

Mariam Appeal case to be heard at the Supreme Court

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CATEGORY:

ARTICLE

The Mariam Appeal was set up by the MP George Galloway in 1998 to provide medicine and medical help to Iraqis during the last years of Saddam Hussein's rule. The charity was the subject of a Charity Commission inquiry in 2007, which found that the charity had received significant donations – at least £230,000 – from 'improper sources' connected with the Iraqi Oil for Food programme. The Commission's report stated that the charity's trustees had not made sufficient enquiries as to the source of the funding and as such did not properly discharge their duty of care.

Following claims by Galloway that the Commission's report was '*sloppy, misleading and partial*', the *Times* journalist Dominic Kennedy made a request under the Freedom of Information Act for the Commission to publish the information it had gathered during the course of its inquiries into the Mariam Appeal. The Commission refused to do so on the grounds that a legal exemption applied to information obtained during a statutory inquiry. Following a series of appeals the Commission's position was upheld by the Court of Appeal in March 2012, although Kennedy was given permission to appeal to the Supreme Court. The appeal is due to be heard at the Supreme Court from 29 October 2013, and Kennedy will be arguing that information should not be exempt from disclosure under the Freedom of Information Act once an inquiry has closed.

The Ministry of Justice has joined the case as an intervener given the potential impact of the decision on the right to freedom of expression under the European Convention on Human Rights, and the Media Legal Defence Initiative and Campaign for Freedom of Information have also applied for permission to intervene.