



global witness

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Ruling in Mosley's favour at European Court of Human Rights would threaten public interest campaigning

Global Witness today joined leading anti-censorship and press freedom bodies, including Index on Censorship and the Media Legal Defence Initiative, together with all of Europe's leading newspaper publishers, in urging the European Court of Human Rights to define the right to privacy more narrowly so it cannot be used to suppress investigative NGOs and journalists writing on subjects of public interest.

In a brief filed this week with the Court, the campaigners and publishers opposed Max Mosley's demand that journalists should be required by law to give at least two days notice of their intention to expose the misbehaviour of a public figure, in order to give their potential victim time to seek an injunction.

They filed an opinion written by the distinguished free-speech jurist Geoffrey Robertson QC, who upbraids the European court judges for their "failure to give any sensible or coherent definition to the concept of privacy" and for their recent "intellectually irresponsible" ruling that it covers the right to reputation.

Mr Robertson points out that when the European Convention was settled in 1950, all States voted to exclude "reputation" from the definition of privacy but European judges have recently reversed this decision, without explanation, by deciding that under the privacy law public figures can protect their reputation by suppressing true facts about themselves. This has enabled circumvention of the law of libel, where truth is always a defence.

This is a major concern for organisations like Global Witness which investigates the links between natural resources, corruption and conflict, and was jointly nominated for the 2003 Nobel Peace Prize for its work on conflict diamonds.

"We're exposing the political and business elites who loot state resources, condemning whole populations to poverty and even conflict. Whatever the rights or wrongs of the Max Mosley issue, there's a world of difference between a businessman getting caught with his pants down, and NGOs exposing the root causes of some of the worst human rights abuses and conflicts since World War 2," said Patrick Alley, a director of Global Witness.

The European Court of Human Rights has decided to fast-track Mr Mosley's complaint – if it is upheld, the UK will be obliged to pass a new law that requires newspaper to submit their articles to those they intend to expose in time for them to obtain an injunction.

"In 2007, the son of the President of the Republic of Congo tried to gag us with a super injunction because we put his credit card bills and other documents on our website, which showed that he spent \$250,000 over a two year period on designer goods, and that the money most likely came from state oil revenues. All this while 70% of his country's population exist on less than a dollar a day. We won, but it cost us £50,000 in a week and took us two years to recoup the costs. Not many NGOs have the appetite to deal with these risks. If Max Mosley is successful, many issues of critical public interest will never see the light of day", Alley said.

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