

## **Public Prosecution investigates allegations against Oliver Schröm, Editor in Chief of CORRECTIV following Cum-Ex reporting**

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The public prosecutor in the city of Hamburg is investigating a suspected instigation of betrayal of business secrets against Oliver Schröm, Editor in Chief of CORRECTIV. He led a joint investigation with 18 media partners which published the CumEx-Files, a report on one of Europe's biggest tax robberies. The journalists revealed how twelve European states were robbed of at least 55 billion Euros in a concerted effort by bankers, traders and lawyers.

At the invitation of the European Parliament, Mr. Schröm on 26 November 2018 presented his findings as well as proposals on how CumEx and related deals could be prevented in the future. His suggestions were incorporated in a resolution which the European Parliament passed shortly thereafter.

It now turns out that several months ago the state prosecutor of Hamburg opened an investigation against Mr. Schröm that includes the interviewing of witnesses.

„This investigation against our Editor in Chief represents an attack against press freedom”, says David Schraven, publisher at CORRECTIV. „With our reports we showed tax payers that they were robbed, and now we are being prosecuted for that. This is absurd.”

If tried and convicted, Mr. Schröm could face a fine or up to three years in prison.

„As a nonprofit research center, CORRECTIV stands for the disclosure of grievances. This may be unpleasant for some, but it is vital for a democratic society”, says Simon Kretschmer, Managing Director of CORRECTIV.

The investigations are related to Mr. Schröm's research activities on cum ex trade deals. Beginning in 2014 Oliver Schröm was one of the first journalists to investigate cum ex tax deals on the basis of internal documents. The media investigation attracted Swiss authority's attention after the Swiss private bank Sarasin filed charges against Mr. Schröm. Sarasin is deeply entangled in the scandal and was recently sentenced to pay back 45 million Euros to a German investor.

After initial publication of Mr. Schröm's research in the spring of 2014, two former Sarasin employees were arrested. The employees were suspected of being Mr. Schröm's informants. The public prosecutor of Zurich also opened an investigation on suspicion of industrial espionage based on the charges filed by Sarasin.

On 19 March 2018, four years after the start of the investigation against Mr. Schröm, the Zurich authorities requested the public prosecutor of the city of Hamburg take over the investigation. Now Hamburg is investigating the suspicion of „instigation to betrayal of business secrets” based on §17 of the Act Against Unfair Competition.

The Zurich Public Prosecutor's Office had been confronted with media inquiries from Germany and Switzerland on the morning of 19 March. Along with three media partners, CORRECTIV had found that the Swiss authority had used questionable methods to crack down on a German whistleblower who had once gotten the cum ex scandal rolling. The unveiling story "Hero, Thief or Spy?" was published on March 20, 2018.

On 27 March 2018, the Hamburg Public Prosecutor's Office informed their Swiss counterparts that the „request for criminal insurance" was received. A little later, it began investigating Schröm „on suspicion of inciting the betrayal of business and trade secrets and unauthorised exploitation" under Section 17 of the UWG (Law Against Unfair Competition).

According to a representative of a journalist union, this paragraph from competition law is being used against a journalist for the first time.

CORRECTIV reacted to the investigations by publishing an open letter today which can be signed under [correctiv.org/unterzeichnen](https://www.correctiv.org/unterzeichnen). „The attempt to muzzle a journalist and an entire reporting team is an abuse of criminal law. It is appalling that German authorities have let themselves become manipulated by these offenders“, it says.

The letter is addressed to Katarina Barley, Minister of Justice: „We exhort you to drop this persecution of journalists and to focus on the criminals instead: the people, who stole our taxes in order to satisfy their own greed.“ It is also addressed to Olaf Scholz, whose job as Minister of Finance is to protect the treasury from criminals.

The investigation against Oliver Schröm also puts a spotlight on a draft law in Germany. The German parliament is currently deliberating the draft law aimed at protecting business secrets (GeschGehG) which would implement an EU directive.

The proposal will be discussed tomorrow, Wednesday 12. December 2018 in a hearing at the judicial committee. It is highly controversial.

„The protection of informants is derived directly from the constitution“, says lawyer Jes Meyer-Lohkamp, who also represents Mr. Schröm. He criticizes the proposal for enabling companies to request information about the person who discloses a business secret. „This entitlement is not even part of the EU directive 2016/943“, says Meyer-Lohkamp. Applying it to journalists would constitute „a grave attack against press freedom.“

CORRECTIV is the first non-profit research center in the German-speaking sphere. It is funded by private donations, monthly membership contributions and foundations. Its goal is an enlightened society.

CORRECTIV invites interested media to a press conference in its editorial offices at Singerstraße 109, 10179 Berlin, on Tuesday, 11. December. Oliver Schröm, David Schraven as well as Frank Überall, Chief Representative of journalist union DJV and Member of Bundestag Gerhard Schick (Green Party) and founder of civil movement Finanzwende, will be present to discuss the current issue.

For interview requests, please write to: [presse@correctiv.org](mailto:presse@correctiv.org)