences,” and must cooperate and “assist[] each other in investigations of and proceedings in civil and administrative matters relating to corruption.” Art. 33, 43, 46. Moreover, countries party to this convention “shall not decline to render mutual legal assistance ... on the ground of bank secrecy.” Art. 46.

The Convention Against Transnational Organized Crime

Likewise, the Convention Against Transnational Organized Crime requires party countries “to provide effective protection from potential retaliation or intimidation for witnesses in criminal proceedings who give testimony concerning offences covered by this Convention, and as appropriate, for their relatives and other persons close to them,” including “non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of such persons.” Art. 24, 25. Party countries must also “afford one another the widest measure of mutual legal assistance” and “cooperate closely with one another ... to combat the offences covered by this Convention.” Art. 18, 27.

The Civil Law Convention on Corruption

Article 9 of the Civil Law Convention on Corruption obligates party countries to provide “protection against any unjustified sanction for employees who ... suspect corruption and who report in good faith their suspicion to responsible persons or authorities.” The convention also requires party countries to “co-operate effectively ... in cases of corruption.” Art. 13.

The disclosure of Mr. Wilkinson’s identity violated these Conventions. Moreover, we fear that Mr. Wilkinson will be subjected to additional retaliation, including from the entities that participated in the massive illegal money laundering schemes.

We are also concerned that Danske Bank has required its employees to execute nondisclosure agreements that are inconsistent with the obligations under these international treaties. These nondisclosure agreements must be voided. The U.S. Securities and Exchange Commission has acted to ensure that nondisclosure agreements are not used to obstruct justice or intimidate employees from informing law enforcement of potential violations of law. [See In Re KBR](#) (SEC Enforcement Action). Both Denmark and Estonia must immediately follow this precedent to ensure that the full story behind the illegal Russian money laundering can be disclosed to all appropriate law enforcement agencies.

We hereby request that your agencies take immediate action to ensure the whistleblower is not subjected to any further retaliation. We also request that you work with international law enforcement agencies to implement the letter and spirit of these international treaties, especially to ensure protection for individuals who have acted on the highest ethical standards, placing themselves at risk.

Thank you in advance for your prompt attention to these matters. Please feel free to contact me if you need any additional information.

Sincerely,

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