

The Rt. Hon. David Cameron
Prime Minister of the United Kingdom
10 Downing Street
London SW1A 2AA
Great Britain

February 18, 2014

Dear Prime Minister Cameron:

Last month members of the Global Coordinating Committee of Press Freedom Organizations met in London to assess threats to press freedom around the world and to plan joint action. The Coordinating Committee includes many of the leading international press freedom organizations. When we selected London for our annual meeting, it was because it is a convenient gathering point. We did not expect that the press freedom challenges in the United Kingdom would feature so prominently on our agenda.

But in the two days preceding the annual meeting, many Coordinating Committee members, including representatives from the Committee to Protect Journalists, the Inter American Press Association, the International Press Institute, the World Press Freedom Committee, and the International Association of Broadcasting, had an opportunity to participate as observers in a fact-finding mission organized by the World Association of Newspapers and News Publishers (WAN-IFRA). We heard a full spectrum of views—from academics and political analysts; industry groups; freedom of expression organizations including Article 19, Index on Censorship, and English PEN; and pressure groups like Hacked Off, who introduced us to some of the victims of the phone hacking scandals. We also had a chance to meet with members of Parliament, and some members of the WAN-IFRA delegation were also hosted by the Rt. Hon. Maria Miller MP, Secretary of State for Culture, Media and Sport.

The mere fact that WAN-IFRA would take the unprecedented step of organizing a press freedom mission to the United Kingdom shows in and of itself the level of concern in the global press freedom community. While WAN-IFRA plans to issue a separate in-depth report at a later time, we are writing to you directly as members of the Coordinating Committee to share our views. As groups fighting for press freedom and freedom of expression around the world, we are deeply concerned that actions taken by your government will embolden autocratic leaders to restrict the media under the guise of protecting national security or improving media performance. In fact, this is already occurring.

A key area of focus for the WAN-IFRA delegation is the government pressure that has been applied to the *Guardian* newspaper and its editor, Alan Rusbridger. The pressure began in May 2013 after the *Guardian* began publishing a series of stories based on documents leaked to them by former NSA contractor Edward Snowden. These documents, some of which the *Guardian* shared with U.S. media organizations including *The New York Times* and ProPublica, revealed the existence of a massive government surveillance effort carried out by the NSA and Government Communications Headquarters. These stories sparked a broad public debate around the world about the appropriate limits of government surveillance in the electronic age. That

debate reverberated throughout the capitals of Latin America and Europe; led to the introduction of resolutions at the United Nations; and sparked a broad policy review in the United States that is playing out both in the courts and the political arena.

Unfortunately, the focus of attention in the U.K. has been less on the implications of the Snowden revelations and more on the journalistic efforts undertaken by the *Guardian* to make this critically important information available to the global public. In August 2013, David Miranda, the partner of then-*Guardian* reporter Glenn Greenwald, was detained under the U.K.'s anti-terror law while transiting through Heathrow airport. Journalistic material that he was transporting on behalf of the *Guardian* was confiscated. Subsequently, Rusbridger revealed that a senior government official compelled the *Guardian* to destroy hard drives containing the leaked Snowden documents, even though the copies of the material were available to *Guardian* reporters operating outside the U.K. who are continuing to report on the revelations.

In December 2013, Rusbridger was called upon to testify before a Parliamentary Select Committee regarding the newspaper's decision to publish the Snowden documents. In the course of those proceedings, Rusbridger's patriotism was called into question. Speaking before Parliament, you claimed, without evidence, that the *Guardian's* actions had damaged British national security and urged Parliament to carry out an investigation. Parallel to the Parliamentary investigation, the Metropolitan Police are reportedly carrying out a criminal inquiry into possible violations of the anti-terror law.

We view these actions and the consistent government pressure on the *Guardian* as incompatible with the British tradition of press freedom, and deeply damaging to the country's international prestige. If there is evidence that the *Guardian* has broken the law—and we would like to stress that we have seen absolutely nothing to suggest that this is the case—then the competent judicial authorities should carry out an independent criminal investigation free of government interference. Your comments, and those of some members of Parliament, have at a minimum undermined the perception of impartiality by suggesting that the process is being driven by political rather than legal concerns.

We note that the unprecedented pressure on the *Guardian* comes at a time when the British public is engaged in a fierce debate over media regulation. We believe the issues are linked, as together they create the impression that British authorities are seeking to constrain and control the work of the media. In fact, the debate over media regulation was sparked by the *Guardian's* and other newspapers' reporting on criminal phone hacking and other abuses committed by some members of the media over the course of many years. In response to these revelations, you announced that a commission led by Sir Brian Leveson would carry out a systematic inquiry into media practice and propose steps to curb abuses. The revelations also sparked the mobilization of hacking victims, led by Hacked Off.

At the end of his 18-month inquiry, which documented a culture of abuse and arrogance in the media, Leveson proposed the creation of a new, more robust mechanism for what was termed "independent, voluntary press self-regulation." He also proposed that participation in the new self-regulatory body be incentivized by a system of rewards and punishments grounded in

statute. We were pleased that you rejected such an explicit statutory framework for media regulation, describing it as a “Rubicon” that Britain could not cross.

A Royal Charter was proposed as a compromise. A medieval vestige, a Royal Charter is more commonly conferred on a public institution. In this case, the language of the charter was crafted by government ministers and presented to the Queen for signature by her advisory body, the Privy Council. In a convoluted process virtually incomprehensible to anyone not versed in its arcana, the Royal Charter establishes a recognition body to certify that any self-regulatory entity created by the media itself conforms to the Leveson recommendations. To compel participation in this regulatory body, Parliament was called on to pass several measures that impose high punitive damages on media outlets that do not join the system and also require that they pay legal costs of plaintiffs in libel actions, even when the media organizations prevail in civil libel cases.

This Parliamentary action, in our view, establishes statutory underpinning for media regulation. This means that the Rubicon has, in fact, been crossed. After listening to all sides of the debate, we recognize the gravity of the problem of media abuse that the Royal Charter seeks to address. We also recognize that the Leveson inquiry took a deliberate and thoughtful approach to a complex issue. But the deliberative nature of the process does not mean that the best outcome has been recommended. It is our view that the Parliamentary action that essentially compels participation in the regulatory mechanism belies claims that it will be “voluntary.”

Indeed, it should be a source of serious concern to your government that autocratic leaders seeking to limit media freedom now cite the British example. President Rafael Correa of Ecuador, who has championed one of the most repressive media laws in all of Latin America, has explicitly invoked the British example in defending his actions. In an August 2013 speech, he noted:

“The Communication Law, the gag law, threat to freedom of expression, words that the Mercantilist press uses to lie and assert that this is [a] country [where] no [one] can express an opinion and that free voices are silenced. But now foreign counties show that Ecuador is right. The United Kingdom has created a communication law to regulate the excesses of a certain yellow press in that country.”

The WAN-IFRA mission heard from Lord Anthony Lester of Herne Hill that government representatives from South Africa to Malaysia had asked how the British approach to media regulation could be adapted to their circumstances. Zafar Abbas, the editor of *Dawn* newspaper in Pakistan and a member of the WAN-IFRA delegation, described to us how Pakistani officials now routinely cite actions of the British government in pressing the Pakistani media to “self-regulate” or face government action.

We write to urge you to take immediate steps to safeguard press freedom in the U.K. and to ensure that the actions of your government are never used to justify media restrictions elsewhere in the world.

Specifically, we urge the following:

- Distance yourself from the Parliamentary investigation into the *Guardian* and refrain from any public comments about the criminal investigation, to avoid the perception of political pressure.
- Urge Parliament to repeal the amendments to the Crime and Courts Bill and other legislation that provides statutory underpinning to the Royal Charter.

Britain's democracy, including its robust and diverse media, has been an inspiration to people around the world who struggle to be free, and is a source of British "soft power" and influence. Indeed, your actions as prime minister have in several recent instances had a direct and powerful impact on journalists seeking to report the news in difficult and dangerous circumstances. In a meeting with Somali President Hassan Sheikh Mohamud, you raised the case of an imprisoned journalist, Abdiyaziz Abdiinuur, who was subsequently released. In October, when you traveled to Sri Lanka to attend the Commonwealth Heads of Government Meeting, you visited Jaffna and met there with a group of Tamil journalists, highlighting their vulnerability and increasing international attention.

Your ability to exercise this kind of positive influence rests on the perception that the British media operates free of government interference. Any action that diminishes that perception not only emboldens autocratic leaders to take repressive action against the media but it erodes the ability of Britain to exercise moral suasion and to defend the rights of the world's most vulnerable journalists. We hope you will take this factor into account when considering actions and formulating policies around the media in the United Kingdom.

Sincerely,

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