

Informed

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Mark Thomas



Mullin court victory celebrated by union

Chris Mullin was congratulated for resisting a West Midlands Police production order to hand over his research material and commended for his “steadfastness as an example to any journalist who is pressured to reveal their sources” by the union’s national executive council (NEC).

The former MP and member of the union for more than 50 years had been supported by the NUJ in his bid to protect the sources from his investigative work which led to the exposure of the wrongful arrest of the Birmingham Six who served nearly 17 years behind bars in one of the worst miscarriages of British justice system, following an IRA bomb in a Birmingham pub in 1974 which had been responsible for the deaths of 21 people and serious injuries to 200 others.

The NUJ had supported Chris Mullin’s pursuit by the police since 2019. Following a hearing at London’s Old Bailey

last month, Judge Mark Lucraft declined to grant the production order, sought under the Terrorism Act 2000, and his judgment emphatically upheld the right of a journalist to protect their sources.

Chris Mullin investigated the Birmingham Six’s case and made his own investigations into who the real perpetrators of the bombings were in a series of documentaries for Granada TV and his book *Error of Judgement*.

During the NEC’s discussions of the court case, former NUJ president Tim Dawson pointed out that much of the judgment had depended upon case law established by the NUJ, including the similar trial of Bill Goodwin which established the right to free expression, enshrined in the European Convention on Human Rights, guaranteeing a journalist’s right to protect their sources. Judge Lucraft also cited the NUJ-backed resistance to production order cases of

Robin Ackroyd and Shiv Malik in coming to his decision (see Tim’s report page 10).

Free speech and a free press do not come cheap. Although winning the case, it has cost the NUJ approximately £70,000 and the bill could have been much higher if the union had had to appeal the ruling. Chris Mullin, in an interview with Tim, revealed that if the judgment had been against him, he would have continued to protect his sources despite the possible sanction of being sent to jail.

Michelle Stanistreet, NUJ general secretary, said: “I also commend Chris’s bravery and doggedness. It is a hugely important case and further strengthens one of the NUJ’s most important principles about the protection of sources. As Chris has said, without being able to guarantee that, many people would not tell their story and other miscarriages of justice and scandals revealed by whistleblowers would not see the light of day.

“Much of defence of journalists’ rights has been financed with NUJ members’ subscriptions and taking up these cases can often be an uncertain venture – but we will always defend these fundamental rights as journalists are increasing facing legal challenges from aggressive litigants trying to stop them doing their work.”

Chris Mullin said what he had done had been overwhelmingly in the public interest and that Judge Lucraft had used a lot of the discretion provided in the Terrorism Act 2000 in his favour.

The NEC applauded journalists operating in Ukraine who were risking their lives in pursuit of the truth. It offered sincere condolences to the loved ones of those media workers who have been killed covering the war, and paid tribute to their bravery and commitment. **A safety fund to help media workers has been set up, see page 4.**

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NUJ
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Séamus Says



The founder of Irish trade unionist Jim Larkin often reminded his followers that that an injury to one is a concern of all.

Larkin was an enthusiastic supporter of the Soviet Union and had an abiding love for the Russian people.

I thought of Larkin recently as I surveyed 1,000 people gathered in solidarity outside the Russian Embassy on the aptly, but coincidentally named, Orwell Road in the leafy Dublin suburb of Rathgar. Larkin knew the value of solidarity. He also knew that working people cannot be blamed for the actions of tyrannical leaders.

At the recent NEC meeting, the union clearly stood with the people of Ukraine, united by a belief in the obscenity of all wars. The overwhelming solidarity shown by NUJ members is reflected in the generous response to the IFJ'S Ukraine fund in response to urgent appeal at the outset of the illegal Russian war.

Just as the NUJ blazed a trail in the Afghanistan appeal, members and branches across the UK, Ireland and Continental Europe continue to support the Ukraine appeal, acting in the true spirit of international trade unionism. Branches who have not already donated are encouraged to do so.

As a union of journalists, we stand in solidarity with media workers in Ukraine and Russia. The targeting of journalists and the clampdown on press freedom is consistent with Putin's war on journalism.

Putin is not of course the only political leader who has sought to undermine media freedom but there can be no equivocation when it comes to condemning his contempt for human rights. We stand with Ukraine united by our common humanity.

The war on Ukraine has presented enormous challenges for journalists and media organisations. NUJ members have been to the fore in reporting from the front and from the neighbouring countries where women and children flee for sanctuary. As the Ukraine horror unfolds, we are also challenged to tell the stories of those who seek shelter in the UK and Ireland. Responsible,

conscientious reporters and photographers will do so with sensitivity. The media can play a powerful role in building social cohesion. There is no hierarchy of compassion and the urgent emphasis on Ukraine must not blind us to the horrors across the globe.

"The NUJ's fingerprints can be found on a succession of legal challenges in defence of press freedom."

At that Dublin event NUJ member Bláthnaid Ni Chofaigh read Seamus Heaney's poem From the Republic of Conscience, reminding us that that global citizenship brings with it responsibilities beyond narrow self-interest. Ambassadors of conscience, Heaney reminds us, are never relieved.

The value of authoritative, public interest journalism is brought into sharp focus at a time when the UK government seems hell bent on dismantling the structures which undermine public service broadcasting. I was watching Channel 4's Alex Thomson's harrowing report from Kharkiv when news came through of Nadine Dorries ideological driven, boneheaded move to privatise the broadcaster.

Dorries appears obsessed with pushing public service broadcasters into a commercial war with the likes of Amazon and Netflix, with no regard for the consequences for public interest journalism. One has to wonder about the motivation of a government intent on pitting an efficient, innovative broadcaster with a strong public service ethos against global corporations whose sole motivation is shareholder profit. In the coming weeks and months, we must mobilise to defend not just Channel 4 but the very principles of public service broadcasting. We cannot allow the

future of the BBC and Channel 4 to be jeopardised by those who believe it is the preserve of the markets to determine the health of a democracy.

The victory of Chris Mullin and the NUJ highlighted in this edition is a striking example of trade union solidarity in action. We are proud of the courage and tenacity of Chris Mullin. The NUJ's fingerprints can be found on a succession of legal challenges in defence of press freedom. I'm proud to work for a union which puts press freedom at the heart of its agenda. When news came through of the latest police action against Mullin, we were conscious of the huge financial burden which might arise from an unsuccessful outgoing at the Old Bailey. Michelle Stanistreet, general secretary, was doggedly determined, saying: "We will fight it all the way and members will support us." As always, the NEC did not flinch.

Meanwhile soaring inflation has given an impetus to our campaign for pay increased right across the union. Many members who worked hard during the Covid 19 pandemic have been acknowledged for their vital role at a time of crisis, but you cannot take herograms to the bank or hand them to your landlord in lieu of rent. There is a word in the Irish language. A meitheal is the term used to describe the gathering of neighbours to help one another in the gathering of crops. That meitheal spirit informs all our work, locally, nationally and as part of the IFJ.

Back to Orwell Road, Dublin, where that spirit shone bright with the arrival of NUJ veteran Charlie Bird and his wife Claire Mould. Charlie is living with the awful consequences of motor neurone disease (MND) but wanted to stand alongside NUJ colleagues with the people of Ukraine. On April 2, thousands of people throughout Ireland climbed stairs, hills and mountains as part of the Climb with Charlie initiative.

A former branch officer Charlie and a legion of supporters climbed the historic Croagh Patrick in Co Mayo, a

REASONS TO JOIN

Be Part of a Collective Voice

As a member of the NUJ you are part of a united force championing the rights of media workers and defending attacks on press freedom. Successful workplaces are those where the management and workers share the same aims and talk to each other. Being a member of the NUJ means giving yourself and colleagues a real voice at work.

Are you keeping good company?

Join the NUJ today at nuj.org.uk/join

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remarkable achievement for someone faced with MND. At the time of going to press it looked likely €3m was close to being raised. But the initiative was about more than money. It was a striking example of the meitheal spirit by and with a journalist recognised

for his commitment to public service broadcasting. At the top of Croagh Patrick he lit a candle, including one for the people of Ukraine. Solidarity forever!
Séamus Dooley, NUJ assistant general secretary

Update

Support the war reporters

The International and European Federations of Journalists (IFJ and EFJ) have launched a special Safety Fund for journalists in Ukraine which is providing crucial support to local journalists and buying safety equipment and humanitarian aid.

Jim Boumelha, chair of the union's policy committee, told the NEC that the IFJ had sent €10,000 (£8,400) each to its two journalist union affiliates in Ukraine. Other funds will be sent to pay for safety training, first aid kits, power banks and communications and a 24-hour hotline for journalists has been set up. UNESCO had paid for 100 sets of body armour and €20,000 had been promised by the Irish government. He said the Daily Mail had made a large donation and already sums had been sent from NUJ branches including Nottingham, Edinburgh Freelance, London PR & Comms, with much more on its way.

A motion passed by the NEC called on all employers to ensure their staff and freelance personnel deployed to Ukraine were properly trained and prepared, and provided with the fullest possible support and vital safety equipment and materials. The IFJ is also supporting

Help Ukraine

The NUJ is asking all members to donate to a special IFJ/EFJ Ukraine Safety Fund. All donations will be used directly to provide emergency assistance to support journalists under threat. We are working with Ukraine's journalists' unions the NUJU and IMTUU. News teams are being directly targeted and have been killed and injured. Donate now: <https://bit.ly/3N8uz3j>

at least 35 Russian journalists who had to flee their country and urged EU countries to help Russian colleagues obtain Schengen visas. The NEC motion recognised that the war had resulted in significant hardships for the Russian population, and for journalists subject to laws which had effectively criminalised coverage of the war. The motion said: "We congratulate those journalists, such as TV presenter and protester Marina Ovsyannikova, who have taken enormous personal risks to try and tell the Russian people the true story of this war."

The motion condemned the UK government's slow and mean-spirited approach in opening up its borders and backed the TUC's call for a clear plan to support refugees, from Ukraine and elsewhere, ensuring they are given proper support to find decent work and avoid exploitation, and access to welfare benefits. The ICTU's "Stand with Ukraine" campaign was welcomed.

The NEC reaffirmed the union's opposition to the UK Nationality and Borders Bill saying it would create further barriers to the most vulnerable seeking sanctuary who face segregation, racism and abuse as they flee conflict. The motion called on governments to work together to take steps to tackle the racism faced by black and ethnic minority people at the Ukrainian border, and ensure they do not face further discrimination as they travel through Europe. "All refugees should be shown the same level of support and compassion," it said.

The IFJ has provided a media safety advisory for journalists covering the war in Ukraine (<https://bit.ly/3NRpjld>)

Under Russian fire, page 10

Safety Survey 2022

The union is urging members to complete the government's UK Journalist Safety Survey as part of the work of the National Committee for the Safety of Journalists. The data will inform policies to protect media workers so they can do their job in safety. If you have experienced threats or abuse online and otherwise, or not, please complete the survey by Thursday 14 April. <https://journalistsafety>

[survey2022.questionpro.eu/?l=001](#)

BBC Persian threat

The BBC World Service has filed an urgent appeal to the United Nations against Iran over the online violence faced by women journalists working for BBC News Persian. The women face relentless online attacks and harassment, including threats of rape and death. Paul Siegert, NUJ's national broadcasting organiser, said the "chilling"

threats must stop and the NUJ joined the BBC in calling on the UN to condemn this unacceptable behaviour.

Security guidelines

Guidelines to help journalists and private security officers (PSOs) to improve working relationships by helping them understand each other's roles have been published by the NUJ. They explain that PSOs cannot confiscate equipment or images and that enforcing a photography ban on

private premises is a civil matter. Journalists should be prepared to show their UKPCA or IFJ press cards.

Courts bill concerns

Crime and court reporters say that "damaging" provisions in the Judicial Review and Courts Bill will pose a serious risk to open justice by denying them the schedules of criminal cases, restricting access to vital court documents, and more cases not in public.

Update

A Very Mullin Coup

Mark Thomas



He has variously been feted as the MP who was found to own a black and white TV at the height of the sleazy expenses scandal and derided as the loony MP who backed the IRA bomb gang by The Sun newspaper.

Chris Mullin, journalist, author and former MP for Sunderland South, has had a long, varied and productive career. Last month, he and Michelle Stanistreet walked out of the Old Bailey to celebrate a famous victory for journalists' rights after Judge Lucreft ruled that his refusal to hand over materials to the West Midland Police was in the public interest.

The production order sought under the Terrorism Act 2000 by the police, who wanted to seize his notes from his investigations into the wrongful arrests of the Birmingham Six, was turned over.

In an interview with Tim Dawson, Chris explained the importance of his investigative work for the World in Action and in his book *The Error of Judgement* truth about the Birmingham bombings.

He said: "It wasn't just a case of overturning one of the biggest miscarriages of justice in British history,

it also led to the disbandment of the notorious West Midlands Serious Crime Squad and the quashing of 30 or more of their wrongful convictions. It led to the setting up of a royal commission, one of whose recommendations was the creation of the Criminal Cases Review Commission which has subsequently quashed another 500 convictions, the latest being of those unfortunate postmasters who were persecuted by the Post Office."

His withholding of the notes - which included interviews with the real bombers of the pub that night in 1974 - had been seen as controversial, especially by the relatives of those killed. He said: "I have no brief for defending terrorists," going on to explain: "If I had gone around in the mid-80s interviewing the 16 or 17 former members of the IRA that I had tracked down and said I can't guarantee not to pass your name to the police, nobody would have talked to me."

He said he had co-operated with the police and thought the relatives had been misled into believing he had information that would have led to convictions, whereas he had been careful his notes did

not contain names and addresses which would have given hostage to fortune.

He said of the confessions wrought by the police: "You only had to study them for a few hours to see there was something wrong - it was fairly obvious to any unbiased observer that the confessions were dodgy and contradicted each other in key respects." His efforts eventually led him to tracking down Michael Murray one of the bomb makers, who died in 1996, who gave him "a pretty good account of what had happened"; he then knew that the wrong men had been sentenced.

In an article in the *London Review of Books* in 2019, Chris Mullin named Murray and James Francis Gavin as guilty of the bombings, saying he had no compunction identifying them as they were dead. Gavin had died in 2002.

Chris Mullin edited *Arguments for Socialism* and *Arguments for Democracy* by the late MP Tony Benn and was editor of the *Tribune* in the early eighties. His novel *A Very British Coup*, which imagined a left-wing Prime Minister whose downfall was plotted by an establishment cabal, was published in 1982 and made into a film. He was elected MP for Sunderland South in 1987 until 2010 when he did not seek re-election. Viewed as a leftist, headlines about him included "Twenty things you didn't know about crackpot Chris". "I did not know most of them either," he said at the time. He took up a number of junior minister jobs in Tony Blair's government and his entertaining diaries of his time in Parliament examine politics and power with humour and insight, revealing that he felt most influential and productive during his stints as chair of the Home Affairs Select Committee.

Of his Old Bailey victory, he told Tim Dawson: "Happily there are still enquiring journalists around and I think they are a bit safer because of this judgment."

Watch the video: <https://www.nuj.org.uk/resource/chris-mullin-interview-with-nuj-journalists-protect-sources.html>

Update

Pay talks get sticky as cost of living rises

With the sharp rise in the cost of living hitting pockets and inflation due to increase further, NUJ reps are fighting a desperate battle with media companies to win fair pay rises for members.

Latest talks with Reach hit the buffers when the company refused to go beyond its offer already on the table – 3 per cent or £750 minimum, whichever is the greater. The NUJ had put in an 8.5 per cent claim. The employers also refused to add 1 per cent to the company pension contributions.

Anger among the reps was further fueled by a 600 per cent pay package boost for its chief executive, Jim Mullen, worth more than £4m. Reach reps are holding an indicative ballot for industrial action to assess members' views. They will use the Reach shareholders' meeting

Reach

on Thursday 5 May to highlight their disgust with the derisive pay offer.

Chris Morley, Northern and Midlands senior organiser, said: "A large majority of Reach journalists are now working from home, saving the company £8m. If the board's deal for Mullen was based on the company's performance, there must be a just settlement for the journalists."

At JPI Media, the vast majority of chapels have rejected a 3 or 3.25 per cent offer, and Newsquest members are holding a mass online meeting on Wednesday 27 April to discuss pay and other matters.

The Guardian chapel accepted a pay

offer worth 7.5 per cent up to £3,800 for staff below the average editorial salary, and 5.5 per cent up to £5,500 for those above. Freelance lineage rates will be increased by 5.5 per cent and photography rates raised by 5.5 per cent on space rates, 3 per cent on day rates.

BBC members will be asking for a pay rise that reflects inflation.

Members in the magazines sector at healthcare and education publisher and marketing services provider, Cogora, settled for a 6 per cent rise with a minimum of £1,800, but staff at scientific publisher Springer were forced to take their pay negotiations to the arbitration service, ACAS, when their claims for 5 per cent and then 4.5 per cent were rejected by the management which refused to budge from 3.5 per cent.

Gender Pay Gap

As the deadline came and went for companies to post their data on the gender pay gap (GPG), figures collated by NUJ officials did not make for encouraging reading.

UK companies with more than 250 employees must provide the relative pay and bonuses of men and women to the government and post the details on their website.

At **Newsquest** women earn 90p for every £1 that men earn when comparing median hourly pay. They occupy 39 per cent of the highest paid jobs. At **JPI Media** women earn 90p for

every £1 that men earn. They occupy 37 per cent of the highest paid jobs. At **Reach** the mean pay gap is 13.6 per cent lower (and median 11.7 per cent) with women making up only 28 per cent of the top earners.

Women at **The Guardian** earn 95p for every £1 that men earn. They occupy 40 per cent of the highest paid jobs. At **The FT**, women earn 87p for every £1 that men earn. They occupy 39.9 per cent of the highest paid jobs. Women at **The Telegraph** earn 79p for every £1 that men do. They occupy 37 per cent of the highest paid

jobs. At **News UK** (publisher of The Sun and The Times) women earn 79p for every £1 that men earn. They occupy 36 per cent of the highest paid jobs.

At Tatler's **Conde Nast** women earn 76p for every £1 that men earn. They occupy 54.6 per cent of the highest paid jobs. At **Future** women earn 92p for every £1 that men earn. They occupy 48 per cent of the highest paid jobs. Women at **DC Thomson** women earn 83p for every £1 that men do. They occupy 36 per cent of the highest paid jobs.

Hachette women earn 82p

for every £1 that men earn. They occupy 64 per cent of the highest paid jobs. At **Penguin Books** women earn 88p for every £1 that men earn. They occupy 68 per cent of the highest paid jobs.

BBC women earn 95p for every £1 that men earn. They occupy 41.9 per cent of the highest paid jobs. At **ITN** women earn 84p for every £1 that men earn. They occupy 41 per cent of the highest paid jobs.

Now is the time to discuss the GPG with your employer. Go to the NUJ's campaign page for useful information: <https://bit.ly/37oRAyJ>

Update

Channel 4 sale faces a battle

The NUJ has vowed to fight against the government's privatisation of Channel 4, saying its sale would be bad for employment in the sector, bad for journalism and bad for the UK.

Following a public consultation which overwhelmingly rejected proposals to privatise the public service broadcaster, Culture Secretary Nadine Dorries tweeted: "I have concluded that government ownership is holding Channel 4 back from competing against streaming giants like Netflix and Amazon. A change of ownership will give Channel 4 the tools and freedom to flourish and thrive as a public service broadcaster long into the future."

This is the same secretary of state who revealed to a committee of MPs that she did not realise Channel 4 was financed by advertising and not the taxpayer. She expects to raise £1bn from the sale and industry experts predict it will be bought by an American-owned media company.

Sir Ian Cheshire, former chief executive of BBC, has been appointed as chair of Channel 4. Shadow culture minister



Lucy Powell said: "Coming fresh off the heels of the appointment of a Tory peer [Michael Grade] as head of Ofcom, this decision stinks of more cronyism."

Ministers hope to find a buyer before the 2024 general election, but face opposition from the industry and in Parliament.

The NUJ has argued that it is specious to compare Channel 4 with Netflix -

it has a remit to champion unheard voices and its award-winning series, *It's a Sin*, is an example of its innovative programming. It is financially secure and has developed a digital offering appealing to young viewers. It is a major supporter of independent programme makers in the UK and its headquarters have been moved from London to Leeds with creative hubs in Glasgow and Bristol.

The union believes the plan would put at risk the hour-long *Channel 4 News*, produced by ITN as the remit could be changed later.

Séamus Dooley, NUJ assistant general secretary, described it as a wanton assault and said: "What the Culture Secretary is proposing is to take away the tools which have allowed Channel 4 to flourish over 40 years, to thrive in the competitive marketplace of ideas. The proposed sell off of Channel 4 would be bad for employment in the sector, bad for journalism and bad for the United Kingdom. The NUJ will strongly oppose this dangerous move and will be seeking cross-party support for our campaign."

Fears over Newsquest 'toxic' takeover

Newsquest's acquisition of Archant by has been viewed with real concern by the NUJ because of its "toxic employment record" and history of slashing staff numbers following previous takeovers.

Archant's news brands included the Eastern Daily Press, the East Anglia Daily Times, Norwich Evening News, and Ipswich Star.

An analysis by the Media Reform Coalition shows Newsquest now controls almost one-third of the UK's local newspaper market. The three largest companies - Reach, Newsquest and National World -- control almost 70

per of all local newspaper circulation.

A survey of NUJ Newsquest members this year revealed they were struggling to meet high targets and cope with overwhelming pressures placed on them. Heavy workloads and limited editorial resources were proving damaging to their mental health and wellbeing. More than half said they were job hunting.

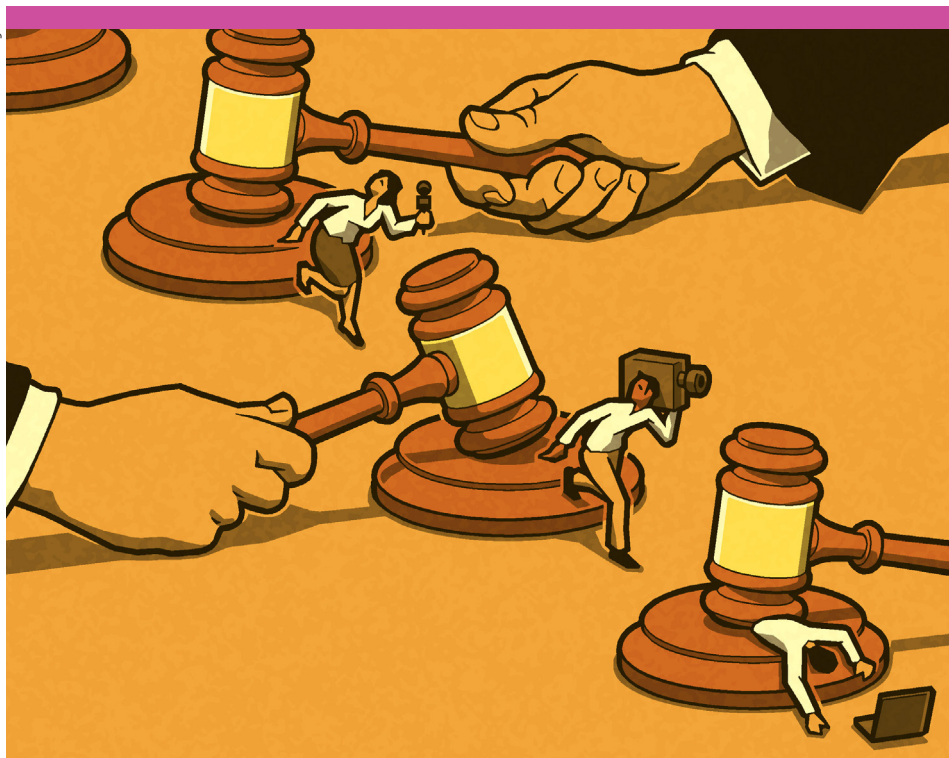
Chris Morley, Newsquest NUJ national co-ordinator, described the newspaper group's employment culture as toxic, saying: "Newsquest has an unenviable track record of stripping out staffing costs through

redundancies and non-replacement of vacancies. Following buyouts of smaller independent companies in Scotland, Cumbria, Wales and the Isle of Wight, few senior journalists remained after just a couple of years of its ownership.

"Newsquest is owned by distant American shareholders with no real interest in supporting a strong and vibrant local media in the UK and has a harsh and reductive culture where pay is generally well below that of competitors and damaging stress is rampant, with long hours and high workloads."

Spotlight

Matt Kenyon



Journalists' rights under threat

Journalism faces unprecedented jeopardy from legislators, says Tim Dawson, but can the union stave them off?

Read the 9,887 words with which Judge Mark Lucraft upheld Chris Mullin's right to protect his sources, and one thing shines through. The case law cited will be very familiar to NUJ members. Nearly all of it was financed with their subscriptions.

Overriding all is Bill Goodwin, whose bravery over six years was backed by the NUJ. His case established that the right to free expression, enshrined in the European Convention on Human Rights, guarantees a journalist's right to protect their sources. That ruling is cited in every British textbook on media freedoms.

Also referenced by Judge Lucraft, were the NUJ-backed cases of Robin Ackroyd, who resisted Ashworth Hospital Authority's 2002 application for him to reveal his source for a story

about Ian Brady, and Shiv Malik, who in 2008 provides the only other case law governing production orders made under the Terrorism Act (2000).

As the editors of McNae's Essential Law for Journalists prepare their 26th edition, the case of Chris Mullin will be added. His production order brought under the Terrorism Act 2000 and refused by Judge Lucraft shows that a public-interest defence is possible against this potent threat to journalists. The welcome judgment underlines how reliant a free media is on an array of legal provisions that are in permanent flux. Without unstinting critical oversight, vital journalistic liberties are at risk.

"Lawfare" and strategic lawsuits against public participation (Slapps) are recent coinages. They describe an age-old issue – the practice of the wealthy and the thin-skinned deploying batteries of legal challenges to frustrate the work of journalists. Former FT reporter Catherine Belton's experience after publishing Putin's People gives a flavour of such assaults. She told the House of Commons Foreign Affairs Committee: "I didn't know if my publisher would be able to withstand the barrage of claims. I thought the book might have to be withdrawn."

Catherine Belton and HarperCollins, her publisher, resisted writs from five oligarchs issued within a week of each other, among them one from Russian businessman Roman Abramovich. The cases were settled with agreements to minor alterations – and spectacular costs. Her case is far from isolated. Kleptopia author Tom Burgis faced a similar onslaught, subsequently discontinued. Carole Cadwalladr awaits the outcome of the action brought against her by pro-Brexit campaigner Arron Banks.

For many years this situation has little troubled our government. Now that the blood of thousands soaks Ukraine's soil, the government has promised to act against the London law firms which have profited spectacularly from Russian-sponsored litigation.

In March, Justice Secretary Dominic Raab announced a package of proposed measures that could include a cap on costs for lawsuits and a requirement that claimants prove "actual malice". A stronger public-interest defence has also been mooted, or for courts to be able to dismiss cases at a far earlier stage. But he needs to match words with action.

Arguably more pressing is the fallout from the *Bloomberg v ZXC* case. In February, by unanimous verdict, the Supreme Court held that a person who is under criminal investigation has, before being charged, a reasonable expectation of privacy, upending decades of reporting practice.

Bloomberg News editor-in-chief, John Micklethwait said: "This was reporting on ZXC's business activities — and an investigation by the authorities into possible malfeasance at a huge company that could have an effect on many people who invested in it. The courts have now presented the powerful with a path to keep their names out of print for years." The ruling was a gift to future Robert Maxwells, he suggested.

A simple fix to this would be a short bill establishing a far-reaching public-interest defence for journalists. Recent distaste for Russian oligarchs aside, however, little in our current government's trajectory suggests that this will happen spontaneously.

The Home Office has recently completed consultation on proposed reforms to the Official Secrets Act (OSA). Draft legislation has yet to appear, but Home Secretary Priti Patel has set out her initiative's guiding principles. Breaches of the OSA are to attract significantly longer jail sentences, and not just for those who leak information, but also for the recipients of classified documents. The most troubling sentence in the government's policy paper is this: "We do not consider that there is necessarily a distinction in severity between espionage and the most serious unauthorised disclosures." Put another way, a journalist with a leaked document is as bad, or

worse, than a hostile foreign spy.

The proposals also suggest watering down the protection of journalistic material contained in the Police and Criminal Evidence Act. In England and Wales, if the police want access to a journalist's records, photos or video, they must obtain a court order. The government would like the police themselves to be able to issue such an order in certain circumstances.

Patel's proposals were preceded by a Law Commission report sketching out possibilities for a reformed OSA. Within this was a striking proposal. A public interest defence should be enshrined in law and a statutory commission established to adjudicate in the event of a journalist being accused of breaching the OSA. Patel gives this short shrift, alas. The Law Commission's recommendations "do not strike the right balance", says her document.

OSA reform is not the only point at which Patel's commitment to the free press will be tested. In all likelihood, before the summer, the draft order to

extradite Julian Assange will drop on her desk. It would still be in her gift to refuse, but few think she will. Once her ink dries on the order and Assange is bundled into a plane, almost certainly for the last time in his life, the shadow of judicial snatch squads from America will hang over journalists anywhere. Handle a classified document from Washington and you too could see out your days in a supermax prison in sunny Colorado.

The Online Safety Bill, currently before Parliament, defines "journalism" too tightly to protect all professional editorial content. Automated facial recognition by police cameras remains unregulated, creating a threat to sources. The lack of clarity about journalistic exemptions from data protection laws continue to devour the time of newspaper lawyers.

There are crumbs of hope beside Mullin's victory and the possibility of Slapps, presently being investigated by a committee of peers, being curtailed. If you think that we are better served by a legal framework that enables responsible journalism, then add your voice to chorus.

Human rights

Justice secretary Dominic Raab told the Daily Mail that his plans to 'update' the 1998's Human Rights Act (HRA) would be a triumph for freedom of speech, ending "cancel culture", and stopping democratic debate being "whittled away by wokery".

Was the deputy prime minister jumping to the defence of JK Rowling, who has been attacked for her views in the transgender debate? Or is it that this and the European Convention on Human Rights have been long-time bugbears of his?

To this end he has published a "consultation" rich in vague and unexplained plans to replace the existing HRA with a British Bill of Rights. He has said he is concerned

about judge-made privacy laws, illustrated by Naomi Campbell's successful 2004 case against the Daily Mirror's revelations of her drug addition, brought under her right to privacy and a breach of the HRA. He says journalists' sources could be protected by legislation creating a fresh defence for publication in the public interest and enhanced protections for journalistic material. Human rights activists are suspicious of his real motives. The Act has forced inquiries into the Hillsborough disaster, the government's handling of Covid and challenged the police ban on the Sarah Everard vigil. Laura Trevelyan, of Amnesty, said: "The HRA is the most important weapon we have against the state, and we should all be very suspicious of the very people it holds to account trying to water it down."

Spotlight

Efrem Lukatsky/AP/Shutterstock



Under Russian fire

Ian Burrell explains how courageous eye-witnesses have thwarted determined campaigns of disinformation

Nothing has conveyed the sheer bloody horror of the war in Ukraine like the reporting of Mstyslav Chernov and Evgeniy Maloletka, the last international journalists to remain in the besieged and flattened city of Mariupol.

They dodged airstrikes and shells to tell the world of the carnage, picturing burials in mass graves and the bombing of a maternity hospital. "I had seen so much death that I was filming almost without taking it in," reflected Chernov. For weeks they kept the stories coming, using flimsy internet connections to relay pictures to colleagues at Associated Press. All the while, Russian soldiers hunted for them amid the ruins and Kremlin propagandists sought to discredit their work, until they had to escape.

Night after night, British television audiences have watched figures such as Clive Myrie and Reeta Chakrabarti of the

BBC and Krishnan Guru-Murthy of Channel 4 News, usually seen in well-lit studios in London, presenting from rooftops in Kyiv and Lviv, as Vladimir Putin's forces draw closer and refugees head for the borders in their droves. The live broadcasts have brought an immediacy to the war that can be disconcerting.

The presence of such familiar faces so close to the fighting does not mean they are immune from danger. The experience of being a presenter while air raid sirens are sounding or reporting from urban frontlines that are "fluid" is "absolutely nerve-wracking", says Matt Frei, who hosted Channel 4 News from Ukraine for a month after the invasion. "You feel incredibly vulnerable. You are not protected by anything and no one cares about your press sign – if anything it makes you a target. Your nerve ends are at fever pitch because you are always trying to work out through your senses – smell, sounds, sight – what is going on and is this dangerous."

Frei, a veteran of numerous hot spots, contrasts the Ukraine war to the Balkans conflict, where journalists travelled in armoured cars hired by their media organisations. "We are driving around in normal cars. Driving around Ukraine in something that looks like an armoured car is dangerous because you look like a combatant even if it has got TV written on it."

At the start of the invasion a Sky News team was ambushed outside Kyiv by what they believed to be a squad of Russian saboteurs. Bullets riddled the car, smashing the windscreen and shredding the dashboard as the journalists tried to shelter in the footwells before crawling towards safety. Sky's Stuart Ramsay was wounded and cameraman Richie Mockler was also hit. "It's just a miracle that they weren't killed. The cameraman was saved by the body armour," says Frei, who spoke to the Sky team shortly afterwards in Kyiv.

Other journalists have been less fortunate. American filmmaker Brent

Renaud died after being shot in the neck by Russian fire in Irpin. Irish cameraman Pierre Zakrzewski and Ukrainian producer Oleksandra Kuvshynova, both working for Fox News, died in Russian shelling outside Kyiv. Evgeny Sakun, a cameraman for Kyiv Live TV, died during an attack on the city's transmission tower. Oksana Baulina, a Russian journalist who formerly worked for opposition leader Alexander Navalny's Anti-Corruption Foundation and had emigrated to Warsaw, was killed by Russian shelling in a shopping centre in Kyiv.

Jonathan Levy, head of newsgathering at Sky News, says that eye-witness reporting is essential in a conflict that has been dogged by determined campaigns of disinformation. "War is notoriously foggy and it's our job to make it clearer and to help people understand what's going on and perhaps the most irreducible component of that is being on the ground to see what's happening."

He noted that with services such as GB News and Rupert Murdoch's planned TalkTV putting an emphasis on debate formats, audiences are showing a hunger for frontline journalism. "These new entrants to the news market based on talk and chat and discussion have their place, but it's really vindicating to see that there's still very much a place and an appetite for proper news reporting which is hard to do," he said.

These are different reporting conditions from the last "conventional" war when many journalists were embedded with western forces as they went into Iraq in 2003. "This is a conflict with shifting and sometimes imperceptible frontlines," says Levy. "We have deployed very experienced people with the right support, right security advice and right equipment but the key thing is to not end up on the wrong side of the lines."

The NUJ has been working with its Ukrainian sister unions, the NUJU and IMTUU, to provide practical support for journalists on the ground, including

provision of protective equipment and medical supplies. NUJU has set up a hotline for all media working in Ukraine. "We have seen cases of employers sending their staff and freelancers to cover that conflict without deploying their own duty of care to make sure they have got all the necessary protections and kit, which I think is pretty shocking," says Michelle Stanistreet, NUJ general secretary.

The NUJ is working with the International Federation of Journalists and European Federation of Journalists, which are establishing a logistics hub in Poland. But Michelle warned that some inexperienced journalists have travelled to the conflict zone very under-prepared. "I have had emails from people who have pitched up and asked where they could get a flak jacket and a helmet. We are trying to advise people to be as prepared as they possibly can be before they go out."

Jonathan Munro, the BBC's interim director of news, appealed to news outlets to boycott raw and "cavalier" journalists: "My message is don't encourage them, don't buy their material, don't allow them a market because safety and the preservation of their lives is more important." He praised the incredible personal courage of reporters in the field but stressed that safety is the BBC's number one priority.

Much of the media corps in Kyiv is based in two international hotels with basements and underground car parks where journalists can shelter. Large numbers have now decamped to the western city of Lviv but doughty correspondents such as the BBC's Lyse Doucet, Alex Crawford of Sky News and Lindsey Hilsum of Channel 4 News remain in the capital.

"They hate the foreign press in Moscow so I wouldn't be surprised if they went for one of the hotels if it got nastier," says Frei. "The main danger is that you are in the middle of a city which, according to their best practices, they will try to pulverise."

If the focus of the war shifts to the Donbas, journalists will attempt to follow the story. This is different from 2003 when it was western forces doing the advancing and journalists "could make certain assumptions about the way that they would behave", says Levy. We are now facing, Munro warns, a "potentially rather vicious period ahead".

News block

For independent media in Russia the war in Ukraine has been a calamity. Staff at the television station Dozhd (Rain) filmed themselves filing out of the newsroom shouting "I á pasaran!" as the network was closed by the Kremlin. Echo of Moscow, a liberal-leaning FM radio station, found itself replaced by the sound of static. Dmitry Muratov, editor-in-chief of Novaya Gazeta, who won a Nobel Prize last year for his paper's fiercely independent reporting, has now said he will cease operations until the end of the war after receiving a second warning from the state censor for allegedly violating the country's "foreign agent" law. The Russian media must describe the conflict as a "special military operation"; calling it a war risks 15 years in jail. The BBC, which is blocked by the Kremlin, has told Russia-based staff to abide by the draconian law (although London content does not). Some journalists have rebelled. Channel 1 editor Marina Ovsyannikova protested against the war on-air and was fined. Lilia Gildeeva, an anchor for NTV, resigned and fled the country. Russian state media continues to promote Vladimir Putin's message that Ukraine is being cleansed of "neo-Nazis"

Novaya Gazeta journalist Nadezhda Prusenkova told Voice of America: "Journalism has been lost in Russia - independent journalism doesn't exist anymore."

Update

“Dog’s dinner” bill may harm free speech

After five years in gestation, the government’s long-awaited plan for reducing online harms has instead prompted fears for the future health of journalism.

The Online Safety Bill, which had its first reading on 17 March, is intended to set an international standard in addressing the many problems of the internet, from cyber-flashing to terror activities and from online scams to hate speech.

Instead, it has alarmed journalism bodies and freedom of speech campaigners who warn that it will give undue power to platform algorithms and politicians for defining the parameters of what can be published online. “It’s a complete dog’s dinner,” said NUJ general secretary Michelle Stanistreet. “It’s trying to do lots of things and I don’t think it’s effectively doing anything well.”

While the bill contains provisions for making news organisations exempt from having their content taken down by platforms, the protection of journalism appears far from comprehensive.



Nadine Dorries, the Culture Secretary, went on ITV’s *This Morning* to claim that the bill “carves out journalists completely”. She promised an amendment requiring platforms to notify and give a right of appeal to journalists if their material is identified for removal and that “the content remains online while that happens”.

Owen Meredith, chief executive of the News Media Association, which represents large publishers was “reassured”, but wanted to see the exact wording.

The bill’s exemption for large

publishers will not protect most journalists, including community-based outlets and bloggers, warned Lexie Kirkconnell-Kawana, head of regulation at press regulator Impress. “Of full-time employed journalists only 11,000 out of around 100,000 in the UK are affiliated with a news publisher,” she said.

Ruth Smeeth, chief executive of Index on Censorship, says the bill’s proposal for designating some content as “legal but harmful” gives excessive power to the Secretary of State. “Nadine Dorries could just decide what she wants removed from the internet,” she said.

The bill allows media watchdog Ofcom to impose fines of up to 10 per cent of turnover on platforms hosting harmful content. It affects 24,000 sites, not just the Silicon Valley tech giants. “They are going to set their algorithms in a strict way and are going to be very risk averse,” said Michelle Stanistreet on the likely impact on freedom of speech.

Nadine Dorries (pictured with Carol Vorderman) held an event with various celebrities, also including Love Island’s Sharon Gaffka and ex-footballer Anton Ferdinand, to discuss online abuse.

Dorries, known her for her own colourful tweets, said: “I’ve heard too many horrific stories about how online trolls have seriously impacted people’s lives.”

Media fat cats revealed

A rich list of media executives compiled by the Press Gazette has revealed multi-million pound salaries for newspaper executives, some of whom pocketed eye-watering sums despite parts of their company making losses.

Topping the chart of the news media bosses was the Daily Mail’s Lord Rothermere on £10,910,000 and chief executive Paul Zwillenberg

on £9,720,000. Zillah Byng-Thorne, chief executive of the magazine company Future, was third highest with remunerations of £8,180,000. News UK’s chief executive Rebekah Brooks came in fifth, despite the Sun, where she was once editor, recording a loss of £51m and in 2021 had its value written down to zero by Rupert Murdoch. Last year was also when the Sun lost its title of UK’s bestselling newspaper to the Daily Mail. Sixth and seventh on

the list were Reach chief executive Jim Mullen, £3,539,000, and chief financial officer Simon Fuller, on 2,940,000. The two men had been given a 600 per cent rise in remuneration according to the Press Gazette – the group has now offered a 3 per cent rise to its staff.

In all, 17 media bosses at 12 companies grossed more than £1m in remuneration last year. Only a third (36 per cent) of the named executives in the top-50

list were female. The mean average salary for named female executives was £1.41m, versus £2.5m for their male counterparts.

Among broadcasting executives, Carolyn McCall, ITV chief executive, was top cat on £1,102,000, followed by Channel 4’s Alex Mahon on £991,000 – in sixth place Tim Davie, BBC director general, proved a slim cat on £525,000, and came in at 34th on the top-50 list.

For the full list: <https://bit.ly/3NC4qtY>