

Sky braves Scientology

THE SUNDAY TIMES

09.08.15

Libel threat to air film

Eithne Shortall

ALEX GIBNEY'S controversial documentary about Scientology will finally be shown on Irish television, months after the original broadcast was cancelled due to legal fears.

Going Clear: Scientology and the Prison of Belief was made by Gibney – the Oscar-winning director of Mea Maxima Culpa: Silence in the House of God, and of We Steal Secrets: The Story of WikiLeaks – and produced by HBO.

It aired in America in March 2015, and was to be broadcast in the UK and Ireland in April on Sky Atlantic. These plans were scrapped over fears the Church of Scientology would sue for libel in Ireland.

Defamation laws differ between Northern Ireland and the rest of the UK. In Britain, the claimant must prove their reputation has been damaged. In Northern Ireland and in the republic, there is no such burden of proof.

Going Clear was given a low-

appropriate to broadcast it". It did not comment on the likelihood of legal action.

The Church of Scientology did not respond to queries, but has previously said it would "be entitled to seek the protection of both UK and Irish libel laws in the event that any false or defamatory content in this film is broadcast within these jurisdictions".

Going Clear is based on a book by Lawrence Wright. The book was to have been published in the UK in early 2013 but following legal advice, publishers Transworld cancelled its release.

The documentary contains testimonies from former members of the Church of Scientology. It looks at the history of Scientology, which was founded by L. Ron Hubbard in 1953, and features allegations of abuses within the organisation. It claims one Scientologist was forced to clean a bathroom with his tongue. The film also looks at the interaction and between the organisation and

high-profile members such as actors Tom Cruise and John Travolta.

The documentary premiered at the Sundance film festival and was nominated for seven Emmy awards. It has received positive reviews, with an aggregated approval rating of 93% according to the Rotten Tomatoes website.

Sky has 12m viewers across

the UK and Ireland. The broadcaster is unable to distinguish between regions to limit its transmission so the documentary will be available to all subscribers next month.

The broadcaster could be subject to defamation claims from David Miscavige, leader of the Church of Scientology, and others in the film.

Sarah Kieran of MediaLa-

wyer solicitors said that under the UK's Defamation Act 2013 a statement is not defamatory unless it has caused or is likely to cause serious harm to the reputation of the claimant.

This does not extend to Northern Ireland and differs from Irish law. "So [in Britain] they have to prove it has caused serious harm to them before they could take a case," said Kieran. "Here you don't have to, not at all."

The difference in legislation between Britain and the island of Ireland has led to what has been labelled "libel tourism".

Last year, American musician Justin Timberlake and his actress wife Jessica Biel lodged defamation proceedings in the High Court in Dublin following publication of an article in Heat, a British celebrity magazine. Heat has a German publisher and is available across Europe, including Ireland.

Because the pair have reputations in Ireland, the celebrities were entitled to take a case in this country.



THE DOCUMENTARY CLAIMS ONE MEMBER WAS FORCED TO CLEAN A BATHROOM WITH HIS TONGUE



The movie will be shown in Ireland

profile cinematic release in 18 cinemas across Britain in June. It was not distributed in Ireland. Sky Atlantic has decided to broadcast an uncut version of the film across the UK and Ireland on September 21.

Sky Atlantic told The Sunday Times it had "carefully considered the legal issues around the film and is satisfied that it is