

United Kingdom reply to the platform alert concerning the arrest of journalists in North Ireland

The two journalists in this case have been arrested in connection with a number of criminal offences concerning the alleged theft and criminal misuse of national security sensitive and personal information from the Office of the Police Ombudsman of Northern Ireland. Their arrest was based on criminal law and takes into account that the exercise of the freedoms concerning expression and to hold opinions may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and contained in the European Convention on Human Rights. As is clear from the news reports, the Police Service of Northern Ireland was well aware of the potential for a perceived conflict of interest in this case, and in accordance with usual practice in such circumstances, they asked a separate UK police force under independent leadership, Durham Constabulary, to lead the investigation in this case. It was Durham Constabulary that led the arrests. The arrests and searches were carried out in accordance with the usual provisions of the criminal law, to which all people in the United Kingdom, including journalists, are subject. As Durham Constabulary has already commented publically: "The theft of these documents potentially puts lives at risk and we will follow the evidence wherever it leads us."

As there are existing legal proceedings relating to the legality of the search and there may be proceedings against the two journalists, it is the usual practice of the government not to comment on the case, as it may prejudice the fair and impartial conduct of such proceedings. However, in general terms, the requirement for journalists to obey the ordinary criminal law is not incompatible with their right to operate independently and to freely express their views. The right to freedom of expression, as reflected in Article 10 of the Convention and given further effect in the United Kingdom through the Human Rights Act 1998, is not an absolute right, and does not prevent the authorities from taking legitimate and proportionate action to prevent and investigate crime. The United Kingdom condemns strongly any attempts by governments to restrict the freedom of the media, or to intimidate or detain journalists for political purposes, or to restrict the right to express an opinion or hold those in authority to account. There is nothing in this case that calls into question this position by the United Kingdom.