

Innocent face

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Amber Melville-Brown

PARTNER | US

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"The court has today ruled in the libel case brought by Lord McAlpine against Sally Bercow, in his favour. Last year the wife of the Commons Speaker had tweeted, *'Why is Lord McAlpine trending? **Innocent face****'. **While apologising to him privately, Ms Bercow had argued that the tweet was simply a neutral question as to why he was trending and did not imply anything in respect of Lord McAlpine. It may have been mischievous and foolish, but was not defamatory. But the court has disagreed. Mr Justice Tugendhat ruled that the natural and ordinary meaning of the tweet was that alleged by the claimant, that Lord McAlpine was a paedophile who was guilty of sexually abusing boys living in care. As this was false, this was therefore highly defamatory of him. Lord McAlpine had taken legal action against the BBC and ITV over the same allegations and had received apologies and significant compensation. He had also threatened legal action against those who had led to a storm of debate on Twitter, but later requested instead a payment by Twitter users who had contributed to his wrongful outing to charity. But this did not include the high profile Ms Bercow. It is no defence to a person publishing a defamatory allegation within the jurisdiction of England and Wales that they did not intend to defame the subject. Further, anyone who is involved in the journey of the libel from the original source to the ultimate recipient, may be liable to litigation. Here it was no defence to Ms Bercow that she didn't intend to imply the defamatory allegation that the court found to be born by the words; nor was it a defence that she was simply pointing Twitter followers in the direction of the trend that the subject had generated. And what about the **innocent face*? Surely in fact, that meant and was meant to imply that Ms Bercow's face was anything other than innocent – the equivalent if you like of a nod and a wink. The ruling is a stark warning to all those using social media that they cannot ignore the rules of defamation when publishing short snippets on the Internet that might fundamentally destroy the reputation of those they attack. And it provides solace to those victims who might have thought that the Internet is an ungovernable Wild West that there is indeed, a sheriff in town."**

Authors

Amber Melville-Brown

PARTNER | NEW YORK, LONDON

Media and reputation

 +1 212 848 9813 (NY) +44 20 7597 6408 (London)

 amber.melville-brown@withersworldwide.com