

Transport for London
55 Broadway
London SW1H 0BD

and

Sadiq Khan
City Hall
The Queen's Walk
London
SE1 2AA

18 March 2019

Dear TfL and Mr Khan

We write in reference to the Michael Jackson innocent advertisements (the "Adverts") that are currently being displayed on certain buses in London.

We are hugely disappointed that Transport for London ("TfL"), supported by the Mayor of London (the "Mayor"), has taken the decision to prematurely terminate the campaign for a number of reasons.

1. The Adverts comply with TfL's advertising policy

As TfL has confirmed, the Adverts fully comply with TfL's advertising policy. The Adverts have also been reviewed and approved by the Committee of Advertising Practice (CAP) to ensure they comply with the UK Code of Non-Broadcast Advertising and Direct & Promotional Marketing. Whilst the Adverts might be described by some as controversial, such a characterisation is unreasonable because the statement "Facts Don't Lie. People Do" is itself a true statement. Michael Jackson was, during his lifetime, accused of child sexual abuse. The first case did not reach trial because the accuser refused to cooperate with the prosecution after settlement of their civil claim and two grand juries felt there was no evidence to warrant criminal charges against Michael Jackson. The second case resulted in a full acquittal on every charge.

Since his passing, Michael Jackson has again been the subject of allegations of child abuse. It is a fact that the two accusers, Wade Robson and James Safechuck, have both lied (including under oath) on more than one occasion in relation to the accusations they are making. The Adverts very clearly relate specifically and solely to Michael Jackson and the allegations made against him and are not a statement on abuse allegations more widely. They do not in any way suggest that any other victims of abuse are not to be believed or that anyone alleging abuse should not be believed. The campaign seeks to highlight the fact that two perjurers are making unsubstantiated claims which are not supported by the available evidence, some of which is detailed on the website the Adverts direct people to (www.mjinnocent.com). It would be highly unjust to deem such Adverts so controversial as to necessitate its removal, particularly given that the Adverts have been reviewed in detail by TfL and CAP and have been approved by both organisations.

Furthermore, it is unfortunately the case that false allegations do get made and that this happens all too often, for example the allegations made against Cliff Richard or as evidenced by Operation Midland. A victim of a false allegation is just as much a victim as a genuine victim of sexual abuse and should, therefore, be afforded the same level of support and access to justice. Research conducted by leading academics at the University of Oxford Centre of Criminology¹ examines the impact of false allegations and demonstrates that false allegations can and do devastate the lives of the wrongly accused and their families.

2. Freedom of Speech

TfL's decision, which we understand was advocated by the Mayor, has the effect of suppressing our right to free speech. Article 10 of the Human Rights Act 1998 provides that "everyone has the right to freedom of expression... without interference by public authority and regardless of frontiers." This right may only be restricted "in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary". The Adverts in question do not fall into any of these categories and, therefore, TfL and the Mayor have, without due regard for the law, imposed an unjustified restriction on freedom of expression. Further, we would argue that the Adverts in fact *promote* the rights of others (the right to be presumed innocent until proven guilty) and the removal of the Adverts is thus all the more an affront to the law. It is staggering that TfL – a government body – and the Mayor – a public official – have so little regard for such a crucial human right and are willing to deny this right without appropriate justification.

3. Innocent until proven guilty

Our criminal justice system is built on the presumption that an accused is innocent until proven otherwise. This principle is one of the most fundamental tenets of English law, intended to preserve fairness and prevent miscarriages of justice. Michael Jackson, though accused, has not been found guilty of perpetrating any crime against either Wade Robson or James Safekchuck. Indeed, he was fully acquitted by a jury of his peers in a court of law of similar accusations in 2005. In 1993, *two* discrete grand juries determined that the evidence against Michael Jackson was so weak that they refused to indict him. Therefore, as it stands, Michael Jackson is an innocent man and must be treated as such according to the law. It is clear that the right to a presumption of innocence is being eroded in society but one would expect government bodies and public officials to respect and uphold the rule of law. That both TfL and the Mayor of London have deliberately chosen to undermine this doctrine and are effectively complicit in convicting a man in a trial by media sans any evidence whatsoever and sans due process is alarming and the potential repercussions of this are incredibly worrying for society as a whole. Are TfL and the Mayor espousing a society in which the rule of law is so flagrantly disregarded?

4. This is *not* about concern for genuine victims

¹ The Impact of Being Wrongly Accused of Abuse in Occupations of Trust: Victims' Voices, Carolyn Hoyle, Naomi-Ellen Speechley, and Ros Burnett University of Oxford Centre for Criminology
https://www.law.ox.ac.uk/sites/files/oxlaw/the_impact_of_being_wrongly_accused_of_abuse_hoyle_speechley_burnett_final_26_may.pdf

TfL and the Mayor have bowed to pressure from the Survivors Trust, a charity that took umbrage at the Adverts and demanded they be removed (it is worth noting that this charity was specially invited to a pre-screening of Leaving Neverland and given the opportunity to interview the director) . Ignoring the fact that this is not sufficient reason to curtail free speech, it has been suggested that the Adverts are being removed so as not to discourage genuine victims of sexual abuse coming forward. The MJInnocent Campaign fully supports the work of charities that support genuine victims of abuse. However, the words featured in the Adverts relate specifically to the claims being made against Michael Jackson and the two men making those claims. They are not a comment on sexual abuse victims in general. Nonetheless, if the concern was that the wording might discourage genuine victims from reporting crime, TfL could have suggested that the wording be amended. Indeed, when MJInnocent offered to do this, the offer was rejected and we were informed that TfL has taken the position that nothing related to Michael Jackson will be permitted. Moreover, the Survivors Trust has explicitly stated that they were “particularly concerned...that TFL London (sic) has chosen to run a campaign...that endorses Jackson’s innocence...” and Karen Ingala Smith, Chief Executive of the charity NIA (who also lobbied for the removal of the Adverts), has publicly declared that her objection was to the Adverts “proclaiming Michael Jackson’s innocence”. Clearly, then, the issue is not concern over any impact on genuine victims (which the MJInnocent campaign disputes for the reasons already stated) but any show of support for Michael Jackson. Instead of remaining impartial on the subject of Michael Jackson’s innocence or guilt or even taking the position required by law (that Michael Jackson is an innocent man), TfL and the Mayor have demonstrated that their decision was motivated by prejudice against Michael Jackson.

For the reasons stated above, we believe that the decision to remove the Adverts is entirely unwarranted and raises far more serious concerns about TfL and the Mayor’s willingness to censor free speech and show such disdain towards the right to be presumed innocent until proven guilty. We call on TfL and the Mayor to provide adequate justification for removing the Adverts in light of the above or to reverse the decision with immediate effect.

Yours sincerely

The MJInnocent Team