

Mr Daithí McKay  
Chair, Committee for Finance and Personnel  
Northern Ireland Assembly  
Parliament Buildings  
Ballymiscaw  
Stormont  
Belfast  
BT4 3XX

2 May 2013

Dear Mr McKay,

I am writing on behalf of the Libel Reform Campaign regarding the Defamation Act 2013. The Libel Reform Campaign was set up by Index on Censorship, English PEN and Sense About Science to obtain major changes in the libel laws to better protect free expression.

As you may know, the Minister of Finance and Personnel submitted a paper last May on adoption of the then Defamation Bill by the Northern Ireland Executive. By June, he had withdrawn the paper and without scrutiny by either the Assembly or the Executive, a decision was made by Mr. Wilson that the Defamation Bill would not be adopted by the Assembly.

We believe this will have a significant effect in chilling the freedom of expression of the citizens you represent. The Defamation Bill was passed with cross-party support in Westminster to end the chilling effect from the archaic and outdated English, Welsh and Northern Irish libel law. The Bill introduced a stronger public interest defence to protect citizen critics and scientists, a hurdle so that corporations have to prove financial loss before they sue individuals and a new clause to bring the law on internet publication into the 21st century. Significantly, the law will deal with the chill from libel tourism where rich oligarchs and powerful corporations bring cases in the High Court to silence their critics overseas.

In 2008, the United Nations Human Rights Committee condemned English libel law for having a chilling effect on free speech across the world. The High Court heard cases with no connection to the UK: one Ukrainian oligarch sued a local Ukrainian paper and a disgraced Saudi businessman Sheikh Khalid bin Mahfouz sued a US academic for a book not even published in the UK. The situation was so chilling to freedom of expression that US President Barack Obama signed into law the US Speech Act to protect US citizens from the effect of English, Welsh and Northern Irish libel law, an act described as a "national embarrassment" by MPs in Westminster. If Northern Ireland does not update its law of libel, libel tourists such as corrupt businessmen, powerful vested interests and global corporations may begin to use the High Court in Belfast to silence their critics.

It would be to the detriment of your citizens right to freedom of expression for the law of libel to remain unreformed and in the position it was when it was subject to the condemnation of the

United Nations Human Rights Committee. We urge you to subject Mr. Wilson's decision to full scrutiny. If you would like to hear from the Libel Reform Campaign, with further written or oral evidence please do not hesitate to contact the campaign.

Yours sincerely,

Kirsty Hughes, Chief Executive, Index on Censorship

Tracey Brown, Managing Director, Sense About Science

Jo Glanville, Director, English PEN

For any further information, or queries, please contact: -

Michael Harris | Head of Advocacy

t +44 (0) 207 324 2534 | m +44 (0) 7974 838468

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