

# Get Carter-Ruck



SUMMER 2005

## YUSUF ISLAM VICTORIOUS IN LIBEL COMPLAINT AGAINST SUN AND SUNDAY TIMES OVER FALSE TERROR ALLEGATIONS

Yusuf Islam - the music star formerly known as Cat Stevens - has won his libel claims against the Sunday Times and Sun newspapers.

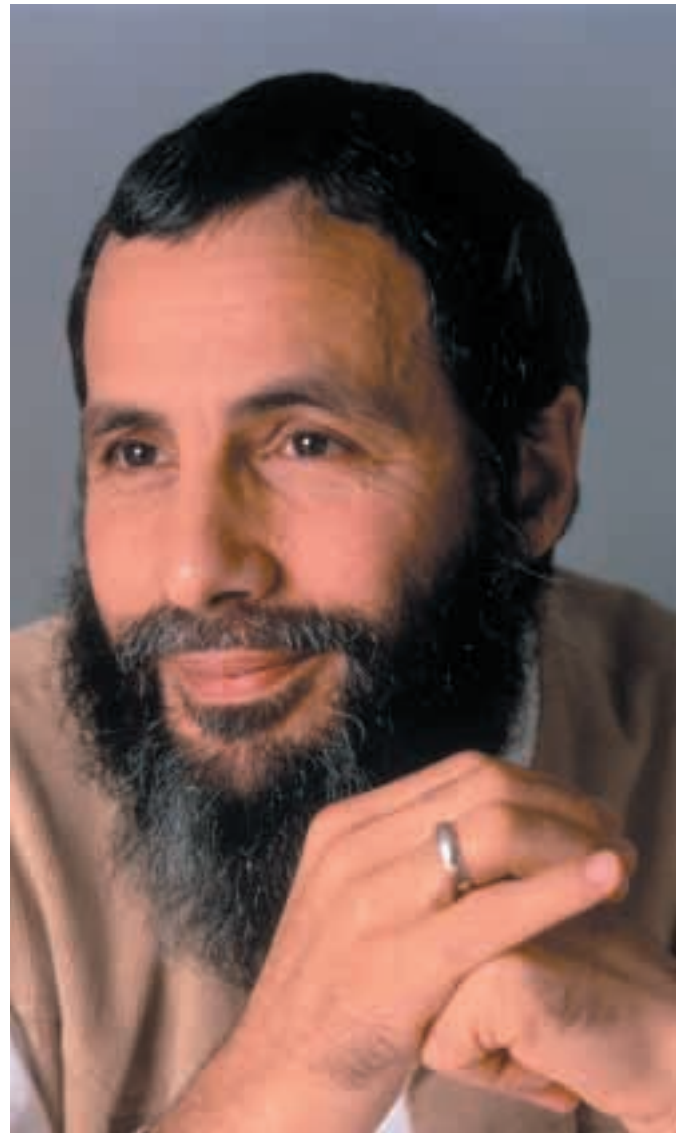
The complaint against the Sunday Times related to an article which was published in the wake of the well-publicised decision by the US authorities to refuse Mr Islam entry into the United States in September 2004 and to divert an aircraft in which he was travelling. The article alleged that in fact this decision was well-founded, on the entirely false basis that Mr Islam had been a supporter of Palestinian terrorism.

A matter of days later, columnist Richard Littlejohn, writing in the Sun newspaper, picked up on the Sunday Times' story and repeated (albeit with his inimitable gloss) the false allegations linking Mr Islam to terrorism.

Faced with these extremely serious, yet entirely false, allegations, Mr Islam was left with little choice but to bring claims against the two newspapers.

Recognising that their position was entirely untenable, both newspapers quickly agreed to publish fulsome and prominent apologies in which they acknowledged that the allegations they had published were entirely without foundation. Indeed, both newspapers recognised that, far from being a supporter of terrorism, Mr Islam had only recently been given a "Man for Peace" award by a group of Nobel Peace laureates.

As well as apologising for the libels, paying his legal costs and undertaking never to repeat these false allegations, the Sun and Sunday Times subsequently agreed to pay Mr Islam very substantial damages, every penny of which he has since donated to the Small Kindness charity.



REX FEATURES

This victory is the latest in a line of successful matters in which Mr Islam has been represented by Carter-Ruck. At present, Carter-Ruck is also assisting him in his efforts to establish the basis upon which the US authorities saw fit to deny him entry into the United States and (apparently) place him on a "No Fly" list, with a view to him then challenging this serious and apparently baseless restriction on his freedom of movement. To date, the US government has failed to set out any reasoned basis for its decision, despite the best efforts not only of Mr Islam and his advisers, but also Jack Straw, the Foreign Secretary.

Mr Islam continues to be advised in these matters by Carter-Ruck partner Adam Tudor and assistant Antonia Foster.

Get Carter-Ruck

---

## QATAR'S SHEIKHA MOUZA WINS £500,000 LIBEL VICTORY

Her Highness Sheikhha Mouza Al Misnad, the wife of the Emir of Qatar, has won her long-running libel action against the UK-based Arabic daily newspaper Azzaman.

Azzaman published no fewer than four articles attacking Sheikhha Mouza during the summer of 2001. These articles contained a wide array of untrue and extremely serious allegations concerning Sheikhha Mouza, ranging from improper interference in political, judicial and security matters in Qatar to engagement in secret dealings with Israel.

In the defence originally mounted to Sheikhha Mouza's claim, the editor and publishers of Azzaman did not seek to argue that a single one of the allegations they had published was true. Instead, they sought to persuade the court that the articles they had published were based upon material received from reliable sources which Azzaman, as "a serious and independent newspaper", had a duty to impart to its readership and that the offending articles were therefore protected by the "responsible journalism" defence known as *Reynolds* qualified privilege.

However, at a preliminary hearing Sheikhha Mouza's legal team (headed by Carter-Ruck partners Cameron Doley and Adam Tudor and consultant Saad Djebbar - who took over from her previous representatives early in 2004) were able to provide the court with evidence (including letters, reports and banking records) demonstrating that, far from being a "serious and independent newspaper", Azzaman was in fact controlled by the intelligence services of another Arab state which had used the newspaper as its mouthpiece in a campaign of black propaganda against Qatar and its leadership.

Mr Justice Eady ruled this evidence admissible and, in an important judgment defining the limits that apply to pleas of *Reynolds* qualified privilege, held that the law in the United Kingdom is "*primarily directed, as a matter of public policy, to protecting independent and serious journalism rather than those running propaganda or political campaigns... If it be the case that a newspaper presents itself to its readers as independent, whereas truly it is a propaganda tool, it is likely that it will have in some respects at least been deceiving its readers, rather than discharging a duty to them*".

Faced with the prospect of seeing their role in the propaganda campaign being dissected at trial, the Defendants swiftly capitulated and agreed to meet all of Sheikhha Mouza's long-standing requirements for settlement. They published a front-page apology in which they accepted that there was no truth whatsoever in any of the allegations they had published. They also apologised to Sheikhha Mouza in similarly fulsome terms by way of statement in open court and undertook not to publish any of the offending allegations at any time in the future. They paid substantial damages (which were donated by Sheikhha Mouza to the charity Medical Aid for Palestinians), together with the Sheikhha's legal costs. The total sum paid by Azzaman under the settlement was in excess of £500,000.

## CARTER-RUCK ACHIEVES LAW SOCIETY STANDARD OF EXCELLENCE

Carter-Ruck has been awarded the Law Society's Lexcel Quality Mark. This means that the firm has been independently assessed as having achieved the Law Society's Practice Management Standards. The Law Society designed the Standards, introduced in 1998, to encourage best practice in the way firms manage themselves and serve their clients. Carter-Ruck is one of only 6% of firms in the country to have achieved this standard of excellence.



REX FEATURES

During the Spring Magnus Boyd represented Sacha Baron Cohen (better known as Ali G) in his successful complaint against a London newspaper. The newspaper apologised and removed the offending material from its website within 24 hours of the complaint being brought.

---

## ARMY OFFICER SECURES RECORD DAMAGES OVER FALSE IRAQI TORTURE ALLEGATIONS

The Guardian newspaper has been ordered to pay libel damages of £58,500 to Colonel Jonathan Campbell-James, a distinguished British army officer recently returned from a tour of duty in Iraq.

In September 2004, under the headline "UK Officers 'linked to torture jail'" the Guardian published an article which falsely alleged that Colonel Campbell-James was stationed at the notorious Abu Ghraib jail in Iraq and, in so doing, linked him with the atrocities that took place there. In fact, Col Campbell-James was not even in Iraq at the time the abuse of prisoners took place, and as such the allegations published against him were entirely, and demonstrably, false. However, for three months the Guardian failed even to provide an apology.

Eventually, the Guardian made an "Offer of Amends" whereby it agreed to apologise for the libel and to pay damages to Colonel Campbell-James, as well as his legal fees. However, despite the seriousness of the allegations the newspaper made a derisory offer of damages, thereby leaving the Colonel with no alternative but to ask the Court to adjudicate.

On 28 April 2005 the case came before Mr Justice Eady, who heard evidence from the Claimant himself. Rejecting outright the Guardian's arguments, the Judge awarded Col Campbell-James £58,500.

In what was an unusually damning judgment, his Lordship commented that the Guardian's failure to make a prompt apology was a failure of "*elementary human decency*". The Judge also acknowledged the Colonel's distinguished service record and lamented the fact that the Guardian's failure to correct its article promptly had potentially placed the Colonel in physical danger in view of the potential risk of terrorist reprisals.

The damages award is the highest yet made by the Court under the Offer of Amends procedure available under the 1996 Defamation Act.

Colonel Campbell-James was represented by Nigel Tait and Robert Dougans under Carter-Ruck's Conditional Fee Agreement scheme.

---

## CARTER-RUCK CONTINUES TO DEVELOP TIME-TRAVEL PRACTICE



REX FEATURES

Carter-Ruck partner Mark Thomson is representing Doctor Who actor Christopher Eccleston in his complaint against the BBC, concerning an announcement which it made on 30 March 2005 relating to his departure from the series. The announcement falsely attributed quotes to Mr Eccleston, which in turn prompted a great deal of negative press comment.

In a statement on 4 April 2005, the BBC apologised to the actor for falsely attributing statements to him and acknowledged that it had failed to consult him before responding to press queries concerning his departure from the series. The BBC also confirmed that it was "delighted" by Mr Eccleston's performance as Doctor Who, which has been a huge ratings and commercial success.

Peter Griffin, a retired production engineer, has accepted very substantial damages of £50,000 and his costs from the Guardian newspaper. Mr Griffin's claim related to a false and highly defamatory article published in February 2004, which suggested that he was knowingly involved in setting up an illicit nuclear weapons programme in Libya. Mr Griffin was represented by Nigel Tait and Robert Dougans under Carter-Ruck's conditional fee scheme.

The Daily Telegraph has published a full apology to Michael Mates MP (advised by Alasdair Pepper) in relation to false allegations published in July 2004. The newspaper also agreed to join in the making of a statement in open Court and to pay Mr Mates' legal costs.

Mark Thomson is advising actress Sienna Miller (pictured) in various matters.

Jockeys Willie Ryan and Michael Tebbutt (represented by Cameron Doley) have won substantial damages from The Sun following its publication of false allegations of race-fixing. The newspaper also published an unequivocal apology in its racing supplement and on its website.

Partner Nigel Tait and assistant Robert Dougans represented Chris Terrington, a British Army officer who has recently returned from duty in Iraq. The complaints arose out of wholly false allegations in the News of the World, Independent on Sunday, Sunday Times and the Guardian that Colonel Terrington was part of the command structure at Abu Ghraib and was aware of prison abuse. Each of the newspapers involved agreed to apologise to Colonel Terrington and to pay him substantial damages together with his legal costs.

The Sun newspaper has apologised and agreed to pay substantial damages and costs to MEP Den Dover in relation to highly defamatory and completely false allegations that he had been abusing his European Parliamentary allowances. Mr Dover is represented by Alasdair Pepper.

Dr Lionel Sawkins' successful claim for copyright infringement against the record producers, Hyperion Records Limited, (reported in our Summer 2004 edition) was the subject of an appeal by Hyperion. Following a hearing earlier this year the Court of Appeal unanimously upheld the



REX FEATURES

decision of the trial judge and dismissed the appeal. An enquiry will now follow as to the amount of damages to which Dr Sawkins is entitled. Dr Sawkins was represented by Ruth Collard and Antonia Foster under the firm's Conditional Fee Agreement scheme.

Prince Radu of Hohenzollern has instructed Ruth Collard to pursue his claim for libel against the editor and publishers of Royalty Monthly magazine. Prince Radu, who is married to Crown Princess Margarita, the eldest daughter of King Michael and Queen Anne of Romania, is suing over allegations that he has falsely passed himself off as a royal prince.

If you have any comments on this Newsletter, or if you require any other information, please contact Amanda Ellinor on: 020 7353 5005 or e-mail [Amanda.Ellinor@carter-ruck.com](mailto:Amanda.Ellinor@carter-ruck.com)