

UK Anti-SLAPP Coalition reiterates their support for Carole Cadwalladr, as they welcome court's dismissal of majority of appeal in legal action against her

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The undersigned organisations reiterate their support for journalist Carole Cadwalladr as the Court of Appeal handed down its judgment in the case taken against her by millionaire businessman and political donor Arron Banks. Banks' legal action related to two publications in which Cadwalladr had said the businessman was lying about his relationship with the Russian state – one in a TED Talk and one in a Tweet.

Last June, Banks lost the libel action against Cadwalladr. At the time, the judge ruled that Cadwalladr had successfully established a public interest defence for the TED Talk, which was the only of the two publications to have reached the threshold for serious harm. While the judge found that Cadwalladr's public interest defence was no longer applicable after the Electoral Commission exonerated Banks ([in April 2020](#)), she did not believe that the continued publication of the TED Talk could cause serious harm to his reputation. In his appeal, Banks argued that the judge should have found that both the TED Talk and the Tweet did seriously harm his reputation after April 2020.

Yesterday the Court of Appeal upheld Banks' argument that the continued publication of the TED Talk had the potential to harm his reputation, but it dismissed two other grounds of his appeal, upholding the initial decision to dismiss the claim in respect of the Tweet. Although the court acknowledged that Cadwalladr does not have control over TED's publications, she will nonetheless be liable for the damages arising from the publication of the TED Talk after April 2020.

"We are pleased that the judge dismissed the majority of the appeal against Cadwalladr," the members of the UK Anti-SLAPPs Coalition said. "We have long categorised this case as a strategic lawsuit against public participation (SLAPP), aimed at intimidating and silencing Cadwalladr." SLAPPs abuse the law in order to intimidate and silence public watchdogs from speaking out on matters of public interest.

Last year, the co-chairs of the UK Anti-SLAPP Coalition rebutted Mrs Justice Steyn's assertion that the case against Cadwalladr was not a SLAPP, highlighting the fact that Banks could have taken action against The Observer or TED instead of her. "In compounding the power imbalance between him and the defendant, [Banks'] decision to take legal action against [Cadwalladr] as an individual adds weight to the categorisation of the case as a SLAPP," they [wrote](#).

“Last July, the government set out a package of measures aimed at tackling SLAPPs, but it appears that limited - if any - progress has been made at enacting those measures since then,” the organisations concluded. “We once again call on the government to step up. Our democracy relies on the ability of public watchdogs to hold power to account.”

Signed:

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