

Mary Lou McDonald TD
Leinster House
Kildare Street
Dublin 2

17 November 2023

Dear Deputy McDonald,

We are writing to you to express our alarm at the news that Sinn Féin TD Chris Andrews is taking legal action against *The Irish Times* and its political correspondent Harry McGee in response to an article about Sinn Féin's response to the Hamas attack published last month. This is the latest in a series of legal actions taken by members of your party in recent years, including against journalists, an author, a publisher, and the public service broadcaster *RTÉ*.

Everyone has the right to defend their good name, but the law should not be used as the first line of defense. This is especially true for politicians, who must respect the essential role that journalists have in holding power to account. The European Court of Human Rights has repeatedly stated that politicians must be able to withstand a high degree of criticism due to their public position in democratic societies. Politicians should seek to avoid resorting to the courts save in the most egregious of circumstances, including by taking advantage of the recognised Press Ombudsman and the Press Council system, which is provided for in the Defamation Act 2009.

We acknowledge and welcome Sinn Féin's support of measures aimed at tackling strategic lawsuits against public participation (SLAPPs), both with regard to the EU's anti-SLAPP directive and the provisions included in the defamation reform, which is currently before the government.

You should, however, be aware that the legal actions that Sinn Féin's members are currently taking against the media have the hallmarks of SLAPPs. As you know, SLAPPs are a form of legal harassment used by powerful people to intimidate and silence public watchdogs, including journalists. The fact that Sinn Féin's most recent legal action has been filed against journalist Harry McGee — as an individual — gives credence to the idea that it is intended to chill public interest speech. Moreover, the number of legal actions that have been filed by Sinn Féin members points to a coordinated campaign against the media in Ireland.

The Coalition Against SLAPPs in Europe (CASE) expressed concern about Sinn Féin's legal actions against the media last year in the wake of your own defamation action

against *RTÉ*. We urge you to be mindful of the chilling effect that legal actions have, not only on the media, but on our democracy.

Sincerely,

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Coalition For Women In Journalism

The Daphne Caruana Galizia Foundation

European Federation of Journalists (EFJ)

Foundation Atelier for Community Transformation - ACT

Index on Censorship

International Press Institute (IPI)

The Institute for Mass Media - Cyprus

Irish PEN

Justice for Journalists Foundation

PEN International

Reporters Without Borders (RSF)

Michael Foley, ethics council, National Union of Journalists

Eoin O'Dell, School of Law, Trinity College Dublin

Fiona Donson, School of Law, University College Cork