

THE PEOPLE ON THE ROPES **OVER FALSE BRUNO ALLEGATIONS**



Frank Bruno, the former world heavyweight boxing champion, and Yvonne Clydesdale, the mother of their baby daughter, have won their libel case against the publishers of *The People* newspaper.

On 23 April 2006, *The People* ran a front page story making serious but false allegations about Mr Bruno's and Ms Clydesdale's private lives.

Soon after the article was published, Mr Bruno and Miss Clydesdale approached Carter-Ruck to clear their names.

Following Carter-Ruck's intervention, *The People* published an apology in the next edition of the newspaper and shortly afterwards also agreed to pay £50,000 in libel damages, together with legal costs.

In addition, the newspaper undertook not to repeat its wholly false allegations.

In the High Court, Solicitor-Advocate Magnus Boyd of Carter-Ruck told Mr Justice Eady that the newspaper had falsely reported that Mr Bruno and Miss Clydesdale had split up; that Mr Bruno ended the relationship just days before Miss Clydesdale was due to give birth and that he had branded her a gold-digger, thus clearly implying that Mr Bruno had treated Miss Clydesdale in a cold and callous manner.

As the newspaper was aware, Miss Clydesdale was very heavily pregnant at the time of the publication and the allegations caused great distress at what was an extremely sensitive time.

9/11 CLAIM AGAINST YUSUF AL-QARADAWI IS DISMISSED

REX FEATURES



The claims brought on behalf of the families of the 9/11 victims against the prominent Muslim scholar Sheikh Yusuf Al-Qaradawi have been dismissed in the US District Court.

Sheikh Yusuf was among literally hundreds of individuals, companies and governments in the Muslim world named in proceedings brought in the Southern District of New York by attorneys working for the families of those killed in the 9/11 atrocities. It is alleged that those named as Defendants were involved with Al Qaeda and were thus responsible, directly or indirectly, for the events of 9/11. The proceedings are generally referred to as the “three billion dollar claim”, reflecting the sum that the Plaintiffs’ attorneys seek in damages.

However, the documentation filed with the District Court contained nothing whatsoever to link Sheikh Yusuf with Al Qaeda and Sheikh Yusuf’s legal team therefore itself filed a Motion to Dismiss the claims against him in their entirety. Confronted with this, the Plaintiffs’ attorneys withdrew the claims voluntarily and entered into a stipulation under which the claims were to be dismissed. This stipulation was subsequently approved by the Court.

Sheikh Yusuf Al-Qaradawi (*pictured with Mayor of London Ken Livingstone*) has always made it clear that he has never had any connection of any kind with Al Qaeda and the actions of Al Qaeda are contrary to everything he stands for and everything he has taught. As even those having only a cursory knowledge of the subject will be aware, far from being an associate or supporter of Al Qaeda, Sheikh Yusuf has been one of its foremost critics in the Muslim world. He was, for example, a

leading member of the panel of prominent Muslim scholars which issued a fatwa in the aftermath of 9/11 denouncing the attacks and stating that it was the duty of all Muslims to attempt to bring the terrorists to justice. Elsewhere, Sheikh Yusuf denounced the attacks as “a grave sin”. He also condemned the 2002 Bali bombings as a “heinous crime” and an act of “total barbarism”.

Sheikh Yusuf Al-Qaradawi is a citizen of the State of Qatar and is the President of both the International Union for Muslim Scholars and the European Council for Fatwa and Research. He is considered one of the leading Muslim scholars of the age.

Sheikh Yusuf’s successful defence of the proceedings in the United States was conducted by a team comprising of Carter-Ruck Managing Partner Cameron Doley and Consultant Maitre Saad Djebbar, together with Amy Rothstein of Doar Rieck Kaley & Mack in New York.

KEN BATES



Ken Bates, Chairman of Leeds United, has won a fulsome apology, substantial damages (to be donated to charity) and costs in relation to a libel complaint brought against Associated Newspapers over untrue allegations published in the Mail on Sunday on 5 February 2006. Mr Bates was represented by Carter-Ruck partner Alasdair Pepper.

Meanwhile, Mirror Group Newspapers has asked us to correct the following:

In our last newsletter we said that Mr Bates had successfully sued over false allegations published in MGN’s Sunday Mirror.

However, on this occasion Mr Bates’ success was not over allegations published in the Sunday Mirror. On this occasion his victory related to allegations published in the Daily Mirror (also, of course, published by MGN). We are delighted to be able to make the position clear.

CARTER-RUCK SECURES HIGHEST DAMAGES AWARD OF 2006

The court has awarded the highest damages in a libel case so far this year to a journalist falsely accused of being linked to the 7 July bombings in London.

The journalist, Muhamed Veliu, represented by Hanna Basha, received £175,000 after suing both the publisher and the editor of a Kosovan newspaper, Bota Sot.

The editor is liable to pay the full £175,000. The publisher relied on an offer of amends defence, but is still jointly liable for £120,000 of the £175,000 award. Previously, the highest ever award in an offer of amends case had been £58,500 (recovered by another Carter-Ruck client, Colonel Jonathan Campbell-James).

Under the offer of amends regime a publisher will get the benefit of a reduction in the damages by throwing in the towel at an early stage, offering to apologise and to pay compensation and legal costs. However, in Mr Veliu's case the court has made it clear that the offer of amends regime is by no means a 'Get out of Jail Free' card.

The level of the award reflected the fact that the Defendants had published a libel

which Mr Justice Eady found to be "one of the gravest imaginable", and which had a "real, lasting and severe" effect on Mr Veliu. In addition, although the courts are encouraged to discount the sum that would otherwise be awarded where the publisher has "laid down its arms" and made an offer of amends, the "delay and the dismissive attitude" with which the publisher treated the complaint caused the judge to apply the lowest discount yet for an offer of amends case. Mr Justice Eady summed it up concisely; "it would have been possible to achieve a substantially larger discount, even in relation to these grave allegations, if the defendants had acted promptly and generously".

So what should a publisher do to act "promptly and generously"? In a nutshell, the publisher needs to take a pro-active approach. It needs to respond to the complaint as quickly as possible, make a sensible offer of damages and publish an agreed apology immediately. By contrast, the publisher of the Bota Sot was found to have ignored letters of complaint, then denied liability. It had then published an apology in what the Judge described as "self-serving terms" and served evidence which was "poppycock".

COMMERCIAL LITIGATION UPDATE

The firm continues to undertake a considerable amount of high-grade work in the commercial litigation sector:

- Managing Partner Cameron Doley and Consultant Saad Djebbar are heading up the team representing the shareholders in Qatar Airways in proceedings brought in Brussels.
- The firm is representing the Claimants in a claim brought against npower pursuant to the Commercial Agency Regulations.
- Nigel Tait and Magnus Boyd are acting for the 45 Claimants in the Stax Scheme litigation against Barclays Bank. The case has been set down for a 12-week trial commencing in January 2008.
- The firm is advising the State of Qatar in relation to a claim brought in the High Court concerning the ownership of rare Islamic artefacts.
- Carter-Ruck has also won a very substantial victory against LDV (Leyland DAF Vans) on behalf of two of its former directors.

Judge Advocate Jack Bayliss (represented by Adam Tudor) has won his libel complaint relating to false allegations published by The Independent newspaper. Judge Advocate Bayliss had presided over the much-publicised Court Martial of Flight Lieutenant Kendall-Smith, who was convicted on five charges of failing to comply with lawful orders for refusing to serve in Iraq. The Independent agreed to pay Judge Advocate Bayliss substantial damages and costs, published a full apology and joined in the reading of a statement in open Court.



Former Big Brother contestant Lesley Sanderson has won substantial libel damages against the publishers of the Sunday Sport over an article containing false and deeply unpleasant allegations concerning her private life. The newspaper also published a full apology and joined in the reading of a statement in open Court.

Cameron Doley and Felicity Robinson are representing Koo Stark (pictured) in a claim against the editor and publishers of Zoo magazine.

Alasdair Pepper represented billionaire Nadhmi Auchi in successful libel complaints brought against the Sunday Times, Mail on Sunday and Evening Standard.

The popular 60s singer, Tony Rocco (represented by Cameron Doley and Felicity Robinson) has won his libel claim against Jake Arnott (author of “The Long Firm”). Mr Arnott’s latest novel “Johnny Come Home” is to be rewritten so as to remove its defamatory depiction of a character who shared Mr Rocco’s name and professional profile.

Adam Tudor and Isabel Hudson are representing Amjad Sarwar in libel complaints brought against a large number of national newspapers in respect of false allegations linking him with the alleged plot to blow up passenger aircraft over the Atlantic.

Peter Murray, a former driving test examiner has received £30,000 in damages after the Motor Schools Association of Great Britain falsely alleged (in its monthly magazine) that he had deliberately failed candidates when in fact they should have passed. The Association also agreed to publish a front-page apology and to pay Mr Murray’s legal costs. Mr Murray was represented by Nigel Tait and Magnus Boyd.

Carter-Ruck represented Mohammed Jameel and the Abdul Latif Jameel Group in their libel claim against the Wall Street Journal Europe. The complaint arose from an article published by the WSJE alleging that the Group’s accounts were amongst those being monitored in Saudi Arabia at the request of the US authorities. Within 24 hours of publication, the allegation was officially denied by the Saudi monetary authorities. Evidence that the allegation was false was also produced from all the commercial banks in Saudi Arabia, without whose co-operation there was no practical means to monitor bank accounts. WSJE did not contend that the allegation was true, but argued that the article was the result of responsible journalism on a matter of public interest. This defence was rejected in the High Court and by the Court of Appeal, but was ultimately upheld by the House of Lords.

Speaking after the decision, Mr Jameel said *“Mr Justice Eady and the Court of Appeal ruled that I was libelled. The House of Lords ruled that I was not, because it was reasonable for the Wall Street Journal Europe to print something that was false. So be it. I was only ever interested in proving that the allegations were untrue.”*

If you have any comments on this Newsletter or if you require any other information, please contact Adam Tudor on: 020 7353 5005 or e-mail adam.tudor@carter-ruck.com