

## Yasser Arafat: Suspicion of Polonium 210 Poisoning

Carter-Ruck has been retained by Mrs Suha Arafat, the wife of the late Palestinian leader Yasser Arafat, to coordinate efforts worldwide to investigate the circumstances surrounding her husband's death and possible evidence of radioactive polonium poisoning.

Mr Arafat died at the Percy Military Hospital in France in 2004 aged 75, having been transferred there from the Palestinian headquarters in the West Bank after his health deteriorated. French doctors believed Mr Arafat died of a stroke and had suffered from a blood condition known as disseminated intravascular coagulation. However, the records at the time were inconclusive as to what brought about this condition and the cause of Mr Arafat's death was never determined.

Rumours that Mr Arafat may have been poisoned have circulated ever since his death and were investigated in a documentary broadcast by the television news channel Al Jazeera in July this year.

Mrs Arafat provided Al Jazeera with a duffel bag of personal effects that Mr Arafat used when near to death, such as his distinctive kefiyyeh and also his toothbrush and undergarments. These belongings were sent to the University Centre for Legal Medicine and the Institute of Radiation Physics in Lausanne, Switzerland, for extensive testing. Elevated traces of radioactive polonium 210, a rare and lethal substance, were detected which suggest that Mr Arafat may have been poisoned.



In light of the Al Jazeera revelations, Mrs Arafat lodged a complaint with the French judicial authorities requesting that they investigate the circumstances surrounding her husband's death. The public prosecutor has agreed that an inquiry should take place, led by an investigating judge, to determine whether Mr Arafat could have been poisoned with polonium 210. Mr Arafat is buried in a mausoleum in the West

Bank city of Ramallah and the Palestinian Authority has given permission for his body to be exhumed as part of the investigation.

Mrs Arafat is represented by **Cameron Doley** and **Luke Staiano** of Carter-Ruck, and consultant **Maitre Saad Djebbar**, working in conjunction with Paris firm *Fischer, Tandeau de Marsac, Sur and Partners*.

## Spotlight on banks:

# FSA findings on misselling scandal

This summer, the FSA published its findings on the misselling of interest rate hedging products.

The FSA found that the major banks – Barclays, Lloyds, HSBC, RBS and NatWest – had all missold interest rate hedging products to their customers. Seven other banks have since also been included in the FSA's review.

This has, of course, simply confirmed the concerns many victims and lobby groups have long since voiced about the banks' conduct. Carter-Ruck continues to represent many individuals and SMEs who believe they were missold these products.

### What are interest rate hedging products?

Interest rate hedging products are designed to enable customers to manage fluctuations in interest rates. The FSA has identified four broad categories: swaps (which fix the customer's rate); caps (which limit rises); collars (which limit fluctuations to a specified range); and structured collars (which involve complex arrangements where, if the reference rate falls below the bottom of the collar range, the interest rate payable may increase above the bottom of the range).

### The review process

According to the FSA, the banks have, since 2001, sold hedging products to around 28,000 customers. The banks shall review those sales, with a view to providing redress to customers who were the victims of misselling.

Each bank's review shall only include sales to "non-sophisticated customers": that is, customers who met (at the time of sale) two of the following three characteristics (and who do not otherwise have experience and knowledge of complex financial products): a turnover under £6.5 million; a balance sheet less than £3.26 million; and/or fewer than 50 employees. Presumably, the review will therefore include all customers who entered into hedging arrangements in their personal capacity (i.e. as individuals) – except for experienced investors.

Naturally, on the face of it, a review process whereby people who consider they were missold hedging products can seek redress at no cost or risk to themselves has its attractions – particularly for weaker claims, or claims which may be time-barred. However, the devil will be in the detail. The banks are yet to provide substantial details of the review process, including what redress customers can expect. In court proceedings, the victims of missold swaps can potentially claim (i) all payments made to service the products (including breakage costs); (ii) any consequential losses and

(iii) their reasonable legal costs. There is no indication, as yet, whether the same shall be available through the review.

The review will not apply to more substantial businesses, many of whom also feel they were missold products – and for whom a legal complaint may be the only route to possible redress.

### What can we expect?

Early signs suggest the review process may take some time. Should customers wish to retain their right to pursue court action, they should consider entering into a standstill on limitation (the time limit for bringing any court proceedings) with their bank.

The banks are certainly preparing themselves for a large number of claims. They have reportedly put aside significant sums to cover their exposure: Barclays has a provision for £450 million; RBS, £50 million; and HSBC – some commentators have suggested – may announce a provision for £200 million.

### Going forward

Carter-Ruck is currently acting for a range of clients – individuals and companies of all sizes – against the banks in misselling claims, and has already achieved considerable success in helping clients to achieve a positive resolution.

The banks' agreement to review the sale of products is – on the face of it – good news for customers. However, it will be important, in each case, to carefully consider the appropriateness of the review procedure, as well as the likelihood of obtaining satisfactory redress.

The courts certainly seem to have their reservations about the banks' review. In an ongoing case brought by Guardian Care Homes in the Birmingham Mercantile Court, the judge said it would be "wholly wrong" to put the proceedings on hold pending the outcome of Barclays' review: "we just do not know if the scheme will include the claimants ... some cases need to be litigated and I have a duty to decide which."

No doubt, the banks are likely to be under the spotlight for quite some time.

If you are interested in finding out more, please go to the "Financial Misselling" section on our website [www.carter-ruck.com](http://www.carter-ruck.com), or contact Adam Tudor, Stevie Loughrey or Richard Hodge.

For an update on the issues in this article and on other topics, please visit our blog at [www.carter-ruck.com/blog](http://www.carter-ruck.com/blog)

# Leading Sports Executive awarded £10.5 million in claim against IPL franchise

In July 2012 Tim Wright, the former chief executive of the Deccan Chargers Indian Premier League (IPL) cricket franchise, was awarded over £10.5 million plus costs in the London High Court following the trial of his claim against Deccan Chargers for breach of his employment contract.

Mr Wright had enjoyed a successful career in the world of marketing and sports management, having previously worked with leading sportsmen including Ayrton Senna, Michael Schumacher, David Coulthard and Lord Coe.

Prior to Mr Wright joining the Deccan Chargers, the team had finished bottom of the league in the inaugural IPL season with only 2 wins out of 14 matches. Following that first season, Mr Wright was appointed CEO of Deccan Chargers in May 2008 and the team went on to win the IPL in 2009. However, as a result of a series of serious breaches of the terms of Mr Wright's contract, he issued proceedings against Deccan Chargers and its parent company, Deccan Chronicle Holdings, in February 2009.

Mr Wright's victory represents the culmination of over three years of litigation. Initially, the Defendants challenged the jurisdiction of the English Court – an argument which was rejected by the Court on two occasions in 2010 and 2011. Then, having submitted a detailed Defence, the Defendants ceased to engage in the proceedings and failed to attend the trial.

At the trial in July 2012, His Honour Judge Seymour QC found that Deccan Chargers had committed a number of clear, material breaches of their obligations under Mr Wright's employment contract, including failing to transfer to him an agreed equity share in the company and to appoint him to the Board of Directors and failing to provide his full salary, benefits and pension entitlements.

The Judge ordered Deccan Chargers and Deccan Chronicle Holdings to pay Mr Wright £10,533,478 due under his contract. Furthermore, given what he described as their "disgraceful" conduct of the litigation, the Judge also ordered Deccan Chargers and Deccan Chronicle Holdings to pay Mr Wright's legal costs on an indemnity basis.

Following the trial Mr Wright commented: "The judgment is vindication of my decision not to be cowed by the bullying of a large corporation. I am grateful to His Honour Judge Seymour QC for his judgment. For the last 3½ years I have been sustained and supported in this battle by too many friends to name and I am enormously grateful to them all."



Adam Gilchrist playing for Deccan Chargers

Tim Wright was represented by  
**Adam Tudor and Luke Staiano.**

## Carter-Ruck sponsors

# 'Smart Sanctions and the Rule of Law' Conference at New York University

The Centre for Human Rights and Global Justice at New York University School of Law held a conference on targeted sanctions in New York from 21 to 23 June 2012. Carter-Ruck sponsored the conference and Guy Martin, the firm's Head of International and European law, was invited to speak at the event.

The conference brought together leading academic and legal experts to exchange views, experiences and opinions on the subject of targeted sanctions. Speakers and attendees at the conference included several representatives of the subjects of sanctions, as well as senior representatives from the UN, the Council of the European Union, and the US Treasury Department's Office of Foreign Assets Control.

The conference highlighted the increasing importance of targeted sanctions, and the procedures for challenging them, in a world which faces constantly evolving challenges to international peace and security. Guy Martin spoke on a panel of speakers chaired by former UK Foreign and Commonwealth Office Legal Adviser, Sir Daniel Bethlehem.

Guy Martin spoke on the subject of litigating sanctions cases in the international arena, with particular reference to Sheikh Yassin Kadi, who has been a client of the firm for over 10 years since being listed in 2001 by the USA, the UK, the UN and the EU.

Harold Koh, Legal Adviser to the US Department of State, gave the keynote speech. Other distinguished speakers included the UN Ombudsperson Judge Kimberly Prost as well as David Anderson QC, UK Independent reviewer of terrorism legislation and of Brick Court Chambers, and Richard Barrett, Co-ordinator of the UN Al-Qaeda Sanctions Monitoring Team.

# NEWS

If you have any comments on this newsletter, would like to be removed from our mailing list, or if you require any other information, please contact Adam Tudor on 020 7353 5005 or e-mail [adam.tudor@carter-ruck.com](mailto:adam.tudor@carter-ruck.com)

## Amir Khan KO's Huffington Post

The Huffington Post has published a full apology to Amir Khan and made a donation to charity over an article that falsely alleged that the former boxing world champion had posted a photo on Twitter of himself at a strip club. Amir Khan was represented by Zoe Brocket and Zeb Malik.



## The Telegraph apologises to Sheikha Moza

The Daily Telegraph has published an apology to Her Highness Sheikha Moza bint Nasser Al Misnad, Queen of Qatar. The newspaper had falsely claimed that Her Highness had undertaken a \$50,000 shopping spree in the company of US First Lady Michelle Obama. Her Highness Sheikha Moza was represented by Cameron Doley.

## ConservativeHome apologises to Sir Iqbal Sacranie

ConservativeHome has published a full apology to Sir Iqbal Sacranie, Chairman of Muslim Aid and former Secretary General of the Muslim Council of Britain. The article falsely asserted that Sir Iqbal is a trustee of Union of Good, which the US government has listed as a Special Designated Global Terrorist Group, and falsely alleged that as a result of this the UK government had rejected Sir Iqbal as a possible candidate for membership of the Muslim Leadership Council. ConservativeHome has acknowledged both of these allegations were completely untrue and made a payment to Sir Iqbal, which he has donated to charity. Sir Iqbal was represented by Adam Tudor.

## News of the World Phone Hacking

Carter-Ruck continues to act for a number of clients, including the singer James Blunt, in claims relating to the unlawful interception of voicemail by News of the World. They are represented by Ruth Collard and Luke Staiano.

## International Sanctions

### Carter-Ruck Challenges EU Syria Sanctions

Carter-Ruck has been acting for a number of individuals to challenge financial and travel sanctions imposed by the EU. As the EU tightens its Syria sanctions regime increasing numbers of applications are being brought in the EU Courts to challenge those measures. Carter-Ruck has been advising on Syrian sanctions since the uprising began. Most recently the firm successfully applied to strike out EU restrictive measures imposed on a businessman who had been wrongly confused with a relative of Bashar Al Assad. For further details on Syrian sanctions please contact Guy Martin and Omar Naqib.

### Zimbabwe sanctions success for John Bredenkamp

Following three years of legal proceedings, The Council of the European Union has removed the businessman and former international rugby player, John Bredenkamp, and his companies from its list of individuals

and entities subject to restrictive measures relating to Zimbabwe. Mr Bredenkamp has also brought proceedings before the General Court of the European Union in Luxembourg challenging the restrictive measures, as well as a claim for judicial review in the High Court, London, over decisions taken by the UK Government in relation to his listing. Mr Bredenkamp is represented by Guy Martin.

### EU victory as Pye Phyo Tay Za wins appeal

The European Court of Justice (ECJ) has annulled EU restrictive measures freezing the assets of Burmese national Pye Phyo Tay Za, and has ordered the Council to pay his legal costs. Pye Phyo Tay Za was represented by Guy Martin.

#### BREAKING NEWS:

Sheikh Yassin Abdullah Kadi has been de-listed by the UN Al Qaeda Sanctions Committee. More to follow.

## Carter-Ruck NEWS

### Carter-Ruck expands Public International Law and Commercial Litigation teams

Carter-Ruck is delighted to announce the addition of four solicitors to its Public International Law and Commercial Litigation teams.

Miranda Rushton and Omar Naqib have joined the Public International Law team headed by partners Cameron Doley and Guy Martin. The firm also welcomes Zoe Brocket and Richard Hodge to further strengthen the firm's burgeoning commercial litigation practice.

#### LEGAL 500

Carter-Ruck continues to be recognised in the new Legal 500 directory as a leading firm in

three fields of expertise. Every one of the firm's partners is named as a leader in their field.

The firm retained its top tier position for its Defamation and Privacy practice and its publishing team was also highly rated. Carter-Ruck's Public International Law team is once again commended, particularly for its expertise in the field of asset freezing measures and targeted sanctions.