

CHAPTER 6

“We, the citizens, can fight against corruption.” Open Source Jailing of Corrupt Bankers and Politicians Device: A Case Study¹

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Xnet and 15MpaRato

Like many other normal, ordinary people we, Xnet, participated in the Indignados Movement in Spain in 2011. And on the first anniversary of this movement in Barcelona, Xnet launched an action called “15MpaRato”.

“15MpaRato” is a play on words difficult to translate from Spanish. “Rato” means “quite a while”, so “15MpaRato” implies that the 15M Indignados Movement will last for quite a while. Furthermore, the name suggests an adversary of the Indignados Movement, namely Rodrigo Rato, former Minister of the Economy and former head of the International Monetary Fund (IMF). At the time he was also Spain’s top banker – president of Bankia – even seen as a probable future prime minister.

¹ This chapter is excerpted from the author’s theatre piece “Become a Banker” and from the Introductory Statement for the FCForum 2015–International Forum on the Internet and Democracy organised by Xnet.

<https://xnet-x.net/en/become-a-banker/>

<http://2015.fcforum.net>

<http://xnet-x.net/en>

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The idea of the 15MpaRato action was thus to show that there are powerful people – specific individuals with proper names are responsible – behind what was called the “crisis” (and which we all know is really a financial scam). The aim was to bring these scammers to justice, starting with Rodrigo Rato and his cronies.

We singled out Rato for two main reasons:

- 1) Rodrigo Rato was the president of Caja Madrid Savings Bank and merged it with other banks to form the bank BANKIA. They made a concerted effort to increase the number of public shareholders with a massive campaign visible everywhere: “Become a Banker”. However, in less than seven months, Bankia shares plummeted, dragging down and ruining 300,000 people who had placed their faith in that campaign.
- 2) With a crisis comes the bailouts, and the usual logic of “too big to fail.” Almost half of the bailout money in Spain went to Bankia, formerly Caja Madrid Savings Bank. We can deduce from this that a seventh of the entire Spanish budget was created by Bankia on its own. This was, in other words, very much a self-inflicted “crisis” imposed by the scammers themselves.

I want to emphasize that 15MpaRato was not an action led by legal or financial experts. Our team consists of normal, ordinary people, not bankers, lawyers, economists or attorneys. 15MpaRato deliberately set up a device for everybody.

Specifically, 15MpaRato made an appeal for:

- Victims of the scam. We wanted ordinary people themselves to be the accusers, in order to file a lawsuit. 44 people who had been swindled by Bankia volunteered to prosecute Rodrigo Rato in their names.
- Evidence. Xnet launched an anonymous online service that people could contribute to: the Xnet Mailbox for Citizen Leaks.
- Money for judicial costs. We launched what became the first “political crowdfunding” campaign. Now they are quite common, but ours was the first. 130% of the campaign target was reached on the very first day: almost 20,000 euros.

And so the 15MpaRato action resulted in a civil lawsuit in Spain’s Supreme Court, which set in motion what became known as the “Bankia Case”. This campaign began as an action taken by normal, ordinary people, long before political parties jumped on the bandwagon. Later, the government and the press would lead people to believe that the Bankia Case was started by a public prosecutor, a judge, a minister, a political party, or the press. But no, it was always us. We remain the accusers in this lawsuit.

15MpaRato was never a personal vendetta against Mister Rato. The thinking of Xnet was rather that by bringing down first a well-known high-profile banker, the rest would follow. As it turned out, this thinking was sound: we started with charges against Rato and 33 other high-level bankers. Now, seven years later, almost 70 bankers and politicians have been sentenced or await trial, from the whole political spectrum – from the right to the extreme left.

Learning to tell our own story

In the course of this adventure, we (Xnet/15MpaRato) found out something unexpected: it is actually not that hard to file lawsuits against bankers and politicians. What is really hard is to convey the main lesson to the public, that all of this was done by normal, ordinary people. People must know that anyone can make such a thing happen.

We soon discovered the difficulty of getting the story right: Xnet started receiving first-hand information through the Xnetleaks mailbox and from the accusers in the trial at the Supreme Court. We thus noticed a discrepancy between this information and the information reaching the public through the media. It was totally different from the information reaching us. For every ten earnest journalists working with us, there were ten media outlets who simply ignored the truth.

A similar problem arose with the institutionalization of the politics of the Indignados. The nominally “new” party – Podemos – made it painfully clear to every genuinely citizen-led or popular representative group (and there are some in Spain like Partido X, Barcelona en Comú o Marea): “Either you join our ranks and display our brand, or we will wipe you off the map and remove you as our possible competitor”.

Because of the media spin, and because of the monopolization of the voice of protest by Podemos, Xnet decided to tell the story of our fight against corruption directly, on the stage, in books, in the cinema.

We wrote these “art pieces” starting with one of the most important sources of evidence we uncovered.

This happened as we, Xnet, were working on this whole legal process. We began receiving anonymous messages in the mailbox for citizen leaks. One of many said: “I have a large amount of information that I think paints a very clear picture of institutional corruption in Spain.” This clear picture came through the “Blesa emails”, emails sent and received by Miguel Blesa, president of Caja Madrid Savings Bank before Rodrigo Rato took over and transformed it into Bankia.

These emails tell the story of how a “crisis” is manufactured. The Blesa emails gave us a view of our “crisis” from within the engine room.

We simply organized the release of this story to be available to many more viewers. In order to provide public access to the material, Xnet sifted through the original 8,000 emails and ended up with 460 (dating from 2000 to 2009), which contained information of public relevance, and released them on the website and to the press. <http://correosdeblesa.com>

The “Blesa emails” were published over the course of many days, revealing all kinds of unimagined and grotesque things. One example was the existence of “Black VISA” credit cards that allowed Caja Madrid Savings Bank executives to buy whatever they wanted outside the radar of the tax authorities.

With this evidence, the trial against almost a hundred Spanish politicians and bankers is now in its final phase. Our art pieces had found their scripts.

The story, revealed in reality and told on stage by the Xnet group and through the 15MpaRato action, was the story of how governing elites plundered a country.

But it is also the story of how citizens got together and illuminated the truth. And how normal ordinary people, joining forces, learning and explaining how things really happen, are changing the usual endings – despite the government, the political parties and the mass media.

Access to information: Transparency and privacy

We have learned an important lesson with this major leak and how the status quo tried to react to it. When something stops being an instrument for democracy and justice and becomes a 'value', a slogan or an end in and of itself, we have a new problem.

Laudable words like 'transparency' and 'privacy' have become projectile weapons used very selectively, for propaganda purposes. 'Transparency' can be used to trap people who, anonymously, leak useful and relevant information. Or it can be used against people who disobey unjust laws to effect change. Conversely, 'privacy' is often invoked to erase the crimes of bankers, politicians and large monopolies. On TV talk shows, activists are routinely criminalized, because "We don't know who they are", whilst the anonymity of institutional gangsters is defended because, "Politicians also have a right to privacy".

In the post-Snowden revelations era, when we are asked about a principled position, we digital rights activists must provide a clear and unambiguous response: "Transparency for the state. Privacy for all of us".

On the uneven playing field between the *establishment*, with all of their resources necessary for the perpetuation of abuse, and the rest of the population, we must stand up for radical transparency. We must demand accountability and accessibility from the government, political parties, institutions and those with large family fortunes. As a principle, both public and private structures, which have an impact on more than 10% of the population, should be scrutinized; and this includes all of their members while in power. They do not have the right to be overlooked.

At the same time we must preserve, in the same way, a radical respect for the privacy, anonymity or right to be seen without being recognized, for *all* of the people or independent citizen groups that come together to solve problems [1].

We must stop dead in its tracks the demagogy, expertly disguised as sentimental technophobia, which tells us that we should all be identified and identifiable online for our own good, and, of course, for our own

safety. If we allow this repressive breach of our virtual privacy, repression of privacy in the physical world will follow.

Crimes have been and must be prosecuted, of course, but at all times and in all places, without undermining fundamental rights [2].

No one in his or her right mind with even a rudimentary idea of history would demand that we leave our mail open to postal workers, so that they can take a peek at what we have written whenever they want and without any judicial order, just in case we happen to be terrorists or paedophiles, or we simply express disagreement with an existing law.

Transparency and participation

On the other hand, we do not want to transform the very real legal gains of transparency that we have defended for a long time – in a country like Spain where a law on the subject is just five years old – into an abstract moralistic value. Transparency should not be reduced to mere window dressing, something we are familiar with already. The standard-bearers of *transparency and participation* in this day and age like to announce collaborative programs, which may not actually be so, or are too few and poorly run. They can open lists that are not actually open, or are too open or too few; or open accounts that are nominally transparent, but in reality impossible to decipher. In the power struggle between propaganda and intelligent awareness the victor is the one who gets to write history.

‘Transparency’ and ‘participation’ are the new promises of Demagogy 3.0, at least in Spain. Transparency and participation become a post-modern “dictatorship of the proletariat”, slogans inaugurating the false new politics – a simple lie. Transparency and participation without a roadmap for co-responsibility, empowerment and leadership distributed equally in civil society are just playing to the gallery.

Instead, we want transparency to continue as an integral tool of action and transformation, thus effectively promoting real democracy.

For this reason, we need to ask ourselves not only how to build the frameworks for accessing and liberating information. We must also ask what to do with this information and who must do something with it.

While we fight to create new institutions that would solidly support such frameworks, we should not underestimate the importance of dismantling the excesses of the institutions we have inherited from our past. The value of citizen leaks in relation to the entire ecosystem of corruption that we have seen in Spain is incalculable [3].

The Monopoly of the Truth TM that has been in force until now is the trinity of the media, the government and the political parties. Amongst them, there is a tacit agreement to ignore anything outside the trinity that might have any significant and real effect on history. The 15MpaRato Device has made opposition from ordinary people manifest, weakening the iron character of the trinity.

Having said that, there are still hundreds of journalists who believe in the social role of their profession, who investigate and who know how important it is to cooperate with an active citizenry. With these people, we must draw up a new collaborative contract that will allow us to write history ourselves the way we are making it, together.

By cooperating, we can deconstruct the fairytale that tries to keep us passive. It is not only for dignity and historical memory; it is also to give wings to the new model, the one that is changing things. The more we know, the more we will grow, and the more we are, the more successful we will be.

This is why it is so important for us to **fight for the protection of sources** and to fight so that the press, governments, institutions and political parties recognize this protection.

Maintaining our privacy and being recognized are not mutually exclusive ideas. The Zapatistas explained it quite well when they said, "We hide our faces to be seen".

What is crucial is establishing an alliance between information professionals and citizens who have decided to bring to light necessary information. This alliance entails a mutual recognition of each other's efforts and common responsibilities, a shared intention of bringing down surveillance and censure laws, and a joint defense of leaks and whistleblowers. At the same time, they must provide each other with the means of protection against the controls and restrictions placed on the freedoms of expression and action.

In the fifth year of the era of the 15M/Indignados movement, we know that we are advancing, defending and making collective and implacable use of our right to know and to inform, to be seen and to be recognized without fear of persecution, and to defend these rights, we are becoming organized.

The goal is to become an empowered civil society that can freely access information and utilize this information to watch over our own institutions.

Some call this democracy.

Notes:

- [1] STOA - Document commissioned by the European Parliament, “At this point encryption is the only way to defend ourselves from mass surveillance”. [http://www.europarl.europa.eu/stoa/cms/cache/offonce/home/publications/studies;jsessionid=490A3E7E5D44BE-DAA600139DBB98DBAB?reference=EPRS_STU\(2015\)527409](http://www.europarl.europa.eu/stoa/cms/cache/offonce/home/publications/studies;jsessionid=490A3E7E5D44BE-DAA600139DBB98DBAB?reference=EPRS_STU(2015)527409)
- [2] The report of the UN High Commissioner for Human Rights, “Invasive surveillance, as well as the collection and storage of personal data derived from digital communication – if it is part of targeted or massive surveillance programs – not only may it violate the right to privacy, but also a range of other fundamental rights.” <https://www.fayerwayer.com/2014/07/onu-la-vigilancia-masiva-necesita-controles-que-respeten-dd-hh/>
- [3] <https://xnet-x.net/en/xnetleaks/>

EXTRA TRACK

Brief how-to-do-it for citizens fighting against corruption

ANALYSIS AND DEVELOPMENT

- 1. What should I report?** Considering what will be denounced requires an objective analysis of both the public impact and the legal aspects. As immoral as they may seem, not all acts are punishable by law, neither are they as simple to prove as they may seem. The goal of each action is to open a crack in the wall of impunity and for that we must concentrate all our forces on a single project.
Corruption naturally branches out. Each issue we investigate will lead us to further information. To investigate everything is highly tempting when you want to serve justice, but unproductive when you want to be effective. Let's focus on the roots and not climb the branches. Take a direct approach to tackle the plot of political-business collusion. This is how they will fall.
- 2. Where to leak the information?** Special precautions must be taken at this point. The vast majority of political parties and the media have no interest in investigating (it is expensive and complex), they are more interested in the news, even at the cost of obstructing the legal process. It is important to keep control over the information and your identity to be sure how both will be used. Sometimes the anonymous leaks-box of a truly independent NGO or media is the best option to reveal information. But sometimes we do better to keep it until we can open a court case. If we want to get to the root of the problem, we have to keep a clear focus and identify from a bird's eye view the most important issues we need to concentrate on. It is important not to get lost in information that moves us away from the underlying idea: to erase the sense of impunity of the corrupt. And above all, protection of sources is essential.
- 3. Develop the information obtained based on the issue denounced.** Our job as committed citizens does not end with being in possession of and filtering certain information. In most cases, the work

in itself of collecting evidence and monitoring the evolution of the information is essential. Bear in mind that groups of organized citizens may not always have the resources to cover all the work that filtration entails; the work performed by the sources themselves becomes all the more important.

PROTECT YOURSELF

4. **Preserve your own safety.** You need tools to ensure safety. For groups of organized citizens in particular, we consider such tools essential. This is not secrecy or conspiracy, it is absolutely necessary in many if not most countries. In countries like the US, Canada, Iceland, Denmark, South Africa or Ireland, there is a degree of specific protection legislation. The so-called “whistleblowers” are to a degree valued and lauded for their efforts. In other countries there is no such specific protection, such as China, Turkey and, to some extent, Spain. Tools ensuring that communication flows in an **entirely anonymous way, with all subsequent communications carried out in secure communication environments** (like the Tor network), are vital, and the only way to fully protect the source from retaliation so they remain free to continue their contribution.

ORGANIZE AND CO-OPERATE

5. **Get organized, but with caution.** As a group of citizens willing to unite their efforts and skills with others, organization is a key issue. Depending on the case denounced, finding the support that ends up shaping an organized group of citizens has to be carried out with caution in order to preserve your safety and that of others, as well as not to expose the information. Remember, it is not a question of just revealing the information but of how to reveal it. If it is not done at the right time, we risk tipping off those we want to implicate.
6. **Cooperation.** On many occasions the information gathered by sources may be beyond their area of expertise; this is where collaboration between citizens and journalists or NGOs acquires

special relevance. Citizen collaboration is not only the best mechanism for denouncing corruption, but also for data analysis.

7. **Power.** Once work is completed and the proof of the corrupt plot is published, it is time to be aware that this is only half of the work that needs to be done in order to achieve success. To believe that merely exposing the evidence will end political collusion and corruption is in itself a mistaken belief, not backed up by much evidence. The exposure needs power behind it, if it is not to fall into oblivion. The political, communicational or judicial goals of an exposure need to be backed up by two elements:

- **A networked campaign** that succeeds in spreading like wild-fire until everyone who was unpunished is hit. The good news is that the second part of an exposure is the most stimulating and empowering part of the work.
- **A legal action**, whenever possible.

The corrupt will not end corruption; only organized citizens can, and everybody can do it.