

Get Carter-Ruck

AUTUMN / WINTER 2013



Al Jazeera: attacks in Egypt

Carter-Ruck has been retained by Al Jazeera Media Network, the Qatar-based international broadcaster, to co-ordinate worldwide actions against Egypt in relation to a series of assaults, aggressions and other acts of harassment committed against Al Jazeera and its staff in Egypt by the new government.

During the months since the overthrow of the Morsi Government by the Egyptian military, a large number of journalists working for Al Jazeera have been arrested and detained by the security services, either without charge or on charges they believe to be in contravention of international law norms. A number of Al Jazeera's staff have also spoken of death threats they have received. Al Jazeera offices and journalists have come under attack by the Egyptian military and police and by unofficial groups supporting the military government, while the network itself has been subjected

to a sustained campaign of harassment and intimidation involving the unlawful jamming from within Egypt of transmissions and broadcasts, as well as the closure of offices and other facilities. A complete shutdown of Al Jazeera's operations in Egypt was finally ordered by the Administrative Court on 3 September 2013.

Carter-Ruck has been retained to take action on an international basis in order to seek appropriate remedies, to protect Al Jazeera's journalists and to safeguard its right to report freely on events and developments in Egypt –

a right which is protected by a number of international instruments including UN Security Council Resolution 1738 (2006), the Universal Declaration of Human Rights, the Arab Charter on Human Rights, the African Charter on Human and People's Rights and the Declaration of Principles on Freedom of Expression in Africa, as well as by Egypt's own Constitution and a range of international and bilateral treaties.

Al Jazeera is represented by Cameron Doley and Lawrence Northmore-Ball.

Mail apology and £110,000 damages for Syria chemical weapons libel

The publisher of the Daily Mail Online apologised to Britam Defence Ltd (a leading UK-based risk management and training consultancy) and two of its senior directors, after it falsely accused them of being involved in a plan to supply chemical weapons to opponents of the Assad regime in Syria.

According to the article, the plan formed part of a covert US plot to orchestrate a chemical weapons attack, which could then be blamed on President Assad in order to create a pretext for a US-led military intervention in Syria.

The Mail's allegations were based on emails said to have been sent between two Britam directors, which had been published on the internet after Britam's computer systems had been illegally hacked. In fact, however, the emails were forgeries. They had been fabricated and published online by the hacker, whose activities remain the

subject of a number of criminal investigations.

Faced with these facts, the Mail accepted that the allegations it had published were completely false. In addition to publishing a prominent apology on its website and in the High Court, the Mail paid the company and the two directors £110,000 in libel damages, together with their legal costs.

*Britam and its directors were represented by **Adam Tudor** and **Isabel Martorell**.*



Libel success for Ugandan Prime Minister

Prime Minister Amama Mbabazi of Uganda obtained an open court apology, substantial damages and payment of his legal costs over allegations made in the Daily Mail and the Mail Online that either he or his "cronies" had misappropriated £10m in foreign aid.

The case concerned articles headed "£10m foreign aid went to cronies of Ugandan PM" and "Britain and Ireland suspend aid to Uganda after £10m of funding ends up in Prime Minister's account", published in October 2012. The High Court in London heard that the Auditor General in Uganda had produced a Report which had revealed irregularities, fraud and forgery on the part of staff working within the Office of the Prime Minister. There was however no suggestion in the Report that the Prime Minister was responsible for, or benefitted from, the theft of the money.

Speaking after the case, Prime Minister Mbabazi said "I was shocked that these headlines were published in the English press. Neither

I nor my friends benefitted from the acts of fraud and forgery. On the contrary it was at my direction, through the Permanent Secretary of the Office of Prime Minister, that the Auditor General's investigation was instigated. Far from being involved or implicated in theft, I was responsible for the process which exposed the serious offences which have resulted, in June this year, in the conviction and sentencing of the former Principal Accountant. I am pleased that the publishers have acknowledged their error, and apologised to me in court."

*Prime Minister Mbabazi was represented by **Andrew Stephenson** and **Helena Shipman**.*

Commercial Litigation News

Carter-Ruck secures further successes for victims of Interest Rate Swap Mis-selling

For several years Carter-Ruck has been at the forefront of efforts to obtain redress for businesses and wealthy individuals who have been mis-sold complicated interest rate hedging products such as Swaps and Structured Collars.

Claims range from the low hundreds of thousands, to several hundred million pounds. Indeed, the firm is currently handling claims involving hedging products totalling over £1 billion.

Carter-Ruck has already secured a number of high value settlements via the litigation process, albeit that, at the insistence of the banks, the terms of settlement are usually subject to a confidentiality provision.

As well as conducting various ongoing cases through the High Court, Carter-Ruck has also secured a number of notable successes via the Review of Interest Rate Hedging Products ordered by the FCA. Under that regime, the banks are not permitted to keep the terms of settlement confidential. In these cases Carter-Ruck has been acting for SMEs deemed to be “non-sophisticated customers” for the purposes of the Review and has helped secure a number of settlements. These have typically included the bank being required

to do one or more of the following: tear up the original agreement(s); waive breakage costs in their entirety (usually running to hundreds of thousands of pounds); return all direct losses to the aggrieved party (i.e. the monies paid to service the product, and again usually running to hundreds of thousands of pounds); as well as paying interest at 8% on all direct losses.

Carter-Ruck’s Swaps team continues to act for dozens of businesses pursuing complaints in relation to various forms of derivative products (both in relation to interest rate and foreign exchange hedging), with clients ranging from high net worth individuals and SMEs, to multi-national corporations.

*If you wish to know more about our work in this area, please contact **Stevie Loughrey, Adam Tudor or Claire Gill.***

Carter-Ruck wins another challenge against the EU for “Arab Spring” sanctions

Carter-Ruck has successfully challenged the EU’s decision to impose economic sanctions on a prominent businessman following the “Arab Spring” uprisings in North Africa. The EU Council imposed a travel ban and froze the individual’s assets, along with the assets of other individuals, as part of EU foreign policy towards a North African country.

The EU Court in Luxembourg ruled that the EU Council targeted the businessman for unlawful reasons which were not legitimate aims of the sanctions. The Court also held that the evidence relied on by the EU Council – which included diplomatic cables disclosed by Wikileaks – failed to justify listing the individual.

The Court ordered that the sanctions should be removed and that the Council should pay the individual’s legal costs.

The EU Courts are currently facing a spate of cases being brought against the EU’s “Arab Spring” sanctions regimes in the Middle East and North Africa. These sanctions have attracted controversy because they target individuals – effectively placing them under a

form of house arrest and often destroying their livelihood – without first giving them an opportunity to defend themselves.

Carter-Ruck has acted, and continues to act, in some of the most significant sanctions cases of the last decade and has been at the vanguard of this area of law. In this case the Court rejected one of the Council’s key arguments – that it was entitled to list the individual solely on the basis of his family relationships – because of another case successfully brought by Carter-Ruck which established that this would be unlawful (*Tay Za v Council of the European Union*).

*Carter-Ruck’s client was represented by **Guy Martin and Omar Naqib** with consultant **Maitre Saad Djebbar.***

Carter-Ruck supports EU sanctions workshop held at UCL

In November, Carter-Ruck supported a “Smarter EU Sanctions” workshop in partnership with University College London. The workshop was attended by Judges, EU and national officials, decision and policy makers, practising lawyers and academics all at the highest level. The workshop addressed issues arising from the EU’s sanctions policies, notably the extensive and often successful litigation challenging targeted sanctions which has resulted. It also dealt with the recurring themes of the rule of law and the protection of

fundamental rights. Guy Martin, Carter-Ruck’s Head of International Law, and his client Sheikh Yassin Abdullah Kadi, spoke on the first panel, and outlined the impact of sanctions from the perspective of a formerly listed person. Speakers and attendees at the conference included senior representatives from the UN, the European Commission, and the UK Foreign and Commonwealth Office, as well as academics and practitioners in the area.

Former RAF Dean secures libel win against Associated Newspapers

Professor Joel Hayward, the former Dean of RAF College Cranwell secured substantial damages, an apology and costs in respect of false allegations published in the Mail on Sunday and Daily Mail. Associated Newspapers apologised for suggesting that the beliefs of Professor Hayward, who is a Muslim, caused him to favour Islamic students and had prevented him from fulfilling his duty of impartiality and fairness as a teacher in the RAF.

Cameron Doley and **Miranda Rushton** acted for Professor Hayward on a 'no win, no fee' basis and with the benefit of ATE insurance cover provided by Temple Legal Protection.



Operation Elveden

The Metropolitan Police continue to notify potential victims of corrupt payments by journalists to public officials as part of its Operation Elveden investigation.

Carter-Ruck is acting for several Operation Elveden victims who are represented by **Cameron Doley**, **Ruth Collard** and **Zoe Brocket**.

Simon Cowell

The firm continues to act for Simon Cowell in relation to a number of ongoing media issues.

Mr Cowell is represented by **Nigel Tait** and **Rebecca Toman**.

US Court has no jurisdiction to hear challenge to the Kafala system

A number of major companies and prominent individuals based in the Gulf have successfully defended a multi-million dollar claim brought by a US national arising in part out of the Kafala system to which he was subject while working in the Middle East. The Kafala system, which is used widely across the Gulf, has been the subject of much coverage recently in the Western media and involves the control and monitoring of foreign workers. The Plaintiff sought damages in excess of US\$10 million but his claim was struck out for lack of jurisdiction on grounds that the Defendants had no association with the US state in which it was brought.

The Defendants were advised by **Cameron Doley** and **Miranda Rushton**.

Human Appeal International libel success against Jewish Chronicle

The Jewish Chronicle has apologised unreservedly to Human Appeal International, and has paid substantial damages to the UK charity's CEO and Trustees over an article that falsely linked the charity and its representatives to terrorist activities.

Human Appeal International was represented by **Cameron Doley** and **Miranda Rushton**.

Yachting World libel payout

Tristram Cokes, the pioneering surfer and businessman, has obtained an apology, damages and costs from Yachting World magazine, in relation to false allegations that he was convicted and imprisoned for drug smuggling.

Mr Cokes was represented by **Nigel Tait** and **Zoe Brocket**.

Successful defence over equity sale

Carter-Ruck successfully acted for a well known business in the defence of a claim arising out of an equity sale. The settlement is subject to a confidentiality agreement. Therefore, we cannot say more.

Alasdair Pepper and **Rebecca Toman** acted in the matter.

Carter-Ruck NEWS

Legal 500 2013: the firm's pre-eminence across all of its work areas has been recognised in the latest Legal 500 Directory, with no fewer than 8 of the firm's partners featuring as leading individuals. In addition to retaining its

top tier position in Defamation and Privacy (where it is described as "top of the tree for claimant work"), Carter-Ruck is recommended in a further three practice areas. In Public International Law the firm is described as "excellent for sanctions-related work", while its financial mis-selling and swaps expertise has been recognised in the Banking Litigation category. Carter-Ruck is also noted for its "persistence and spot-on advice" in the field of Media and Entertainment law.

Chambers and Partners describes the firm's Defamation and Reputation Management work as "without doubt the outstanding law firm in this area by some distance" and as providing an "extraordinary level of service" with an "impeccable knowledge of the law". Chambers and Partners also ranks the firm's Public International Law work.

Carter-Ruck welcomes solicitor Isabella Piasecka, who joins the firm's media and commercial law teams having trained at Travers Smith.