



# Novartis Scandal - Steven Con: Stop Witness Intimidation (interview)



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"It's just an attempt to hide information." Steven Kohn, the US lawyer representing the Greek protected public interest witnesses in the Novartis case in the US, granted Documento an exclusive interview.

A few days earlier, he had sent a letter to the Greek authorities frustrating the decision of the Arian Pagos' prosecutors Evangelos Zacharis and Lambros Sofoulakis to send a request to the US authorities to provide information related to the alleged plaintiffs. its own investigation into the Novartis case.

Mr Conn, having worked for about 35 years as a public interest information lawyer in the US, tells Documento that there has never been

a corresponding request from another country, though more than two thousand non-US citizens have become protected and confidential information. This is because "there is absolutely no reason to do so."

Under the US Foreign Corrupt Practices Act, US authorities can prosecute all companies involved in corruption, regardless of the crime scene, provided that - like Novartis - they are listed on the US stock exchange. However, at their request, the Greek authorities, who, according to Documento, the US lawyer, say they are in breach of international law, are also committing the offense of obstructing American justice because if their US identity is revealed, it becomes impossible.

If the identity of public interest whistleblowers is revealed in the US, there will be a tremendous impact in Greece as "it will be a dramatic setback for anti-corruption efforts". Mr Kohn also referred to the importance of the protected witness institution, which is the person providing the initial information and then it is up to the audit authorities to use it to build the case. After all, "the key is not what the protected witness says" but "the facts that can be confirmed through the investigation."



In Greece, of course, protected witnesses are shrinking and - even worse - intimidated. Most of the ten Greek politicians whose name is involved in the Novartis case have either dismissed protected witnesses in Greece or threatened to "hoodwink" them. In a report filed at the end of October 2019, the three anti-corruption prosecutors reported that during the period when **Nikos Maniatakis** was a protected witness - he later denied this - he transferred them to Ioannis Stournaras for terrorizing himself. Last Wednesday, former Novartis executive Filistor

Desembassidis testified at the pre-trial panel that Adonis Georgiadis had named him one of the three protected witnesses. He added that Andreas Loverdos, Dimitris Avramopoulos, Antonis Samaras and Konstantinos Frouzis also targeted him in order to intimidate him, so as not to "deposit what I probably know in criminal justice".

After all, the majority of politicians in Greece whose name has been implicated in the case are constantly referring to skirmishes, even though the investigation of this case was initiated by America. Stephen Conan, however, is clear: "No, it's not a joke in any way. The US government would never engage in such fraud or unacceptable acts of this kind. This cannot be done under these laws. This is a straightforward, objective, criminal investigation. " The American lawyer completely dismisses the narrative about the device, calling on Greece to stop stimulating the investigation. Will it be heard?

The entire interview by Steven Conn is as follows:



"The ability of a non-US citizen to seek and obtain protection under American law is one of the most important assets for combating corruption," says Mr Conn, referring to the demand of Greek politicians who have tried to intimidate them. protected witnesses suing them and saying they will "remove the hood"

**Why did you decide to send this letter and, above all, what is your opinion on the Greek judicial authorities requesting the**

**US Department of Justice to disclose the identity of protected witnesses in the Novartis case?**

We sent the letter because we understand that the Novartis case is at a focal point in Greece. If the identity of public interest whistleblowers is revealed, there will be a tremendous impact for all witnesses and the future protected witnesses in Greece will be degraded. It will be a dramatic setback for efforts to combat corruption. Protecting the identity of protected witnesses is the most important legal protection they have. If this is undermined, all their rights are sabotaged.

**Do you consider that the Greek authorities' contested claim is illegal not only under US but also under international law?**

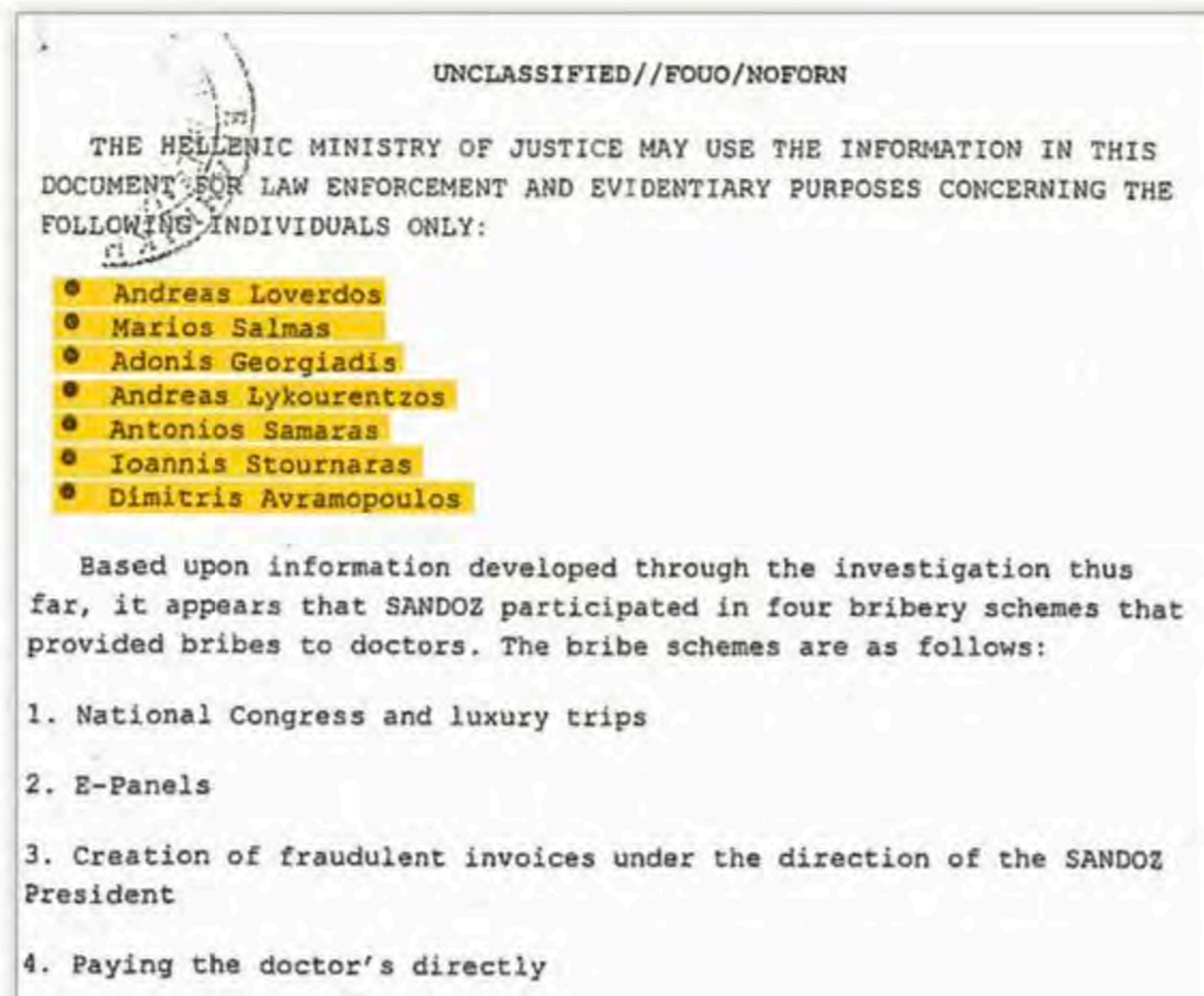
It is a clear violation of international law. Greece has signed a series of anti-corruption conventions. These international conventions are binding. It is well known that Greece has not implemented these conventions correctly. But law is law. These conventions require both the full protection of protected witnesses and compliance with international anti-corruption rules. Especially for the United States, which has the best track record in applying international anti-corruption practices (ed: Kon is cited in the Foreign Corrupt Practices Act). Therefore, in my opinion, Greece cannot, under international law, violate the laws that obstruct justice in the US when it comes to a Greek protected witness who provides information to the US authorities.

**Since we are talking about a direct violation of international law, do you think that something can be hidden behind this request of the Greek judicial authorities?**

What lies behind the request of the Greek authorities is an attempt to undermine the obligations arising from international anti-corruption conventions. If Greece, a country that has signed the most important international conventions on the fight against corruption, tries to disclose protected witnesses, in breach of the confidentiality they are allowed to have and need, this would be a direct attack on the laws of the fight against corruption.

**There are many voices in Greece, especially politicians whose name is involved in the Novartis case, who say protected witnesses are not trusted because they testify anonymously. What do you answer to that?**

In the US, the anonymity of a whistleblower is protected by law. This anonymity has contributed to the most effective convictions ever in the fight against corruption. The Greek government or the US government cannot prosecute a corruption case unless they have evidence. And there is absolutely no requirement to disclose the identity of a protected witness if the government, prosecutors can obtain evidence from other sources. Based on what we have seen from the law regarding whistleblowers, these are the whistleblowers, the people who come up with the original information. It is then up to the government to use this information to build a case. I have been involved in this field for about 35 years and none of my protected witnesses have ever been disclosed. This is because there is absolutely no reason to do so. It is simply an attempt to conceal information.



4. Paying the doctor's directly

Bribe Scheme #1 National Congresses and luxury trips

SANDOZ provided doctors with registration fees to National Congresses and luxury trips as a tool to negotiate more NOVARTIS prescriptions from the doctors. SANDOZ organized focus groups that presented doctors with information about the company, as well as a weekend of entertainment. The purpose of the trip was to have doctors prescribe more NOVARTIS products. If the doctor did not agree to prescribe more NOVARTIS drugs then the doctor was not permitted to attend the trip.

In 2010 or 2011, there was a conference in New York where a group of 50-60 doctors who specifically prescribed Onbrez had attended. The attending doctors were based in Greece. The agenda was distributed only to the staff that participated in order to get them "oiled up" in Manhattan. The names of the doctors were listed in the territorial plans. SANDOZ employees had an American Express credit card that was

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**During the years you have worked as a protected witness advocate, has there ever been a request from any country, such as that of the Greek authorities, to reveal the identity of the protected witnesses?**

No never! And this is particularly interesting because I have dealt with a lot of cases involving Swiss protected witnesses. In Switzerland because of bank secrecy (ed: banking discretion laws), what these protected witnesses have done is illegal there. And yet the Swiss government has not seen the identity of Swiss citizens who have spoken to the authorities about illegal banking practices under US law. Therefore, it is unheard of for a government to ask the US to disclose the identity of protected witnesses, and it is also unheard of for a government to take such action when it is investigating possible bribery. This is an obstruction of justice, which is a serious criminal offense.

**These politicians have tried to intimidate protected witnesses in Greece by slandering them and saying they will "remove the hood". If this is combined with the Greek authorities' request, do you think it would ever happen in America?**

It's unheard of! I want to be very clear: under American law you can be anonymous and confidential, and we highly recommend this. More than two thousand non-US citizens from more than a hundred countries have filed a public interest complaint in protected witness cases in the context of anti-corruption anonymous and confidential activities. The ability of a non-US citizen to seek and obtain protection under American law is one of the most important assets for combating corruption. The key to moving forward with the Novartis case is for any witness to come directly to my office, in confidence, and to ensure that his or her identity will never be revealed. The alternative would be disaster because if you can sue, remove the hood and retaliate with the protected witness, the ability to detect corruption and corruption is completely undermined.

**In order to make it clear that these whistleblowers are trustworthy, can you give us some information, such as when and how they were approached by the US authorities, what information they provided and how many times did they provide it?**

No, I will never disclose any information about any confidential or protected witness. All of this is confidential and must be kept private. The time for the disclosure of information will come when and if the US is prosecuted or forced to execute a plan to ensure that the rules are followed. And when you read the complaint, when you read the conviction, you will see the information provided by protected witnesses. The key is not what the protected witness says. The key is the facts that can be confirmed through the investigation to hold criminals who have been bribed or bribed accountable.



**I ask you because the politicians whose name is involved in the case say that although the investigation of the case was initiated by the US authorities, this is a plot set up by SYRIZA, the ND party - since most of the politicians involved are members of. Do you consider this to be a junkie?**

No, it's not a joke in any way. First of all, the US government would never be involved in such fraud or unacceptable acts of this kind. Nothing can be done under these laws. This is a straightforward, objective, criminal investigation. Perfect. If action is taken by the US authorities, it will be because the evidence will support such measures. It is no different from any other criminal investigation, whether it involves murder or kidnapping. It does not matter the political party it belongs to or the political beliefs of a murderer or kidnapper. This is a survey and the survey will be based on evidence. Stop retaliating. Everyone should take a step back, stop getting involved, let the investigation go on, and stop trying to intimidate any witness.

**Politicians involved in the case and many domestic media report that there is a scandal in the Novartis case, but it is only for doctors and not politicians. You, having followed the case from the beginning, what do you think?**

Again I can't comment. I believe that as the investigation progresses, it is up to the American authorities.

**Can you tell us what the process is for someone in America to become a public interest informant?**

To help your readers understand what anonymity means, if anyone contacts my office with information, I can forward it to the government without revealing the names of the sources. Also, the government will then be obliged not to reveal his identity. Let's say my protected witness sends me a bribe email and this email bears my client's name so everyone will know who sent this email. Then the US cannot use this email directly. They can use it as a source of information to carry out further research, but they cannot disclose facts or data leading to the disclosure of my anonymous sources.



If you visit my site, you will find that we have represented high profile protected witnesses in major cases. I can tell you that in my biggest case the company did not know that there was a protected witness. I think it is very important to understand this potential witness. The new confidentiality laws are much better and more extensive than the previous ones. Even the fact that there is a protected witness should be protected, and I think people should use this to disclose information, to prosecute criminals, to push governments to tell the truth. Everyone complains constantly about corruption. Now there is an effective way to deal with it, at least in terms of international corruption. There is a way to deal with it. Therefore, stop complaining and seek to secure your rights.