

SUMMARY

Protecting Witnesses and Whistleblowers: Possibilities for Mauritius and Other Small Island States, by Hollie Webb *

This article is based on research conducted throughout Mauritius from May to August in 2016. The focus of the research was to explore ways to implement Articles 32 and 33 of the United Nations Convention against Corruption (UNCAC) on the protection of witnesses and whistleblowers in small island developing States (SIDS). The study was facilitated by the Independent Commission Against Corruption in Mauritius and involved a combination of in-person interviews and legal research. The objective was to determine what type of protective measures for witnesses, whistleblowers, and other reporting persons would be the most effective when implemented in small island States, in addition to determining how to generally encourage the reporting of corruption. The study was conducted under an assumption of the relatedness of these two concepts, that most people are not willing to report corruption unless they know they will be protected from danger.

This research looked at the needs and problems faced by SIDS and attempted to move beyond standard witness and whistleblower protection paradigms, which are typically addressed to larger countries. In order to succeed in SIDS, witness and whistleblower protection programmes and laws must be designed for a small community. Superimposing a larger country's programme is not feasible. While SIDS are a diverse group that does not easily lend itself to generalization, they do face several common challenges in this regard, including those relating to geography and economy. In terms of geography, the smaller land masses of SIDS inevitably means it is more difficult for a person to be hidden or to move to a different part of the country unnoticed. Smaller economies often mean that high-cost measures and programmes are impractical.

In order to analyze the impact of protective legislation, this article looked at three different types of witnesses in addition to whistleblowers. The categories of witnesses researched were bystander witnesses, witnesses who were also victims, and collaborative witnesses. After defining these different types of reporting persons, the article next looked to current SIDS legislation to explore the effectiveness of various measures. These measures ranged from the creation of Witness Protection Organisations/Units, to criminalizing witness intimidation, to regional reciprocal protection arrangements.

The article closed with recommendations derived from the research. The article also concluded that for any witness and whistleblower protection programme to ultimately succeed in SIDS, it will have to be flexible and multi-faceted, involving not only law enforcement, but also the legislature, the judiciary, the private sector, and civil society. The most successful policies will not only protect witnesses and reporting persons, but they will also foster a culture of integrity in the community and create an expectation of reporting illegal acts

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