

Rui Pinto Hacker or Whistleblower?

An ethical analysis

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1 Description of the case

Rui Pinto was born in October of 1988 and raised in "Mafamude", a small town in the North of Portugal. Since very early in his life, Pinto was very invested in football, he was especially fanatic for FC Porto, a football club established very close to his home town.

"*Faculdade de Letras da Universidade do Porto*" is where he cultivated his education, where he studied History, and where he enrolled in the Erasmus program to study abroad in Budapest, Hungary.

While being abroad, in 2013, Pinto was involved in several cyber attacks to the *Caledonian Bank* which had the objective of transferring 264 thousand dollars to the *Deutsche Bank* but was ultimately discovered by the authorities and detained before the transaction was actually completed.

With help from his lawyer, Aníbal Pinto, he was saved from a bigger sentence that lead in 2014 to the decision from the "*Departamento de Investigação e Ação Penal do Porto*" to archive the case and settle for an extralegal accord between Rui Pinto and the Bank, out of which resulted a 100 thousand dollar fine.¹

Football Leaks self declares itself as an attempt to expose the real nature of football and its organizations. With these ambitions in mind, <http://football-leaks.livejournal.com> was created on the 29th of September 2015. John was the name behind the publications on the blog, posting thousands of confidential documents, making public several contracts and transactions, which expose multiple tax evasion schemes committed around the world, involving FC Twente and Doyen Sports, Neymar and FC Barcelona, Gareth Bale and Real Madrid, and others.

Until today, Rui Pinto is the only one that has publicly claimed ownership of the famous website.

¹[14-05-2022 14:25] <https://desporto.sapo.pt/geral/artigos/football-leaks-rui-pinto-apresenta-queixa-contra-portugal-na-uniao-europeia>

The crimes that Rui Pinto is accused of by the Public Ministry of Portugal on September of 2019, after being arrested by the Hungarian authorities (16th of January 2019) and brought back to Portugal to be kept in preventive arrest, are 147 in total, 70 violations of correspondence, 75 of which involving illegitimate access, one of attempted extortion and one of computer sabotage.

Doyen Sports is the football investment fund that accused Football Leaks of persuading several big Clubs like Sporting, which in particular had the contract of his current coach, "Jorge Jesus", and documents related to the renovation and transaction of the peruvian player "André Carrilho" publicly posted on the alleged website.²

The european whistleblowers prize was awarded to Rui Pinto while he was in prison, alongside Julian Assange and Yasmine Motarjemi on the 16th of April 2019.

The Cooperation between Rui Pinto and the authorities from France, Belgium, Netherlands and even with "Polícia Judiciária" from Portugal has been very productive as confirmed by Luís Neves (Director at "Polícia Judiciária") in court, he stated: *"There is that effective collaboration..."* and *"...many disks had not been opened"*.³,

2 Ethical analysis

What is a Whistleblower? *people who report (within the organisation concerned or to an outside authority) or disclose (to the public) information on a wrongdoing obtained in a work-related context, help preventing damage and detecting threat or harm to the public interest that may otherwise remain hidden.*⁴

2.1 Primary Ethical questions

During the whole process, Rui had no professional obligation to abide by, except the moral rules and laws that every citizen is placed under.

By publishing several confidential documents of Sporting Football Club, even if done with a good intention in mind, he still broke the privacy of the referenced Club and all the people that were mentioned in these documents. Beyond being a privacy breach, we have to question ourselves on how did Rui Pinto actually gain access to these documents, he was not an employee of Sporting, he himself

²[15-05-2022 13:16] <https://observador.pt/2015/12/17/football-leaks-acusada-tenta-r-extorquir-dinheiro/>

³[15-05-2022 16:19] translated from *"Há essa colaboração efetiva"* and *"muitos discos não tinha sido abertos"* in <https://observador.pt/2021/05/12/diretor-da-pj-confirma-que-rui-pinto-esta-a-colaborar-com-a-justica-e-ja-o-fez-varias-vezes-depois-de-comecar-a-ser-julgado/>

⁴https://ec.europa.eu/info/aid-development-cooperation-fundamental-rights/your-rights-eu/whistleblowers-protection_en

did not have personal access to the system, so he had to, at one point or another, breach the security of their system.

By persuading and promising his silence to the Big Football clubs regarding their confidential documents in exchange of money he committed a very severe crime of extortion, manipulating the organizations to do what he wanted, holding these documents as a way of making them kneel before his will. Here we have in question the main goal of Rui Pinto, was it to actually create a better Football scene and environment like the website auto-proclaimed or is it for self benefit?

- Is it Ethical to "hack" into someone's email, essentially break their privacy, to know if that someone is involved in some sort of bad deed, some sort of corruption or law breaking?
- On the other hand, should privacy laws protect us so much that we have the freedom to hide unlawful acts behind it?
- Should Rui Pinto be classified as a Whistleblower and therefore be protected by the EU whistleblowers directive?

2.2 Ethical knowledge and sensibility, harmed entities

2.2.1 Precedents and analogies

Rui Pinto, at a first glance of the facts does in fact seem like a person who is invested in doing the right thing, by publishing so much information about corrupt activities, which lead to the investigation of multiple parties, he effectively assisted the police in several other cases. But things are not so simple with Rui as even before the case of Football Leaks, the cyber attacks to the *Caledonian Bank* which he was involved in served as a precedent for his extortions of Doyen Sports, FC Sporting Football Leaks.

2.3 Systematic analysis - Step 6

2.3.1 Professional Standarts

2.3.2 Roles and Responsibilities

- Doyen Sports, as the primary entity that contacted the authorities regarding Rui Pinto
- Rui Pinto as the suspect of committing many crimes and responsible for starting many investigations around various personalities on the Football scene.
- SC Sporting and other football clubs and personalities as the "victims", the ones that were

2.3.3 Stakeholders

Benefited stakeholders

Harmed stakeholders

1. From all the people involved in this case, Rui Pinto is the most important one, he is the one who claimed ownership of the popular website, he is the one who is being hold on trial directly.
2. All of the anonymous people helping in the management of the Leaks are as important as Pinto himself, the only difference is that as we cannot identify these people, the case and all of the social impact is directed at Rui Pinto.
3. His lawyer Anibal Pinto is also an important "piece of the puzzle", without him, pinto would not have been able to contest on his first attack to *Caledonian Bank*.
4. Doyen Sports, who was extorted by Pinto and his lawyer, and had its agreements with FC Twente published online which led to the clubs ban from European Football for three years.
5. The Portuguese, French, Belgium and Dutch Government

Who was harmed and why

- The leaked football clubs and personalities are now at risk of being put under investigation.
- These personalities had their privacy right disrespected, after the event private information like their salary is now public knowledge.
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Consider all the involved parties

- Rui Pinto, as he stated on the website, was only trying to bring to light the corruption inside the Football Scene by exposing these corporations, but after taking into account his extortion attempt to Doyen it is clear that he was also very much motivated by money and
- Anibal Pinto was, at first, only protecting his client, but he is also suspect of having collaborated with the primary suspect RUi Pinto in his extortion to Doyen.
- Doyen simply protected itself as it came into contact with the proposals from Rui Pinto, declaring him to the authorities.
- The organizations that had their documents leaked, will probably have their schedules altered due to possible investigations.

2.3.4 Politics

The only legislation that somewhat applies to this case is the European normative of whistleblowers⁵

2.3.5 Normative Ethics

Utilitarianism is the ethical way of thinking where an action is deemed ethical when it tends to benefit all parties involved and non ethical when it tends to harm the parties. This action, must also be impartial and numb to race, gender, and an other form of judgement, each person amounts to the same "weight".

Rui Pinto before deciding to create Football Leaks had to balance his actions on a scale of cost versus benefit

Benefit - The discovery of several corruption cases.

Cost - Disrespect the right to privacy of all the affected companies and personalities, potentially breaking this right with no outcome. If someone that had not practiced any wrongdoing had their privacy breached by Pinto, they were a victim and they only suffered, giving no "benefit" to Pinto.

Kant's Deontologic Ethics differs from Utilitarianism by stating that some actions are immoral even if they achieve global happiness and pleasure.

Kant believes that our human emotions and biases should not be involved in any moral action. Our morality should serve as a framework of rational rules that dictate what actions to take and what not to.

Kant describes several Categorical Imperatives, from which every moral norm can be derived:

- *"Act only according to that maxim whereby you can at the same time will that it should become a universal law without contradiction."*
- *"Act in such a way that you treat humanity, whether in your own person or in the person of any other, never merely as a means to an end but always at the same time as an end."*
- *"Therefore, every rational being must so act as if he were through his maxim always a legislating member in the universal kingdom of ends."*

For an action to be considered ethical by Kant, it's outcome does not matter, the action itself must be driven by the actor's obligation, must be well thought out and abide by his morality rules.⁶

In the case of whistleblowing, specifically Rui Pinto's case, for his actions to be ethical they

2.4 Conclusions

⁵https://ec.europa.eu/info/aid-development-cooperation-fundamental-rights/your-rights-eu/whistleblowers-protection_en

⁶<https://sevenpillarsinstitute.org/kantian-duty-based-deontological-ethics/>

3 Bibliography

- 13-05-2022 16:30 <https://desporto.sapo.pt/futebol/primeira-liga/artigos/tudo-o-que-precisa-de-saber-sobre-rui-pinto-e-o-caso-football-leaks>
- 13-05-2022 14:30 https://pt.wikipedia.org/wiki/Rui_Pinto
- 13-05-2022 20:30 <https://comunidadeculturaearte.com/hacker-hacktivista-ou-whistleblower-o-caso-rui-pinto/>
- 13-05-2022 22:30 <https://theblacksea.eu/whistleblower-of-football-leaks-arrested-in-budapest/>

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