

Will Jordan, Daniel Balint-Kurti and Journalism Development Network Sued for Defamation over Investigative Report

On 2 June 2023, a London court adjourned the first hearing in a defamation case that is being brought against the investigative journalists Will Jordan and Daniel Balint-Kurti, and their employer, the Journalism Development Network, that operates the Organised Crime and Corruption Reporting Project (OCCRP).

The case arises from an investigation the journalists carried out into an oil deal that was made in the late 2000s. Their article, “The Rise and Fall of a U.S. Oilman in Iraq”, was published by the OCCRP on 22 May 2021. Among the persons mentioned in the investigation was the former Minister of Natural Resources of Iraqi Kurdistan, Ashti Hawrami, a citizen and resident of the United Kingdom, with responsibility for granting oil concessions in Iraq at the time. Prior to publication, in April 2021, the journalists wrote to Hawrami’s lawyers, offering a right to reply. On 16 May 2021, the lawyers replied in a letter, saying there was no illegality in the oil deal, and legal proceedings for defamation would be initiated if the journalists proceeded with publication, which would include seeking substantial damages, an injunction and payment of legal costs.

Shortly after the article was published, the lawyers contacted the journalists again, calling for the article to be removed and for “corrections” to be published. Between July and October 2021, both sides exchanged proposed revisions. An editor’s note was added to the article, making clear that Hawrami disputed the accuracy of some representations. A statement on Hawrami’s behalf was also published alongside the article in early 2022. In May 2022, without prior notice, the law firm Carter-Ruck filed a defamation claim against the two journalists and the Journalism Development Network, which was served in September 2022. The claim contended that the article is defamatory but did not identify specific statements.

The 2 June 2023 hearing related to an application for summary judgment brought by Carter-Ruck, seeking to dismiss a key plank of the journalists’ defence. The next hearing in the case is due to take place in December 2023.

The UK Government believes that the right to speak freely without fear of censure is a vital part of a democratic society and that strategic lawsuits against public participation (SLAPPs) should not be used to impede and frustrate that debate.

The Government recently legislated to tackle SLAPPs that relate to economic crime in the Economic Crime and Corporate Transparency Act, which received Royal Assent on 26 October 2023. These measures introduce a statutory definition of a SLAPP claim, and early dismissal mechanism to strike out claims where the claimant cannot show the claim is likely to succeed at trial. Where claims do proceed, defendants will be protected from adverse costs. These measures give the courts greater powers to deal with lawsuits aimed at stifling freedom of speech and stopping journalists from exposing economic crime, neutralising the chilling effect of exorbitant legal costs. Work has commenced with the Civil Procedure Rule Committee to design the rules required for the court to put this legislation into action.

It has always been the Government’s intention to legislate for broader SLAPPs reform when parliamentary time allows.

Beyond legislation, the government is committed to ensuring that journalists within the UK are able to operate free from violence, abuse and harassment. The UK set up the National Committee for the Safety of Journalists with the goal of ensuring journalist safety in the UK and launched a National Action Plan for the safety of journalists. Within its framework, a SLAPPs Taskforce was launched in September 2023, bringing together government and key stakeholders to develop a non-legislative response to SLAPPs that will complement this legislation. The Taskforce published its workplan in December 2023 which will tackle SLAPPs across four separate workstreams: understanding and monitoring the prevalence and nature of SLAPPs; guidance for journalists; legal services ethics; and awareness-raising.