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global witness

Harriet Harman MP  
House of Commons  
London  
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12 April 2010

### **Open letter to Harriet Harman MP**

Dear Ms Harman,

Global Witness is extremely disappointed and concerned to hear that Jack Straw's move to reduce the success fees charged by libel lawyers working on a 'no-win, no-fee' basis from 100% to 10% of total costs was blocked by a small group of rebel MPs led by Tom Watson. We note that Labour's new manifesto promises "to encourage freedom of speech and access to information (by bringing) forward new legislation on libel to protect the rights of defendants to speak freely," and hope to see this acted on with the urgency it deserves should Labour win the election.

Your manifesto's statement echoes our initial response at Mr Straw's proposals, which we welcomed as "a landmark victory for freedom of speech in the UK". This was because the current exploitation of Conditional Fee Agreements by libel lawyers threatens the ability of campaigning organizations to expose corruption and malpractice – even when what we say is true. It is crucial that investigative organisations retain the ability to act as public watchdog by speaking freely of discoveries relating to these matters. However, the unnecessarily high fees currently being levied by lawyers on losing defendants in libel suits mean that many organizations feel compelled to self-censor rather than face potential financial ruin that would come with a ruling against them. This gives wealthy and corrupt individuals an effective mechanism for pre-emptively silencing those working to expose secrets they would like to remain unheard. So, this issue is about more than the freedom given to tabloids in publishing kiss-and-tell stories – it goes to the heart of our justice system's ability and willingness to fight corruption and defend freedom of speech.

The 4 MPs responsible for blocking this move have cited concerns that it would prevent ordinary citizens from defending themselves in court. Global Witness firmly believes in the rights of all constituents to a fair and affordable representation, and would not do anything to compromise this principle. However, this is the same argument made by the specialist law firms turning huge profits from stifling freedom of speech as described above. So, the measures designed to protect such universal rights are currently being systematically abused by a rich, powerful and very often guilty minority. This legislation will not affect the ability of the public to defend itself – it will stop the rich and powerful from using Britain's libel laws to work against the public interest.

Parliament to act as quickly as possible to set them right. If the MPs concerned or anyone else would like more information on why the legislation needs such urgent reform, we would strongly advise them to consult the Libel Reform Campaign at [www.libelreform.org](http://www.libelreform.org), and would be very happy to give a more detailed brief on precisely how this issue affects civil society organisations working on a broad range of issues.

Yours sincerely,

Handwritten signatures of Patrick Alley and Charmian Gooch. The signature of Patrick Alley is on the left, and the signature of Charmian Gooch is on the right. Both signatures are in cursive and are underlined.

Patrick Alley, Founding Director, Global Witness Ltd  
Charmian Gooch, Founding Director, Global Witness Ltd