



## Liam Gallagher secures apologies over false “Storming off” allegations

Liam Gallagher has secured apologies from the Guardian, the BBC and Metro newspaper.

Mr Gallagher brought his complaints following false claims that he had stormed off stage during the Oasis iTunes concert at the Roundhouse in Camden on 21 July 2009. Mr Gallagher was concerned that the claims wrongly suggested that he had behaved unprofessionally, disrupted the concert and treated the band's fans with contempt.

In fact, Mr Gallagher was only off stage briefly whilst his brother, Noel, sang the vocals on “Waiting for the Rapture” and “Masterplan”. Mr Gallagher's break was entirely routine during their set and the gig proceeded as scheduled.

The Guardian's article was widely re-published on other websites. To mitigate the damage caused to Mr Gallagher's reputation, the Guardian contacted every one of the websites republishing the allegations to inform them the allegations were false and should be removed.

The Guardian, Metro and the BBC have all published full apologies. The Guardian also paid damages, which Mr Gallagher has donated to charity.

*Liam Gallagher is represented by Nigel Tait and Kate Pantling.*

### Carter-Ruck NEWS

“Top class” and “Excellent in all respects”, Carter-Ruck's practice continues to win plaudits from **Chambers** and **Legal 500**, the legal directories.

Carter-Ruck has been ranked among the market leaders in Public International Law, a recognition of the firm's burgeoning practice in dispute resolution and regulatory matters involving an international or diplomatic context.

Carter-Ruck remains the market leader in defamation and privacy law. The latest edition of Chambers lists no fewer than 11 of the firm's partners and solicitors as Leading Individuals in

the UK, more than any other firm. The firm also continues to be ranked highly for Media and Entertainment, and Civil Liberties and Human Rights.

The firm is pleased to announce that it has moved to new offices at 6 St Andrew Street, London EC4A 3AE.

# Carter-Ruck returns to Luxembourg

Following its landmark success before the European Court of Justice on behalf of Yassin Kadi (see *Get Carter-Ruck Summer 2008*), Carter-Ruck's International Law team has returned to the Court of First Instance in Luxembourg to challenge an EU asset freezing order imposed upon Burmese student Pye Phyo Tay Za.

Phyo Tay Za is 22 years old. He was first targeted by the Council of the European Union's asset freezing regulations in 2003, when he was just 16. Carter-Ruck Partner Guy Martin leads a team seeking the annulment of the freezing regulations now applicable to him on grounds that the EU institutions lacked any legal power to freeze Phyo Tay Za's assets, and that the regulation in question violates his fundamental human rights to a fair hearing, to peaceful enjoyment of his property and to effective judicial protection. Phyo Tay Za's application to the Luxembourg Court also asserts that the offending regulations infringe the principle of proportionality and the Council's obligation to state reasons.

Phyo Tay Za's action has been defended by the Council of the European Union, supported by both the Commission of the European Communities and the United Kingdom which have intervened in the case.

This further challenge to EU freezing regulations follows Carter-Ruck's successful appeal to the 14 judges of the European Court of Justice on behalf of Yassin Kadi which resulted in the annulment of similar provisions.

The oral hearing of Phyo Tay Za's claim took place on 8 July 2009 before three judges of the Court, with European law experts David Anderson QC and Maya Lester appearing on his behalf. Judgment is expected in the New Year.

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## Tom Watson MP wins libel damages from The Sun and the Mail on Sunday

Tom Watson, Labour MP for West Bromwich East and at the time a Cabinet Minister, consulted Carter-Ruck in April 2009, having been falsely accused of involvement in a (now notorious) plot to smear the Conservatives.

The Mail on Sunday alleged that Mr Watson had been copied into emails sent by Downing Street press adviser Damian McBride to Derek Draper, a Labour Party activist. The emails were reported to have made serious and false allegations about the private lives of a number of Conservative Party MPs, in the course of discussing proposals for a website to be known as "Red Rag". The scandal attracted widespread media coverage.

Mr Watson sought advice after certain elements of the media cast doubt over his denials of involvement in the plot in a press release which he had issued after he first learned of the story. Carter-Ruck made a formal complaint to the publishers of the Mail on Sunday.

A complaint was also made to the publishers of The Sun, which had published a series of articles on the subject, again falsely accusing Mr Watson of direct involvement in the plot to smear the Conservatives and of having lied when he denied it.

The publishers of the Mail on Sunday and The Sun have now publicly acknowledged that their allegations were completely untrue: Mr Watson had no involvement in the 'plot' whatsoever. Each newspaper group has paid him substantial damages and joined in the reading of separate Statements in Open Court, in which they apologised unreservedly for the damage caused.

*Mr Watson was represented by Claire Gill and Lucy Middleton.*

# Gerry McCann gives keynote speech at Madrid media law debate

In November, Gerry McCann, the father of missing Madeleine McCann, travelled to Madrid with Carter-Ruck partner Adam Tudor to take part in a discussion on international media law.

Mr McCann was the keynote speaker at the event, entitled "International Approaches to Reputation Management", which formed part of the programme for the International Bar Association's 2009 annual conference.

Positioned beneath a screen (pictured below) bearing both Madeleine's image at the time she was abducted and an age-progression image created by experts at the National Centre for Missing and Exploited Children showing what Madeleine may look like now (aged 6), Mr McCann gave a presentation to senior lawyers about his family's experiences with the UK media, which began when hundreds of journalists descended on the Portuguese holiday resort of Praia da Luz in the aftermath of Madeleine's disappearance in May 2007.

Mr McCann began by describing the initially supportive media coverage, which included certain papers offering rewards for information leading to Madeleine's safe return, before showing how several newspaper groups went on to publish grotesquely defamatory and untrue front page articles which suggested, without any foundation whatsoever, that the McCanns themselves had harmed Madeleine or been involved in her disappearance.

After showing some of the most offensive headlines on screen, Mr McCann related how, after consulting Carter-Ruck, in 2008 he and his wife Kate were able to obtain unprecedented front page apologies and £550,000 damages (which were paid direct to the Find Madeleine Fund) from one UK newspaper group alone.

He also described the pain and upset caused by highly irresponsible reports by Portuguese and English newspapers which, he said, treated Madeleine and the family as a "commodity" without any regard for the family's feelings at a time of great trauma.

Asked whether, with hindsight, he and Kate would have changed anything about the 'maximum exposure' media strategy that the family (on advice) initially adopted in the hope that it would lead to Madeleine being found, Mr McCann said they would have intervened to try to stop the media from publishing coverage about the family that was not related to Madeleine's disappearance. He also said that the family would probably have taken legal action against the UK press earlier.

Mr McCann appealed to the media to remember that those caught up in family tragedies are "not just characters" and to bear in mind that there are "real people at the centre of every case".

Mr McCann also told the audience, which included members of the judiciary and practitioners from around the world: "It is very important that ordinary people like ourselves have legal representation. Newspapers

*have the power to destroy lives and if we had not been supported by many different people... they would have destroyed ours".*

Mr McCann added that he and his wife would have found it very difficult to complain to the offending national newspapers without the knowledge that the Carter-Ruck team were prepared to act on a conditional fee agreement if the newspapers did not co-operate and apologise.

Points raised by Mr McCann's talk and related legal issues - such as the right to be left alone, the right to privacy and the right to freedom of expression - were then debated by a 5-strong panel of leading media lawyers from the United States, Canada, Germany, Belgium and Ireland, co-chaired by Carter-Ruck Partner Nigel Tait.



Using the age-progression photograph as a reference point for the journalists, film crews and photographers who attended the discussion (many of whom were from the Iberian peninsula), Mr McCann stressed that the search for Madeleine remains very much ongoing and will continue; there is no evidence that she has been harmed (**visit [www.findmadeleine.com](http://www.findmadeleine.com)**).

## Hotel groups bring Judicial Review proceedings over Test venue development

Carter-Ruck is representing a consortium of leading hotel groups in judicial review proceedings against Eastleigh Borough Council. The consortium, comprising Macdonald Hotels, Meridian Leisure Hotels and Shire Hotels, is challenging a recent decision of Eastleigh Borough Council to finance the construction of a £32m hotel as part of a redevelopment of the Rose Bowl cricket ground, the home of Hampshire CCC and a Test venue for the 2011 tour by Sri Lanka. The consortium is being advised by Adam Tudor, Nigel Tait and Edward Yell.

## Unite leader secures News of the World victory

**Derek Simpson**, the Joint General Secretary of Unite (the UK's largest trade union) has won his libel claim in relation to false allegations concerning his election that appeared in the News of the World. An apology has been published and the newspaper has agreed to pay a substantial sum in damages and costs. Mr Simpson was represented by Cameron Doley and Athalie Matthews.



## Michael Winner

The Daily Express has published an apology to **Michael Winner** and made a donation to a charity chosen by him. Mr Winner was represented by Alasdair Pepper.

## Mohamed Taranissi in libel success against BBC Panorama

The long-running libel proceedings brought by **Mohamed Taranissi**, the well known gynaecologist and IVF specialist, and his clinic following the broadcast of the Panorama programme "IVF Undercover" on 15 January 2007 were successfully resolved over the summer. The settlement followed the withdrawal by the BBC of its "responsible journalism" defence, the Court's decision to strike-out a substantial part of the BBC's remaining defence of justification, and the making of very substantial costs orders in Mr Taranissi's favour. Mr Taranissi and his clinic were represented by Alasdair Pepper, Antonia Foster and Kate Pantling.

## FedEx

Carter-Ruck's commercial litigation team is acting for twenty-four Franchisees of FedEx UK Limited, one of the country's leading courier services, in their claim over the payout from an incentive "bonus scheme".

## The Sun apologises to Premier League Chairman

The Sun has published an apology to **Sir Dave Richards** over false allegations contained in a series of articles about Sulaiman Al Fahim's takeover of Portsmouth Football Club. Sir Dave is represented by Alasdair Pepper and Kate Pantling.

## Libel victory over Andrew Marr Book

**Erin Pizzey**, the feminist and writer, won her libel complaint regarding allegations contained in Andrew Marr's "A History of Modern Britain". The book, published by Macmillan, falsely suggested that Ms Pizzey had been a "cadet enthusiast" of the Angry Brigade terror group in the early seventies. As well as apologising to Ms Pizzey in Court, Macmillan recalled all unsold copies of the book and paid Ms Pizzey damages. Ms Pizzey was represented by Nigel Tait and Edward Yell.

## News of the World pays £100,000 damages over terror allegations

**Shakil Akhtar** has received a full apology and £100,000 in libel damages from the News of the World. The newspaper falsely claimed that Mr Akhtar was the financier for a militant Islamic cell responsible for channelling funds to banned terrorist organisations to buy weapons for use against British forces in Afghanistan. Mr Akhtar was represented by Nigel Tait and Edward Yell.

## Senior intelligence expert wins claim over Iraq war libel

The Daily Telegraph has apologised and paid damages to **Dr Brian Jones**, the country's most senior intelligence expert on weapons of mass destruction in the period leading up to the Iraq war, over an article that falsely alleged that he had leaked information to the media before the war. Dr Jones was represented by Hanna Basha and Luke Staiano.

## Washington Times and Elaph apologise to Nadhmi Auchi

**Nadhmi Auchi** the businessman and philanthropist, has successfully settled his claims against The Washington Times and Elaph, the London-based online Arabic newspaper. As well as paying substantial damages, Elaph published a prominent apology. The Washington Times removed the offending article from its website and issued a letter requesting that other websites re-publishing the false allegations should refrain from doing so. Mr Auchi was represented by Alasdair Pepper and Luke Staiano.