

[IE] Politician Loses Libel Action

IRIS 2001-4:1/18

*Marie McGonagle
School of Law, National University of Ireland, Galway*

On 23 March, a High Court jury in Dublin resolved a libel action in favour of RTE, the national public service broadcasting station. The station had been sued by a well-known politician, Beverly Cooper-Flynn. The case arose from RTE news broadcasts in June-July 1998. The politician, a former bank official, claimed that the news items meant that she had instigated a tax evasion scheme. The jury decided that RTE had not proved that she had induced the third-named defendant to evade tax. They also found, however, that RTE had proved that she had advised or encouraged a number of other persons to evade tax. In view of that finding, they concluded that her reputation had not suffered any material damage. As a result, they awarded her no damages.

Prior to the hearing of the action, RTE had succeeded in a High Court application for discovery of National Irish Bank (NIB) documents (High Court, 19 May 2000). The documents enabled RTE to search for other customers who had had dealings with the politician in her role as financial advisor with the Bank. On 20 March 1998, the Supreme Court had refused to grant an injunction to NIB, preventing RTE from publishing details of confidential NIB documents containing the names of customers who had been offered offshore investment accounts (see IRIS 1998-4: 5).

The trial of the libel action lasted twenty-eight days over a seven-week period. Legal costs, it is believed, could total at least IEP 1.5 million (approximately EUR 1.18 million). Normally, the loser must pay all costs. However, that matter will be decided by the courts in the coming weeks. The plaintiff may also consider an appeal to the Supreme Court. The case is noteworthy, not just because of the high profile of the plaintiff and second-named defendant, but also because it is very rare in Ireland for the media to successfully defend libel actions.

Beverly Cooper-Flynn v RTE, Charlie Bird (news reporter) and James Howard (retired farmer), High Court, 23 March 2001

