

Max Mosley – European Court of Human Rights

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We can confirm, on behalf of our client Max Mosley, that judgment in his application to the European Court of Human Rights has been handed down today. The Fourth Section of the Court has decided in favour of the UK Government. A full copy of the judgment can be found here:

<http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=mosley&sessionid=70716105&skin=hudoc-fr>

Our client's case is that our right to privacy should not be simply theoretical. We should have the ability to assert this right before it is lost. Our client was prevented from knowing of the planned News of the World story so that it could be published before he could argue that it was private. It was a calculated technique designed to bi-pass the right to privacy and we have argued that it should have been unlawful. The European Court declared our client's application admissible and expressed its "*severe criticisms*" of the News of the World's "*flagrant and unjustified breach*" of our client's privacy rights. Although the Court did not rule that the obligation our client sought should be imposed it has recommended an amendment to the Editor's Code as suggested by the Department of Culture Media and Sport.

Whilst there are many positive aspects to the judgment, under Article 43.1 of the Convention our client now has the option to request that the case be referred to the Grand Chamber of the European Court of Human Rights.

Max Mosley comments:

"In July 2008 I succeeded in my civil claim against the News of the World. Following the conclusion of that case I applied to the European Court of Human Rights because my experience demonstrated to me that whilst I had a right to privacy, it was a right in name only; a tabloid newspaper journalist could simply deny me that right before I could do anything about it.

I am disappointed at today's judgment, because I think that there is widespread recognition that privacy is fundamental to the way we live our lives. The potential for intrusion into our privacy is enormous and we need proper protection.

My experience, and the experience of countless others, is that UK tabloid newspapers such as the News of the World will stop at nothing to deny us privacy. They trade in sex scandals using countless techniques and "dark arts" in the full knowledge that what they do ruins lives. I think it is wrong that they can continue to do this with impunity. I also think that imposing regulation on this trade in private information can be done without inhibiting public interest journalism.

If a tabloid victim knows what is going on he can seek an injunction. Some do, much to the annoyance of the tabloids. But in a small minority of cases, the paper keeps it secret and the victim knows nothing until the story is out. This leaves the victim with no remedy. The private information will never again be private and if he sues and wins, the damages he recovers, plus the costs paid by the newspaper, will be less than the bill from his lawyers. This so-called "shortfall" will leave him out of pocket - in my case, £30,000. A favourable judgment would have allowed this obvious gap in UK law to be closed.

My current intention is to continue with my application by way a request to the Grand Chamber and I will be discussing this with my lawyers over the next few days."

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