

Copies sent to:

Rt. Hon. Dominic Raab, Deputy Prime Minister and Lord Chancellor and Secretary of State for Justice

Rt. Hon. Rishi Sunak MP, Prime Minister of the United Kingdom

Rt. Hon. Michelle Donelan MP, Secretary of State for Digital, Culture, Media and Sport

Rt. Hon. James Cleverly MP, Secretary of State for Foreign, Commonwealth and Development Affairs

Mr. Steve Reed MP, Shadow Labour Secretary of State for Justice

Rt. Hon. Alistair Carmichael MP, Liberal Democrat Spokesperson for Home Affairs, Justice and Northern Ireland

Ms. Anne McLaughlin MP, Shadow SNP Spokesperson (Justice)

Mr. John Penrose MP, UK Government Anti Corruption Champion

Mr. Paul Philip, Chief Executive, Solicitors Regulation Authority

Mr. Mark Neale, Director-General, The Bar Standards Board

Ms. Dunja Mijatović, Council of Europe Commissioner for Human Rights

Ms. Teresa Ribeiro, Organization for Security and Co-operation in Europe, Representative on Freedom of the Media

Ms. Irene Khan, United Nations Special Rapporteur on on the Promotion and Protection of the Right to Freedom of Opinion and Expression

29 November 2022

To the Rt. Hon. Dominic Raab MP

Deputy Prime Minister and Lord Chancellor and Secretary of State for Justice

Re: Adoption of a UK Anti-SLAPP Law

As a group of leading editors, journalists, publishers, lawyers and other experts, we are writing to express our support for the [Model UK Anti-SLAPP Law](#) launched this November by the UK Anti-SLAPP Coalition - and to urge you to move swiftly to enshrine these proposals in law.¹

Events over the past year have shone a light on the use of abusive lawsuits and legal threats to shut down public interest speech. This is a problem that has long been endemic in newsrooms, publishing houses, and civil society organisations. In an age of increasing financial vulnerability in the news industry, it is all too easy for such abusive legal tactics to shut down investigations and block accountability.

We welcome your commitment to bring in reforms to address Strategic Lawsuits Against Public Participation (SLAPPs), as you said on 20 July 2022, in order to “*uphold freedom of speech, end the abuse of our justice system, and defend those who bravely shine a light on corruption.*”² High-profile cases – such as those targeting [Catherine Belton](#), [Tom Burgis](#), [Elliot Higgins](#), and more recently [openDemocracy and The Bureau of Investigative Journalism](#) – are just the most visible manifestation of a much broader problem which has affected newspapers across Fleet Street and the wider UK media industry for many years.

The public interest reporting targeted by SLAPPs is vital for the health of democratic societies, including law enforcement’s ability to investigate wrongdoing promptly and effectively. This is of acute importance in the UK, which journalistic investigations have repeatedly shown to be a hub for illicit finance from kleptocratic elites. As of April 2022, the National Crime Agency (NCA) has estimated the scale of money laundering impacting the UK is in excess of £100bn a year.³

¹ The UK Anti-SLAPP Coalition is an informal working group established in January 2021, co-chaired by the Foreign Policy Centre, Index on Censorship and English PEN. It comprises a number of freedom of expression, whistleblowing, anti-corruption and transparency organisations, as well as media lawyers, researchers and academics who are researching, monitoring and highlighting cases of legal intimidation and SLAPPs, as well as seeking to develop remedies for mitigation and redress.

² Ministry of Justice, Crackdown on corrupt elites abusing UK legal system to silence critics: Courts will be able to dismiss lawsuits seeking to stifle free speech earlier under government reforms to protect the UK legal system from abuse, 20 July 2022, <https://www.gov.uk/government/news/crackdown-on-corrupt-elites-abusing-uk-legal-system-to-silence-critics>

³ National Crime Agency, SARs in Action Report, Issue 15 - March 2022, <https://www.nationalcrimeagency.gov.uk/who-we-are/publications/591-sars-in-action-march-2022/>

Journalism has a huge role to play in tackling this problem. For example, investigations by the Organized Crime and Corruption Reporting Project (OCCRP) into the ‘Azerbaijani Laundromat’ scandal supported the NCA in seizing millions in corrupt funds from a number of individuals, including £5.6 million from members of one Azerbaijani MP’s family. Prior to the NCA’s seizure, the same MP had spent two years pursuing Paul Radu, co-founder of OCCRP through London’s libel courts. The inequality of arms in such cases is clear. As Radu notes: *“The people suing journalists in the UK rely on these huge legal bills being so intimidating that the journalists won’t even try to defend themselves.”*

In March 2022, at the launch of the Government consultation on SLAPPs, you stressed that *“The Government will not tolerate Russian oligarchs and other corrupt elites abusing British courts to muzzle those who shine a light on their wrongdoing.”* The findings of the consultation, published in July, clearly stated that *“the type of activity identified as SLAPPs and the aim of preventing exposure of matters that are in the public interest go beyond the parameters of ordinary litigation and pose a threat to freedom of speech and the freedom of the press.”*⁴

Fortunately, there is an oven-ready solution to this problem. The Model Anti-SLAPP Law, drafted by the UK Anti-SLAPP Coalition in consultation with leading media lawyers and industry experts, would provide robust protection against SLAPPs, building on the framework proposed by the Ministry of Justice in July. Key features include:

1. A **filter mechanism** that empowers courts to swiftly dispose of SLAPPs without the need for a subjective enquiry into the state of mind of the SLAPP filer. This mechanism should subject claims that exhibit features of abuse to a higher merits threshold.
2. **Penalties** that are sufficient to deter the use of SLAPPs and provide full compensation to those targeted. Such penalties should take into account the harm caused to the defendant and the conduct of and the resources available to the claimant.
3. **Protective measures** for SLAPP victims including cost protections, safeguards, and measures to reduce the ability of SLAPP claimants to weaponise the litigation process against public watchdogs.

The need could not be more urgent. Research by the [Foreign Policy Centre](#) and other members of the UK Anti-SLAPP Coalition has found that SLAPPs are on the rise and that the UK is the number one originator of abusive legal actions. In fact, the UK has been identified as the leading source of SLAPPs, almost as frequent a source as all European Union countries and the United States combined.⁵

The EU has already taken steps, with a proposed Anti-SLAPP Directive announced in April. In the US, 34 US states already have anti-SLAPPs laws in place, and this year Congress has introduced the first federal SLAPP Protection Act. Moreover, the US has also launched the Defamation Defense Fund, recognising the impact SLAPP actions have on journalists, as they *“are designed to deter them from doing their work.”*⁶

⁴ Ministry of Justice, Strategic Lawsuits Against Public Participation (SLAPPs): Government response to call for evidence, 20 July 2022, <https://www.gov.uk/government/consultations/strategic-lawsuits-against-public-participation-slapps/outcome/strategic-lawsuits-against-public-participation-slapps-government-response-to-call-for-evidence#impact-on-slapps-recipients>

⁵ A report from the FPC published in November 2020, which surveyed 63 investigative journalists in 41 countries working to uncover financial crime and corruption, found the UK to be by far the most frequent international country of origin for legal threats. It was almost as frequent a source of these legal threats (31%), as all EU countries (24%) and the United States (11%) combined., November 2020, <https://fpc.org.uk/publications/unsafe-for-scrutiny>

⁶ Speech by Samantha Power, Administrator of the United States Agency for International Development, 4 November 2021, <https://www.usaid.gov/news-information/speeches/nov-4-2021-administrator-samantha-power-new-vision-global-development>

You have made clear your commitment to strengthening legal protections against these legal tactics. It is crucial momentum is not lost. We encourage you to put forward, in the earliest possible time frame, legislation in line with the model UK Anti-SLAPP Law, to ensure that the UK can keep pace and contribute to this global movement to protect against SLAPPs.

Yours,

Paul Dacre, Editor-in-Chief, DMG media

Emma Tucker, Editor, The Sunday Times

Tony Gallagher, Editor, The Times

Victoria Newton, Editor-in-Chief, The Sun

Ted Verity, Editor, The Daily Mail

Katharine Viner, Editor-in-Chief, The Guardian

Paul Webster, Editor, The Observer

Alison Phillips, Editor, The Mirror

Roula Khalaf, Editor, The Financial Times

Chris Evans, Editor, The Telegraph

Alan Rusbridger, Editor, Prospect Magazine

Zanny Minton Beddoes, Editor-in-Chief, The Economist

Alessandra Galloni, Editor-in-Chief, Reuters News Agency

John Micklethwait, Editor-in-Chief of Bloomberg News

Drew Sullivan, Co-founder and Publisher, Organised Crime and Corruption Reporting Project (OCCRP)

Paul Radu, Co-founder and Chief of Innovation, OCCRP

Rozina Breen, CEO, The Bureau of Investigative Journalism (TBIJ)

Peter Geoghegan, Editor-in-Chief and CEO, openDemocracy

Nick Mathiason, Co-founder and Co-director, Finance Uncovered

Gerard Ryle, Director of the International Consortium of Investigative Journalists (ICIJ)

David Kaplan, Executive Director, Global Investigative Journalism Network (GIJN)

Michelle Stanistreet, General Secretary, National Union of Journalists (NUJ)

Dawn Alford, Executive Director, Society of Editors

Sayra Tekin, Director of Legal, News Media Association (NMA)

Sarah Baxter, Director, Marie Colvin Center for International Reporting

Paul Murphy, Head of Investigations, Financial Times

Rachel Oldroyd, Deputy Investigations Editor, The Guardian

Carole Cadwalladr, journalist, The Observer

Catherine Belton, journalist and author of the book, Putin's People: How the KGB took back Russia and then took on the west

Tom Burgis, reporter and author of the book, Kleptopia: How dirty money is conquering the world

Oliver Bullough, Journalist and author

Clare Rewcastle Brown, investigative journalist and founder of The Sarawak Report

Matthew Caruana Galizia, Director of The Daphne Caruana Galizia Foundation

Mark Stephens CBE, Partner at Howard Kennedy LLP

Caroline Kean, Consultant Partner, Wiggin

Matthew Jury, Managing Partner, McCue Jury and Partners

David Price KC

Rupert Cowper-Coles, Partner at RPC

Conor McCarthy, Barrister, Monckton Chambers
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Gill Phillips, Director of Editorial Legal Services, Guardian News & Media
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José Borghino, Secretary General, International Publishers Association
Dan Conway, CEO, Publishers Association
Arabella Pike, Publishing Director, HarperCollins Publishers
Joanna Prior, CEO of Macmillan Publishers International Limited
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Emily Wilson, Bureau Local Editor, TBIJ
James Ball, Global Editor, TBIJ
Franz Wild, Enablers Editor, TBIJ
James Lee, Chair of the Board, TBIJ
Stewart Kirkpatrick, Head of Impact, openDemocracy
Moirá Sleight, Editor, the Methodist Recorder
Paul Caruana Galizia, reporter, Tortoise
Tom Bergin, journalist and author
James Nixey, Director, Russia and Eurasia Programme, Chatham House
Edward Lucas, Author, European and transatlantic security consultant and fellow at the Center for European Policy Analysis (CEPA)
Sean O'Neill, Senior Writer, The Times
Dr Peter Coe, Associate Professor in Law, Birmingham Law School, University of Birmingham
Alex Wilson, Partner at RPC
George Greenwood, Investigations Reporter, The Times
John Heathershaw, Professor of International Relations, University of Exeter
Tena Prelec, Research Fellow, DPIR, University of Oxford
Jodie Ginsberg, President, Committee to Protect Journalists
Flutura Kusari, Senior Legal Advisor, the European Centre for Press and Media Freedom
Dr Julie Macfarlane, Co-Founder, Can't Buy My Silence campaign to ban the misuse of NDAs
Zelda Perkins, Co-Founder, Can't Buy My Silence campaign to ban the misuse of NDAs