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PRESS RELEASE

**Save London from Libel Tourists**

**London 24.02.11: The practice of intimidating and silencing journalists and authors from other countries under British libel law has earned the UK a reputation for being the “Libel Capital of the World.” To coincide with the upcoming pre-trial hearing of the libel case against Ukrainian newspaper, *Kyiv Post*, ARTICLE 19 will be holding a silent protest outside the Royal Court of Justice, on Thursday 24<sup>th</sup> February, to highlight the silencing effect the increasing use of UK courts has on investigative journalism in countries, including Ukraine.**

“Libel tourism”—a term coined to describe the practise of forum shopping for laws and courts that are particularly plaintiff-friendly—has emerged as a serious transnational threat to free speech. Given the dramatic chilling effect of such libel laws and the prominence of British courts in this phenomenon, ARTICLE 19 is very concerned by the latest case brought against the *Kyiv Post*.

On 22 November 2010, Ukrainian oligarch Dmytro Firtash filed a claim with the High Court in London against four defendants: the *Kyiv Post* publisher, owner, chief editor and the author of an article which Firtash claims to have damaged his reputation in the UK. The article in question, published in July 2010, discusses the outcome of an international arbitrage concerning a dispute between RosUKrEnerg, of which is Firtash is a major owner, and the Ukrainian national gas company and Government. This is the second time that the *Kyiv Post* is being sued for defamation in the UK in relation to a published investigative journalism piece.

*“The UK - with its democratic values and traditions - should not be a place where rich and powerful Ukrainian oligarchs come to silence and retaliate against the criticism made against them. In countries such as Ukraine, free media is already in a vulnerable situation. ARTICLE 19 strongly condemns using UK courts to silence critical voices abroad,”* said Agnes Callamard, Executive Director ARTICLE 19.

Although not a new phenomenon, “libel tourism” is gaining traction and putting greater pressure on the free exchange of ideas worldwide. The combined effects of the rules on jurisdiction and of global publication on the internet with the UK’s image as a paragon of high jurisprudential standards makes UK courts an attractive venue for overseas plaintiffs seeking to silence critics in their home countries. In addition, these types of court cases have dire financial implications for the media outlets, as they have to not only pay the damage, but also for the court proceedings in London. In some cases these sums exceed £100,000, which often results in bankruptcy for media outlets.

**ENDS**

#### **NOTES TO EDITORS:**

- For more information please contact: Mona Samari + 44 (0) 7515 828 939 or email [mona@article19.org](mailto:mona@article19.org)
- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.
- International Media Support (IMS) is a non-profit organisation working with media in countries affected by armed conflict, human insecurity and political transition. In more than 30 countries worldwide, IMS helps to strengthen professional practices and ensure that media and media workers can operate under challenging circumstances. For more information about International Media Support please visit [www.i-m-s.dk](http://www.i-m-s.dk)
- This statement is issued within the framework of the IMS Media and Democracy Programme for Central and Eastern Europe and the Caucasus.
- **Freedom of Expression in Ukraine:** Despite some recent legal improvements, such as decriminalisation of defamation and the adoption of an access to information law, both law and practice are in violation of international standards on freedom of expression. The state television in Ukraine is controlled by the government through the broadcasting sector regulator, the National TV and Radio Broadcasting Council. After the last presidential elections, state television news mentions the authorities solely in a positive light. Opposition political leaders have restricted access to air time. In such circumstances, defamation cases against the remaining few independent media outlets worsens the situation in the country and freedom of expression remains under growing threat.