

Wikileaks.org

**By Fax & Email: 00 1 866 904 4598 and  
wl-office@sunshinepress.org  
wl-press@sunshinepress.org  
wl-editor@sunshinepress.org  
wl-uk@sunshinepress.org**

Our ref 10CSG/EF1/061294/000002

Your ref

Direct tel 0117 917 7653

Date 6 July 2009

Direct fax 0117 917 7759

Email edmund.fiddick@tltsolicitors.com

Dear Sirs

**Our client: Novas Scarman Group  
Publication of An Extract from the Report of the Statutory Inquiry into the Novas  
Scarman Group ("the Report") on your website at Wikileaks.org**

1. We act on behalf of Novas Scarman Group. We are instructed by our client in relation to the publication on your website at <http://wikileaks.org/leak/novas-scarman-audit-2009.pdf> ("the Website") of a Report which was produced by the firm BDO Stoy Hayward ("BDO"), and the publication on your website at [http://wikileaks.org/wiki/UK\\_charity\\_Novas\\_Scarman\\_Group\\_looted%2C\\_confidential\\_auditors\\_report%2C\\_15\\_Dec\\_2008](http://wikileaks.org/wiki/UK_charity_Novas_Scarman_Group_looted%2C_confidential_auditors_report%2C_15_Dec_2008) of a summary of the Report ("the Summary"), in the context of a UK statutory inquiry into our client ("the Inquiry").
2. Our client has instructed us to write to you to request the immediate removal from your website of the Report and the Summary which are published in breach of BDO's copyright (which we understand will be subject of a separate notification to you by BDO) and unlawfully in breach of obligations owed to our client as follows:

**Breach of confidence**

3. The Report which has been uploaded to the Website is in fact an edited version of a confidential pre-litigation report written by BDO Stoy Hayward in relation to the Inquiry.
4. The Report has not been formally released by BDO to any third party and, as clearly marked, remains a document to which a high level of confidentiality attaches.
5. The obligation of confidentiality arising extends to our client to the extent that the recipient of the Report would clearly have been aware of the confidential nature of the Report and of the information pertaining to our client, and has breached its duty to preserve the Report's confidentiality by uploading the Report to the Website.

T4905252.1

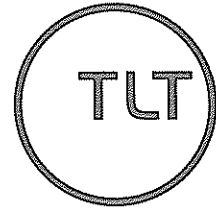
Offices in Bristol, London and Piraeus

TLT LLP is a limited liability partnership registered in England & Wales number OC 308658 whose registered office is at One Redcliff Street Bristol BS1 6TP

A list of members (all of whom are solicitors or registered foreign lawyers) is available for inspection at that address

TLT LLP is regulated by the Solicitors Regulation Authority

Constant & Constant is a division of TLT LLP



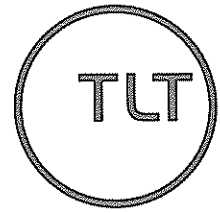
6. The Report having been unlawfully "leaked" by a third party, a right of action therefore arises to our client against the party responsible and other parties who publish the Report.

#### **Sub Judice**

7. It is our client's position and the position at law that documents produced in the course of a statutory enquiry remain *sub judice* at least pending completion of such documents and of the Inquiry itself
8. The *sub judice* principle exists precisely to prevent cases such as this, where early publication of a report could mis-lead and or incorrectly anticipate the finding of proceedings.
9. To the extent that the Report was a document which remains *sub judice* the action of publication could amount to contempt of court and a further cause of action could arise to our client against parties responsible for publication of the Report on that basis.

#### **Defamation**

10. As described above, the Report as drafted is misleading and inaccurate and makes statements about our client which are unsupported by the evidence.
11. In this case, our client fully expects the Report to be amended accurately to reflect the facts and the substantial evidence which our client has provided in the course of the Inquiry.
12. That said, pending completion of the Report, the inaccuracies and misrepresentations included in the Report are potentially defamatory of our client.
13. The Report having now been published, we have advised our client that it has a further cause of action against all publishers of the Report (including the uploader, the host site and the domain host) on that basis.
14. Having now been put on notice of our client's complaint, should the Report and the Summary not be removed from your Website, we will advise our client to take further action against you and the user who uploaded the Report to the Website
15. We would welcome your co-operation and confirmation of immediate removal of the Report and the Summary by return and, in any event, by no later than your close of business 7 July 2009.
16. Should you chose not to co-operate, then we reserve our client's right to commence proceedings against you without further reference to you.
17. We reserve our client's rights separately to contact your domain host PRQ and to inform it of our client's position and its potential liability as a consequence of your publication of the Report and generally.
18. Please contact Ed Fiddick of this firm on the above contact details if you have any questions or other difficulties arise in complying with this request



Yours faithfully

A handwritten signature in black ink, consisting of the letters "TLT" written in a cursive, stylized font.

TLT LLP