

MEDIA AND COMMUNICATIONS LIST

BETWEEN:

MOHAMMED DAHLAN

Claimant

and

(1) M.E.E LIMITED
(2) DAVID HEARST

Defendants

AMENDED DEFENCE OF BOTH DEFENDANTS
CPR 16 PD 1.4 SHORT SUMMARY

1. It is denied that the words complained of are actionable, for the following reasons:

- 1.1. The issues raised by the claim, specifically the lawfulness and propriety of the alleged activities of the Claimant on behalf of the UAE in the conduct of its foreign affairs, are beyond the subject matter jurisdiction of this Court.
- 1.2. The words complained of are not defamatory of the Claimant as there are no common standards of society generally (either within England and Wales or across the Additional Jurisdictions specified in the Amended Particulars of Claim) by which the alleged activities of the Claimant on behalf of the UAE in the conduct of its foreign affairs can be judged by this Court.
- 1.3. The words complained of are not defamatory of the Claimant, alternatively have caused no serious harm to his reputation, in light of his pre-existing reputation within the jurisdiction and within the Additional Jurisdictions specified in the Amended Particulars of Claim, which associates him with corruption, torture and human rights abuses, the use of force for political ends and opposing, undermining and supporting the overthrow by force of democratic governments in the Middle East and North Africa on behalf of the UAE.
- 1.4. The words complained of do not bear the meanings relied on by the Claimant. The natural and ordinary meaning relied on is not found in the words complained of. The innuendo meaning relied on does not follow from the special knowledge specified,

knowledge which in any event the ordinary reader of the words complained of would not possess.

2. The Defendants rely on the defence of publication on a matter of public interest pursuant to the Defamation Act 2013 section 4. The main aspects of that defence are as follows:

- 2.1. The subject matter of the words complained of is of the highest public interest in England and Wales and in the Additional Jurisdictions, in light of the life and work of the Claimant, his long-standing significant and controversial role within the politics of the Middle East and North Africa, and the ongoing struggle for power within the region, and in the Palestinian Territories, between countries, groups and interests broadly supportive of the popular democratic movements of the Arab Spring, and those opposed.

- 2.2. The Second Defendant, who wrote the words complained of, reasonably believed that their publication was in the public interest.

- 2.2.1. The Second Defendant knew of and believed in the high public interest in the subject matter of the words complained of, gaining such knowledge and belief from a long career as a journalist and many years covering the Middle East and North Africa.

- 2.2.2. The information in the words complained of was based on information provided by a number of confidential sources which the Second Defendant reasonably believed to be credible, reliable and accurate.

- 2.2.3. The credibility, reliability and importance of the information provided to the Second Defendant by his sources was supported in his mind by his knowledge and belief concerning the activities of the Claimant throughout his life, and in particular in more recent years his activity on behalf of the UAE in opposing and providing financial and military support to those opposing popular democratic and/or Islamist movements in the region.

- 2.2.4. A pre-publication approach to the Claimant was not necessary or appropriate, in light of the information provided to the Second Defendant by his sources and its provenance, in circumstances where previous requests

to the Claimant for comment by the First Defendant had gone unanswered and where the Claimant does not, to the knowledge and belief of the Second Defendant, respond in real time to media inquiries. The Defendants will rely also on the fact that, shortly after his first complaint through his solicitors, they offered to publish a statement by way of response or rebuttal from the Claimant along with the words complained of. That offer, which remains open, was rejected out of hand by the Claimant. Further, when the Defendants approached the Claimant in October 2017 in relation to a proposed story concerning an investigation into his conduct by the International Criminal Court, he declined to respond to the substance of the story, merely instructing his solicitors to state that the allegations were politically motivated.

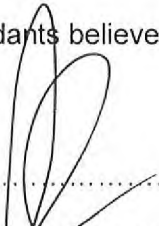
3. In relation to the claim for an injunction to restrain continued publication of the words complained of, the Defendants rely on further information and knowledge obtained by the Second Defendant since the date of first publication, which further supports his reasonable belief in the public interest in the continued publication of the words complained of.
4. If necessary the Defendants will rely in mitigation and/or extinction of damages on the following:
 - 4.1. The Claimant's general bad reputation in England and Wales and in the Additional Jurisdictions in relevant sectors of his life.
 - 4.2. Lack of any embarrassment or distress caused to the Claimant by the words complained of, given that he has publicly expressed pride in the role he played in supporting a military coup against elected President Morsi of Egypt, given that he has publicly ascribed to the government of President Erdogan in Turkey the financing and arming of ISIS, and given that he has publicly questioned whether there would be anything wrong with the UAE providing arms to a warring faction in Libya.
 - 4.3. The Claimant's delay in complaining about the words complained of and in issuing proceedings.

4.4. Such of the facts pleaded in support of the public interest defence which are proved at trial.

ADRIENNE PAGE QC
JACOB DEAN

ADRIENNE PAGE QC
JACOB DEAN

The Defendants believe that the facts stated in this Defence are true.

Signed

Served this 10th day of September by Carter-Ruck of 6 St Andrew Street, London, EC4A 3AE. Solicitors for the Defendants

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Claim No. HQ17M02177

MEDIA AND COMMUNICATIONS LIST

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Defendants

AMENDED DEFENCE OF BOTH DEFENDANTS

1. References to paragraph numbers in this Amended Defence are references to paragraphs of the Amended Particulars of Claim, unless otherwise stated or apparent from the context.

The Claimant and what he is known for within the relevant jurisdictions

2. The first sentence of paragraph 1 is not admitted and the Claimant is required to prove the same, save that:
 - 2.1. it is admitted and averred that the Claimant is and has been deeply politically engaged in many aspects of the politics of the Middle East (which term when used in this document includes North Africa), by no means confined to the Palestinian territories, from which the Claimant is exiled;
 - 2.2. it is denied that the Claimant is entitled to style himself as a philanthropist. If and insofar as the Claimant has been associated with the donation of money to promote the welfare of others, it is denied that it was his money (rather than that of the UAE or other regional power brokers) or that his motives were other than to promote his own political ambitions, for instance, in Gaza.
3. If and insofar (which, as stated in 2 above is not admitted or denied) the Claimant correctly self-styles as a businessman and a philanthropist, it is denied that his activities

in those areas are carried out in this jurisdiction, and not admitted that such activities are carried out in any of the three additional jurisdictions which are referred to in the amendments to the Particulars of Claim made on 3 August 2018 ("the Additional Jurisdictions"). It is ~~or~~ therefore denied that his claim for damages in paragraph 8 in respect of his ability to continue those activities in this jurisdiction is permissible and not admitted in relation to the Additional Jurisdictions.

4. As for the second sentence of paragraph 1: it is admitted and averred that the Claimant is "*well known*" to the readers of Middle East Eye within this jurisdiction and within the Additional Jurisdictions, most or all of whom are well-versed and interested in Middle East affairs, however it is denied that "*former leader of Fatah in Gaza*" and "*an important figure in Palestinian politics*" represents a full, fair or accurate description of what the Claimant is "*well known*" for in the eyes of that readership.
5. On the contrary, for all or the majority of the readership of Middle East Eye the Claimant is "*well known*" to them primarily for all or some of the following:
 - 5.1. being linked to a brutal regime which perpetrated torture and human rights abuses during his time as chief of the Palestinian Preventive Security Service in Gaza;
 - 5.2. being widely considered to have acquired great wealth through corruption, including during his time in leadership roles in Fatah in Gaza, culminating in his conviction *in absentia* on corruption charges by a Palestinian Court in December 2016;
 - 5.3. his involvement in attempts by Fatah, with American backing, to overthrow the elected Hamas government in Gaza in 2007, prompting the civil war between Hamas and Fatah in which Fatah were driven from Gaza;
 - 5.4. his longstanding political feud with Palestinian President Mahmoud Abbas, most notably the repeated allegations by President Abbas that the Claimant was responsible for the murder of 6 Fatah members and complicit in the death of Yasser Arafat, leading to his expulsion from Fatah and exile in the UAE;
 - 5.5. the self-evidently very close ties which he has developed with the UAE government (particularly Crown Prince Mohammed Bin Zayed) and for being widely considered to be a tool of the UAE and its close allies in furthering their interests and objectives throughout the Middle East;

- 5.6. being widely considered to have performed a key role on behalf of the UAE in opposing popular Islamist and democratic movements and governments throughout the Middle East since the Arab Spring in 2011, including his active involvement in assisting in the fight against Islamist forces in the Libya civil war and in assisting in the overthrow of elected President Morsi of Egypt in the military coup of 2013;
- 5.7. being widely considered to have played a key role in military operations in various parts of the Middle East, including in positioning militia men in Sinai in support of President el-Sisi of Egypt;
- 5.8. his more recent attempts to return to frontline politics in Gaza, in which he is backed by the UAE, including their donation through the Claimant of very large amounts of money to supply aid for charitable and engineering projects for Gaza.
6. The Claimant is a highly significant and one of the most controversial and talked about (and written about) political players in the Middle East, and has been for over 20 years. Currently exiled in the UAE, he is widely seen as highly politically ambitious and as having jockeyed himself into the position of the favoured candidate of one of the major power blocks in the Middle East to replace Mahmoud Abbas as President of the Palestinian Authority. As such, the Claimant's conduct (and the history of his conduct) in relation to political matters, events and instability throughout the Middle East including the manner in which he has gone about cultivating close relationships with major powers within the region admits of close scrutiny; speech about that conduct merits the highest protection under English law; and relevant information, intelligence and theories about that conduct, obtained from and/or supported by qualified and informed sources, calls for publication.

Publication and Middle East Eye readership

7. Paragraphs 2 and 3 are admitted. ~~As appears from the Particulars of Claim, the Claimant's claim against the Defendants is confined to the publication of the words complained of to the readership of Middle East Eye in England and Wales. It is only a minority of readers of Middle East Eye who are based in England and Wales.~~

Justiciability

8. This claim is based on an averment that the acts which the Claimant is alleged to have carried out in relation to Turkey and Libya are criminal acts. The Claimant's case in relation to meaning is based on that proposition, as is his case on the seriousness of that meaning.
9. The Claimant's alleged conduct is said in the words complained of to have been on behalf of the UAE, expressly in the case of Turkey and by clear implication in context in the case of Libya.
10. The alleged acts of the UAE, carried out through its agent the Claimant, are foreign acts of state. A determination of the legality, validity and/or acceptability of those alleged acts is beyond the subject matter jurisdiction of the English Court. As such this claim should be struck out or stayed as non-justiciable.
11. Moreover, even absent allegations of criminality, it is essential to the success of the claim that the English Court finds that the ordinary reasonable reader would seriously deprecate the Claimant's alleged conduct.
12. As such, for similar reasons based on comity and necessary judicial abstention in relation to the assessment of the propriety of the acts of a foreign state in the conduct of its foreign affairs, this Court should not entertain the exercise of determining the attitude of the ordinary reader to the Claimant's alleged conduct as an agent of the UAE.

Meaning and defamatory status

13. Paragraph 4 is admitted, save that it is denied that the words complained of are defamatory of the Claimant. Paragraph 4A is admitted. As to paragraph 4B it is admitted that English defamation law should be applied to the issues arising in this claim in relation to publication both within this jurisdiction and within the Additional Jurisdictions.
14. Paragraph 5 is denied.
15. It is denied that the words complained of bore the meaning that the conduct alleged was criminal. The words do not contain any express or implied allegation to that effect. No legal innuendo is relied on in relation to the meanings pleaded in paragraph 5. No

explanation is found in the Amended Particulars of Claim (nor in the Further Information in relation to the Particulars of Claim served on 21 December 2017 or the Reply) as to the criminal law which the ordinary reader would understand was being broken, nor whether the conduct is said to be a breach of the criminal law of England or of Turkey, Libya, Egypt, Saudi Arabia, and/or the UAE and/or whether it is said to be criminal according to some (and if so what) standard of international law.

16. In order to succeed in establishing the pleaded meaning the Claimant must first identify the criminal law of which it is said the conduct would have been in breach of. It is not admitted that such a criminal law exists and the Claimant is required to plead and prove his case on this issue.
17. If that could be done, the Claimant must then determine that the alleged conduct would have been a breach of that law. That is not a justiciable issue, because it is beyond the subject matter jurisdiction of this Court, for the reasons given above.
18. If the relevant law could be identified, and the Court was competent to determine whether the conduct in question would have been a breach of it, the Claimant must then establish that the ordinary reasonable reader both was aware of the law in question and knew that the conduct would be a breach of it. It is denied that the ordinary reader would have such specialist knowledge (whatever the Claimant's case as to such knowledge might prove to be).
19. It is further denied that, even absent allegations of criminality, the words complained of are defamatory of the Claimant.
20. This claim asks the Court to determine the views of the ordinary reasonable person reading the words complained of in England and Wales or in the Additional Jurisdictions. The allegations complained of in relation to Turkey concern the conduct of a citizen of (apparently several) friendly (to the United Kingdom) foreign states, living and resident in another friendly foreign state, acting on behalf of the government of that state, so as to assist citizens of another friendly foreign state, in plotting to overthrow the government of that state. Even if it were appropriate for the Court to attempt to assess the views of the ordinary person in relation to that conduct (which it is not, for the reasons given above) the issues in play are not issues on which there are collective standards of society generally (either within England and Wales, or across all the jurisdictions now sued in respect of) which can be identified and utilised in order to assess whether the

conduct alleged is damaging to reputation in a way which is legally actionable by an individual active in the international and regional political environment in which the Claimant operates. There are likely to be a variety of honestly and rationally held opinions amongst ordinary people about the propriety of the alleged conduct of the UAE in interfering in the affairs of Turkey, ranging from opposition, to indifference, to support. As set out below, commentators, including the Claimant himself, had suggested in the months before the coup that Turkey was on the path to dictatorship, becoming increasingly authoritarian and anti-democratic, and, according to allegations made publicly by the Claimant, was supporting Islamist terrorism, including by giving financial support to ISIS, which is a group guilty of and intent on causing the most serious harm to British citizens.

21. In relation to Libya, the words complained of do not give any sufficient context from which the Court could even begin to assess whether there is a consensus opinion in English society generally (or generally across all the jurisdictions now sued in respect of) as to whether the conduct alleged would be disapproved of. The words do not identify the warring faction within Libya to which the Claimant is alleged to have been linked, nor do they give any account of the political or strategic aims or tactics of any such faction. The mere “continuation” of a civil war is something of which an ordinary person may or may not disapprove, depending on which faction is in the ascendancy in the war and that person’s views and political opinions about which, if any, side should prevail. These are issues on which there are likely to be a multitude of differing opinions. There is no standard which the Court could identify and apply in assessing whether the words complained of are damaging to the Claimant’s reputation in a way which is legally actionable.

22. Further:

22.1. Three weeks before the publication of the words complained of, on 8 July 2016, Middle East Eye had reported, in an article headed: *“REVEALED: Leaked tapes expose Western support for renegade Libyan general”*, that *“a multinational military operation involving British, French and US forces”* was coordinating air strikes in eastern Libya, in support of General Khalifa Haftar, the leader of one of the fighting groups in Libya, who, as the article reported *“had refused to support the UN-backed unity government in Tripoli and has been fighting some groups that have taken part in the western-backed campaign against the Islamic State (IS) group.”*

22.2. That article followed an earlier article in Middle East Eye published on 25 March 2016 entitled: “*REVEALED: Britain and Jordan’s secret war in Libya*” which described how British and Jordanian forces had been operating in Libya against the forces of IS, as had been revealed by King Abdullah of Jordan at a meeting with US congressional leaders.

22.3. An ordinary Middle East Eye reader who believed, from his reading of Middle East Eye, that the UK and other friendly countries had been providing active support to one of the factions in Libya, would not take the view that equivalent conduct alleged against the Claimant, carried out on behalf of the UAE, amounted to “serious criminal misconduct” on his part. Rather, the ordinary reader would view the Claimant as another participant in the multi-national military and political struggle taking place in Libya. The ordinary reader might approve or disapprove of such conduct, whether by the UK or whether by the UAE through the Claimant, but the Court cannot properly identify a settled standard within society (whether that be society within England and Wales or across all the jurisdictions now sued in respect of) by which it could be judged whether an allegation of such conduct is legally actionable.

23. Paragraph 6 is denied.

23.1. Paragraph 6.1⁴ is admitted. It is denied that the detailed provisions of the Terrorism Act 2000 (“the 2000 Act”) would have been known to a substantial number of readers of Middle East Eye (either within England and Wales or within the Additional Jurisdictions).

23.2. Paragraph 6.2³ is denied, insofar as it purports to summarise the provisions of the 2000 Act. Paragraph 6.2³ instead appears to be founded on subsequent jurisprudence concerning the 2000 Act, specifically the decision of the Supreme Court in *R v Gul* [2013] UKSC 64, in which the Supreme Court answered “yes” to the question of public importance posed to it by the Court of Appeal namely:

“Does the definition of terrorism in section 1 of the Terrorism Act 2000 operate so as to include within its scope any or all military attacks by a non-state armed group against any or all state or intergovernmental organisation

⁴ There is no paragraph 6.1 in the Particulars of Claim.

armed forces in the context of a non-international armed conflict?”

- 23.3. It is denied that the decision in *R v Gul* (or other relevant jurisprudence) would have been known to a substantial number of readers of Middle East Eye (either within England and Wales or within the Additional Jurisdictions).
- 23.4. Further, if and insofar as it be relevant given the above, the words complained of do not accuse the Claimant of involvement in activity on behalf of “a non-state armed group”, but rather of acting on behalf of a friendly state in the conduct of its foreign affairs.
- 23.5. Paragraph 6.34 is denied.
- 23.6. Further and in any event, it is denied that, even to the ordinary reader familiar with both the 2000 Act and/or subsequent authority concerning that Act, the conduct ascribed to the Claimant in the words complained of would be understood to be that of a terrorist, as that word is ordinarily used.
- 23.7. Further and alternatively, even if it were permissible, appropriate and possible for the Court to determine the attitude of the ordinary person to the conduct alleged, and the Court took the view that the words complained of were defamatory of the ordinary person, they are not defamatory of the Claimant, because of his pre-existing reputation in the relevant sectors of his life, as set out above.

Serious harm

24. Paragraph 7 is denied.

- 24.1. The first three sentences of paragraph 7.1 are admitted.
- 24.2. As to paragraphs 7.2 and 7.3, the numbers of publishees within the four relevant jurisdictions are as set out in paragraph 4A of the Amended Particulars of Claim.
~~As for the fourth sentence of paragraph 7.1, and paragraphs 7.2 and 7.3: the information available to the Defendants suggests that around 3,921 people within the UK have read the article complained of.~~

- 24.3. The first sentence of paragraph 7.4 is denied, for the reasons given above.
- 24.4. The second sentence of paragraph 7.4 is denied, and it is denied, for the reasons given above, that the question of whether the conduct alleged was criminal is properly justiciable by the English Court. ~~The Defendants reserve the right to plead further to this allegation once the Claimant has answered the request for further information which accompanies this Defence.~~
- 24.5. Save that no retraction or apology has been published, the final sentence of paragraph 7.4 is denied. The Claimant was offered, on 21 October 2016, less than a month after his solicitors first complained, the publication of a statement by way of response or rebuttal at the foot of the article complained of. The Claimant's solicitors rejected this offer out of hand on 14 November 2016, saying that the inclusion of such a statement would "*simply portray [the Claimant] as a liar and a hypocrite in his denials*". The Defendants' offer to publish such a statement was repeated on 22 November 2016, and remains open.
- 24.5A Further, the Claimant was offered, on 18 July 2018, the publication of an update to the online version of the article complained of, referring to a public denial the Claimant had made on his Facebook page in May 2018 of an allegation made by the Turkish Foreign Minister that the Claimant had been responsible for conveying funds from the UAE to those said to be behind the failed Turkish coup. The Claimant has failed to take up that offer, referring to it through his solicitors as "*totally inadequate*".
- 24.6. Paragraph 7.5 is denied. Insofar as the comments below the article complained of are admissible they further demonstrate the fact, nature and extent of the Claimant's reputation amongst readers of Middle East Eye; as the commentator "abdul mohamed" wrote: "*nothing surprising about this*". In addition to the comments cited in the Amended Particulars of Claim, the Defendants will rely on the comment from "Bashir Kasmiri" who said:
- Dahlan was expelled from the PLO executive and widely blamed for Arafat's poisoning.
- 24.7. The inference invited in paragraph 7.6 is denied, for the reasons given above. Insofar as it is the Claimant's case that serious harm has also been caused to

his reputation in each of the Additional Jurisdictions (as it must be in order for the publication of the words complained of in those jurisdictions to be actionable) that is also denied, for the reasons given.

24.8. The republication pleaded at paragraph 7.7.1 is admitted. It is not admitted that this article was read by a substantial number of people within England and Wales or within any of the Additional Jurisdictions.

24.9. It is admitted that the article at the web address given in paragraph 7.7.2 published the bare allegation that the Claimant funnelled money to the Turkish coup plotters on behalf of the UAE. The article contained none of the detailed description of the source and nature of the allegations which was contained in the words complained of. Furthermore, the article contained a series of allegations for which the Defendants are not responsible but which accord with the pleaded case set out above concerning what the Claimant is known for, including that *“you will find [the Claimant’s] name at every place where there is Chaos in the Muslim world mainly in Middle East”*. It is not admitted that this article was read by a substantial number of people within England and Wales or within any of the Additional Jurisdictions.

24.10. The republication pleaded at 7.7.3 is admitted, save that the article relied on ~~there~~ makes no mention of Libya. It is not admitted that this article was read by a substantial number of people within England and Wales or within any of the Additional Jurisdictions.

24.11. Further and alternatively, if and insofar as the words complained of are determined to bear imputations which are defamatory of the Claimant, the Defendants will rely on his pre-existing general bad reputation in rebuttal of any inference that he has thereby been caused serious harm.

Publication on a matter of public interest

Objective public interest in the subject matter

25. The words complained of were, and remain, statements on matters of the highest public interest, namely the failed coup in Turkey in 2016, the Libyan civil war, the role of the UAE in the politics of the Middle East, and the conduct of the Claimant as one of the

most controversial figures in the politics of the region. The Defendants will rely on the following facts and matters in support of their case on the nature and extent of the very high public interest in the subject matter of the words complained of.

- 25.1. The Claimant became politically active as a teenager in his birthplace of Khan Yunis in Gaza. He was a leader of the Fatah Youth Movement during the First Intifada. By the time he was 25 he had been arrested 11 times by the Israeli authorities, spending in total six years in Israeli prisons. He was deported to Jordan in 1988.
- 25.2. Following the 1993 Oslo accords, which created a Palestinian National Authority (PNA) with limited self-governance in Gaza and the West Bank, the Claimant returned to Gaza with Yasser Arafat in 1994. He became the head of Fatah in Gaza and was appointed by Arafat to lead the 20,000 strong Preventive Security Service in Gaza. He became one of the most powerful men in the PNA and the most powerful figure in Gaza. Reflecting his power, Gaza was widely nicknamed “Dahlanistan”.
- 25.3. Under the Claimant’s leadership, the Preventive Security force gained a reputation for using extreme and violent methods, including torture. The Claimant has denied knowledge of such tactics, but has admitted that mistakes were made under his leadership.
- 25.4. On 22 September 1997 Amnesty International issued an appeal to the Claimant as Head of Preventive Security Service in the Gaza Strip for the release of Fathi Subuh, described by Amnesty as a ‘Prisoner of Conscience’. Mr Subuh had been arrested on 2 July 1997 by officers of the Preventive Security Service shortly after giving an exam to students at al-Ahzar University in Gaza asking them to analyse administrative corruption in the PNA. The Amnesty appeal stated that Mr Subuh’s lawyer had reported that Mr Subuh had *“been subjected to severe torture and ill-treatment during his detention at Tel al-Hawa Prison, run by the Preventive Security Service”* consisting of being *“hung from behind by his hands with his feet off the ground, forced to balance for long periods on his toes, and subjected to beating, sleep deprivation and hooding”*. The Amnesty appeal stated further that the Claimant had informed an Amnesty delegate that Mr Subuh was being held on charges that included rape and spying.

25.5. An Amnesty International report dated October 2007 entitled "*Occupied Palestinian Territories. Torn apart by factional strife*" recorded that in the second half of the 1990s "*torture by PA [Palestinian Authority] security forces, notably the Preventive Security, was common against political detainees and detainees accused of "collaboration" with Israeli intelligence services.*" The Claimant was described as follows:

He had led the crackdown on Hamas members in the mid-1990s, as head of the notorious Preventive Security Service in Gaza, where detainees were routinely tortured and some died as a result.

25.6. In an interview published in the New York Times on 2 November 2016 under the heading "*In Mohammad Dahlan's Ascent, a proxy battle for legitimacy*" the Claimant did not deny that he had used brutal tactics in Gaza. He said:

I wasn't head of the Red Cross. No one was killed, no one lost his life. But of course there were mistakes.

25.7. During his time of leadership in Gaza the Claimant became extremely wealthy. He gained a reputation for corruptly profiting from his position. Allegations of corruption have dogged him ever since, culminating on 14 December 2016 when the Claimant, by now living in exile, was found guilty *in absentia* by a Palestinian Court of stealing \$16m and received a three year prison sentence.

25.8. In January 2006 elections were held for the Palestinian Legislative Council. The Claimant was elected as the Fatah representative for Khan Yunis. Hamas won the largest number of seats and formed the government.

25.9. In 2007 a serious armed conflict broke out between Hamas and Fatah in Gaza, which led to Hamas taking complete control of Gaza, and Fatah retreating to the West Bank. It has been alleged, originally by *Vanity Fair* in 2008 and repeatedly since, that the conflict was prompted by an attempt by the Claimant, with American support, to overturn the result of the 2006 election in a military coup against the elected Hamas government. As far as the Defendants are aware, the Claimant has never challenged this suggestion, or the *Vanity Fair* article, with which he cooperated.

25.10. In 2010 the Claimant and his wife were granted Montenegrin citizenship, on the recommendation of Montenegrin Prime Minister Milo Djukanovic, who praised the Claimant for building bridges with the Royal Family of Abu Dhabi which he said had resulted in significant investment. In 2013 the Claimant was also granted Serbian citizenship, following his self-proclaimed role in procuring the investment of billions of dollars by the UAE in Serbia. In April 2013 the Serbian President Tomislav Nikolic awarded the Claimant the medal of the Serbian flag *“for his contribution to peaceful cooperation and friendly relations between Serbia and the UAE”*.

25.11. In 2011 the President of the PNA Mahmoud Abbas publicly accused the Claimant of murdering a number of prominent Fatah members, of stealing large sums of money, and of having a hand in the death of Yasser Arafat. A PNA committee commissioned to investigate the Claimant reported, in a document issued from the Office of the President, that witnesses had confirmed his role in two assassinations and in the poisoning of Yasser Arafat. The committee called for a request to be made of Interpol for his arrest. The Claimant was dismissed from Fatah and left the West Bank. President Abbas has repeated those allegations on several public occasions since.

25.12. The Claimant now lives in exile in Abu Dhabi in the UAE, where he has close ties to the government. He acts as an advisor to the *de facto* ruler of the UAE Crown Prince Mohammed bin Zayed, with whom he has built a close personal and professional relationship. In light of the Claimant's claim through his solicitors in pre-action correspondence that he does not have any formal ties or allegiances to the UAE the Defendants will rely on the following to demonstrate and exemplify the closeness of his ties to the UAE regime and the Crown Prince:

25.12.1. The Claimant often accompanies the Crown Prince on foreign trips and is pictured with him on those trips. The Defendants will rely by way of example of a video film of the Claimant accompanying the Crown Prince on a visit to a Serbian football club in 2013 (here: <https://www.youtube.com/watch?v=GMocPlqQUr4>). The Crown Prince can be seen passing gifts presented to him to the Claimant for safe keeping.

25.12.2. During an interview with the radio station Monte Carlo Doualiya in around February 2015 the Claimant claimed that, although holding no “*official or non-official position*”, he had a personal relationship with the UAE leadership.

25.12.3. In an interview with Al-Youm al-Sabi on around 1 September 2015 the Claimant described the Crown Prince as his “*brother and friend*”.

25.12.4. In June 2017 a number of emails hacked from the inbox of the UAE Ambassador to the United States Yousef Otaiba were published online by a group referring to themselves as GlobalLeaks. Some of these emails demonstrated the closeness of the Claimant to the UAE government, as follows:

25.12.4.1. On 1 July 2014 Mr Otaiba had an exchange of emails with Fadi Elsalameen, a close associate of the Claimant. Under the subject heading “*Ethiopia*” Mr Elsalameen told Mr Otaiba that a recent dinner invitation extended by the Ethiopian Prime Minister to Mr Otaiba was the Claimant’s idea. He also wrote the following:

All of what is happening between Ethiopia and egypt now is Abu Dhabi’s good work. We arranged that back channel. I can fill you in if you like. (We means me, Dahlan, and a DC businessman you don’t know yet)

25.12.4.2. The Ambassador’s response was:

“I know Dahlan has his hand in just about everything :-)”

25.12.4.3. On 23 and 24 April 2017 Mr Otaiba had an email exchange with John Hannah, of the Foundation for Defense of Democracies (FDD), a conservative think tank. The exchange concerned a forthcoming visit to the UAE by 3 members of the FDD. In an email sent on 23 April 2017 Mr Hannah proposed a loose agenda for the visit, and requested a meeting with a number of “*senior UAE officials*” including Crown Prince Mohammed bin Zayed. In a follow

up email the next day, Mr Hannah asked Mr Otaiba whether it would also be possible to arrange a meeting for him and a colleague with the Claimant.

25.12.4.4. John Hannah had written an article published on 15 June 2016 (one month before the attempted Turkish coup) in the US magazine Foreign Policy entitled *“How do you solve a problem like Erdogan”* in which he lamented Turkey’s *“seemingly irreversible descent into one-man rule”*, described Erdogan as *“the new Sultan”*, having *“despotic ambitions”* and being engaged in an *“assault on Turkey’s democracy, free speech and the rule of law”* and mooted the idea that the Turkish military might *“turn on Erdogan in order to “save” Turkey from his road to Islamist dictatorship and state failure.”*

25.12.5. In an interview with Reuters, published on 4 October 2017, the Claimant stated that his strong ties with the UAE had helped him to raise hundreds of millions of dollars in aid for Palestinians in Gaza, the West Bank and East Jerusalem in the past 10 years.

25.12.6. In an interview with Le Monde published on 6 October 2017 under the heading (in English translation) *“From Gaza to Abu Dhabi, the ascent of the intriguing Mohammed Dahlan”* the Claimant denied being an adviser to the Crown Prince, but claimed that he was *“a friend of the royal family”*.

25.13. By virtue of his close relationship with the UAE regime and with Crown Prince Mohammed bin Zayed in particular the Claimant has carved out for himself an important regional and international role acting in furtherance of their interests. His activities in this respect have included mediating between Egypt, Ethiopia and Sudan in relation to a major dam project on the Nile river, leading to an agreement signed in around March 2015. As Mr Elsalameen stated in the email quoted above, this was on behalf of the UAE. The fact that the Claimant was entrusted with mediating on behalf of the UAE in relation to a project of such political and strategic importance is a further indication of his closeness and importance to the UAE regime.

- 25.14. There are, broadly, three power blocks vying for regional dominance in the Middle East following the retreat from the region of the US. They are that comprising Saudi Arabia, UAE, Egypt, Jordan and Bahrain ('the UAE block'); that comprising countries that support political Islam and the Arab Spring, namely, Turkey, Qatar and Tunisia ('the Qatari block'); and that comprising Iran, Iraq and non-state actors such as Hezbollah in Lebanon and the Houthi militias in Yemen ('the Shia block').
- 25.15. The power struggle between these blocks has manifested itself in a number of ways, one of which is a proxy struggle for power and control in the Palestinian territories. Here the UAE block supports the Claimant's bid to succeed Mahmoud Abbas as the Palestinian President and is vying with the Qatari block for control of Gaza (including using, and/or supporting the efforts of, the Claimant to forge new alliances with the Hamas leadership in Gaza). If successful in achieving the Palestinian Presidency, it is widely considered that the Claimant will be 'UAE's man' in the Palestinian territories.
- 25.16. One of the reasons why the closeness of the relationship between the Claimant and the Crown Prince is of regional and international importance, and why reporting information concerning that relationship, and the Claimant's activities on behalf of the UAE pursuant to that relationship, is in the public interest, is because of the impact which the relationship has on the UAE's relations with the PNA, and thereby on the wider peace process in the Middle East. On 18 July 2016 Middle East Eye published an article based on several well-placed sources under the heading: *"REVEALED: How Palestinian president made an enemy of the UAE"*. The article reported that the UAE had recently decided to withhold hundreds of millions of dollars from the PNA and that the Claimant and his very different and contrasting personal relationships with President Abbas on the one hand and the Crown Prince on the other were at the heart of the dispute. The Claimant was offered an opportunity to comment prior to publication of that article but he did not respond.
- 25.17. The Claimant has also repeatedly expressed public opposition to the Muslim Brotherhood and to countries and regimes which support or are considered to support it including the regime of President Morsi which was overthrown in July

2013, and the regime of President Erdogan. The Defendants will rely on the following:

25.17.1. Speaking to the Atlantic Treaty Association in Brussels in late November 2015, the Claimant made the following remarks, highly critical of the Turkish government (in English translation):

OK, terrorism reached Europe. But how did it get there? No one is saying. OK, world oil trade, and the whole of Europe knows who is trading and with whom, with Turkey. Yet, you remain silent. Had this sort of trade been conducted with Egypt, with whom you have no interest and whose political regime you dislike, you would have waged a political war.

...

The entire movement of terrorism in Syria came through Turkey. And you know this. But you are not bothered. Because you have political interest. Or I have no explanation why this is happening. I am not against Turkey. But I am against not exposing the facts of those who are not confronting ISIS, those who are providing it with financial facilities, trading in oil with it or smuggling weapons to it.

25.17.2. In an interview posted on his official YouTube channel on 4 June 2013 (one month before the coup in Egypt) the Claimant attacked both the government of President Morsi and the Muslim Brotherhood. He said that the Muslim Brotherhood were in power in Egypt, but that they had failed and were leading Egypt into the unknown. He suggested that the Muslim Brotherhood were allies with both Israel and the United States, and that all Islamic extremist organisations around the world were born out of the Muslim Brotherhood.

25.17.3. During an interview with an Egyptian television channel in around March 2014 the Claimant praised current Egyptian President Sisi (the general who overthrew President Morsi) describing him as the saviour of Egypt and the Arab World. The Claimant said further that he was honoured to know President Sisi and referred to undisclosed duties which he claimed to be carrying out on behalf of President Sisi, saying:

I cannot allow myself to glorify my image, my role, my performance. I'm just carrying out some duties, and I do not

disclose them. Because I think this is my duty towards Egypt that stood next to the Palestinian people.

25.17.4. In an interview posted on his official YouTube channel on 17 March 2014 the Claimant praised the overthrow of President Morsi as the greatest revolution in Arab history. He also described President Erdogan as *“a corrupt thief and scum”*.

25.17.5. In an interview with the radio station Monte Carlo Doualiya in around February 2015 the Claimant said he had an intimate relationship with President Sisi and praised him as a patriotic and a brave man, and described the coup which ousted President Morsi as a *“great national change”*.

25.17.6. In an interview with Al-Monitor, a US based website providing reporting and analysis concerning the Middle East, published on 3 January 2016 under the heading *“Dismissed Fatah leader Dahlan says Abbas, Hamas lack ‘serious nationalism’”* the Claimant, in response to a question as to whether he had helped President Sisi *“end the rule of the Muslim Brotherhood in Egypt”* said the following:

I played an active role as a Palestinian in backing the Egyptian people. It is a simple and limited role, but I assumed it because Egypt has interests in helping the Palestinian people. The Muslim Brotherhood, throughout their experience — which started in 1928 and until today — have never built a school or a state. Where is their great example so we can follow suit? Did they build Malaysia, Singapore or Taiwan so we can brag about them?

25.17.7. The Claimant’s attacks on the regime of President Morsi were such that the President, before the successful coup against him, attacked the Claimant publicly, accusing him of spreading *“poison”*.

25.17.8. The Claimant’s attacks on Turkey have continued in the time since the attempted coup. In October 2016 in an interview with the Palestinian media agency Maan the Claimant criticised Mahmoud Abbas for attempting to drive out any dissenting voices from Fatah, saying that he should *“understand that an Erdoganist policy is not suited to Fatah”*.

25.17.9. The Claimant has also continued to praise the military overthrow of President Morsi of Egypt. The Egyptian newspaper Youm7 reported on 5 November 2016 on a lecture given by the Claimant at Sorbonne University. In that lecture, in a clear reference to the 2013 coup, the Claimant praised the decision of the Egyptian people and their army to *“resist the plots of America and its allies”*. He praised the *“brave and historic”* decision of the UAE and Crown Prince Mohammed Bin Zayed *“to support the will of the Egyptian people politically and financially”*.

25.18. The Claimant’s actions on behalf of the UAE throughout the region are largely covert, conducted through the *“back channels”* alluded to by Mr Elsalameen in the email set out above (at 25.12.4.1), and as such are not of their nature likely to be readily provable by an English journalist. As described more fully in the next section below starting at paragraph 26, the Second Defendant reasonably believed that the Claimant had played an active role on behalf of the UAE, in the time before the Turkish coup, in (i) assisting forces opposed to Islamists in Libya following the overthrow of Colonel Gaddafi in 2011 (ii) assisting the 2013 military coup in Egypt which overthrew the elected government of President Morsi (iii) opposing the government of President Erdogan in Turkey and (iv) opposing activities or supposed activities of the Muslim Brotherhood throughout the region and of Hamas.

25.19. The Claimant’s engagement in the politics of the Middle East, and in particular the Palestinian Territories, has continued to grow in the time since first publication of the words complained of, as he seeks a way back into frontline politics in Gaza and the West Bank. The increasing rivalry between the power blocks identified above has led to a blockade of Qatar led by the UAE and Saudi Arabia, and a list of demands made by them of Qatar, including the closing of Al-Jazeera (and Middle East Eye), and the end of military cooperation between Turkey and Qatar. This rivalry in turn spills over into the attitudes and activities of those blocks in relation to the Palestinian Territories. For example, the severing of ties with Hamas was originally demanded of Qatar by Saudi Arabia in early June 2017; yet ending support for Hamas was omitted from the list of demands presented to Qatar by the UAE/Saudi block later that month reflecting that the UAE has enabled Egypt to gain ascendancy in hosting the reconciliation

between Fatah and Hamas involving engagement between the Claimant and Yahya Sinwar, Hamas's newly elected leader in Gaza.

25.20. The role of the Claimant in using his role and influence with Egypt and with the UAE block to seek a way back into frontline politics in Gaza (which, for instance facilitated the Claimant being allowed by Hamas to give a speech via videolink to the Palestinian Legislative Council in Gaza) is a significant aspect of the current regional crisis, and on which the Defendants have continued to report, and in relation to which the information in the words complained of adds important context.

25.21. For example the Second Defendant wrote in an article for Middle East Eye dated 27 June 2017 entitled *“Why Hamas was not on the Saudi list of demands for Qatar”* about a meeting in Cairo between the Claimant and Yahya Sinwar. The Second Defendant described what he had been told by a confidential source to the effect that at that meeting the Claimant had proposed a plan to Hamas under which he would be allowed back into Gaza in exchange for him using his influence with Egypt to ease the blockade on Gaza's border with Egypt.

25.22. This was followed by the publication by Associated Press on around 23 July 2017 of an interview with the Claimant in which he explained how he had negotiated a deal between Hamas, Egypt and the UAE whereby the Rafah crossing between Gaza and Egypt would be refurbished and opened, and the UAE would provide \$100m for a power plant to be built on the Egyptian side of the border. Under the deal the Claimant himself would stay out of Gaza, but several of his key supporters would be allowed to return from exile.

25.23. On 17 August 2017, as reported in Middle East Eye under the heading *“UAE ‘pumps millions of aid into Gaza’ in bid to boost Dahlan”* a Palestinian politician Samir al-Mashharawi told how the UAE had agreed to provide \$15m a month in aid to Gaza.

25.24. In October 2017 a reconciliation deal was announced between Hamas and Fatah, with Hamas handing over control of Gaza to a unity government, paving the way for fresh elections. The Claimant played an important part in the negotiations leading to the deal, particularly in bringing Hamas and Egypt

together. In an interview with Haaretz published on 5 October 2017 under the heading “*Mohammed Dahlan, Chief Abbas Rival: Palestinian Unity Prioritized Over ‘Impossible’ Two-state Solution*” the Claimant said:

It was an honor for us that we succeeded to have those understandings between Hamas and Egypt.

25.25. In the same interview the Claimant said that his decision about whether to run for Palestinian President would wait until an election date was set.

Defendants’ reasonable belief in the public interest in publishing.

26. The Second Defendant (and thus the First Defendant) reasonably believed that publishing the words complained of was in the public interest, and reasonably believes that it remains in the public interest to continue publishing the words complained of.
27. The Second Defendant is a highly experienced journalist, reporting throughout his career on international matters and in the last 10 years focussing on the Middle East. He was the chief foreign leader writer for the Guardian newspaper until November 2013, formerly serving as the Guardian’s Associate Foreign Editor, European Editor, Moscow Bureau Chief, European Correspondent and Ireland Correspondent. He joined the Guardian from the Scotsman, where he was education correspondent. He has been Editor in Chief of Middle East Eye since it was founded in February 2014.
28. The Second Defendant has published extensively concerning the Claimant and his activities in the Middle East, including his activities on behalf of the UAE and in relation to the issues raised in the words complained of. The Defendants will rely in particular on the articles written by the Second Defendant or published by Middle East Eye during his editorship which are amongst the articles identified in Appendix A.
29. The Second Defendant was particularly interested in the power struggle taking place in the region between the three major regional power blocks, as he had written about on 17 July 2014, in the article referred at paragraph 9 of Appendix A.
30. The attempted coup in Turkey overnight on 15/16 July 2016 was a major event in the politics of the Middle East. The Second Defendant followed the progress of that coup and the contemporaneous reporting about it closely. Not only Middle East Eye, but

many well-known media outlets continued to publish articles about the Claimant at this time.

31. For several hours after the coup had begun the whereabouts and safety of President Erdogan were unknown and it was unclear whether the coup would succeed or fail.
32. However, during that period, media outlets linked to or controlled by the UAE or UAE aligned interests, including Sky News Arabic and Al Arabiya, were reporting that the coup had succeeded and that President Erdogan had fled or was dead. A news anchor employed by Al Arabiya astonishingly observed on live state television that it was regrettable that the coup did not succeed and then rapidly apologised and corrected herself to say 'thank God' the coup had not succeeded. Within the circles of those who write for and provide source material for and information to Middle East Eye were many keen observers of how events unfolded that night. To those observers as well as to the Second Defendant it was striking how well prepared it seemed UAE news media was to clear the airways and provide coverage of the unfolding events, including interviews with apparently well-informed commentators predicting the success of the coup and declaring the fate of President Erdogan (variously that he was dead or had fled to Germany). The impression gained by the Second Defendant from his observations and from speaking to other observers was that the UAE media was both prepared and primed ahead of the coup attempt to cover events and to do so on the premise that it would succeed.
33. The government of the UAE did not issue any public statement in support of President Erdogan until some 16 hours after the first news of the coup attempt and only after a supportive statement had been issued by Saudi Arabia.
34. The Second Defendant was concerned to understand the reasons for the public attitude of the UAE and its media to the coup attempt, which he considered notable and newsworthy.

The First Source

35. The identity of the First Source is confidential. He is a senior officer in the Turkish security services.

36. The First Source is a regular and credible source of the Second Defendant. They had been in communication through intermediaries in the days following the coup. From that communication the First Source was aware that the Second Defendant was interested in understanding the reasons for the UAE's public attitude towards the coup.
37. Sometime in the 24 hours before the words complained of were published the Second Defendant received a telephone call from his first source.
38. They spoke for around 10 minutes, in English. The Second Defendant asked the First Source to repeat the main points of what he had said, to be sure it had been understood correctly.
39. The First Source told the Second Defendant that the Turkish security services had evidence that the Claimant, acting on behalf of the UAE, had transferred money to the associates of Fetullah Gulen who were behind the coup, and that this had been done through a Palestinian businessman based in the United States. The First Source identified the nature of that evidence.
40. The First Source told the Second Defendant that the Turkish security services knew the identity of the Palestinian businessman, but he did not disclose his identity to the Second Defendant.
41. The First Source told the Second Defendant how the UAE media based in Dubai had initially gloated about the success of the coup. Having adopted that public position, the UAE was now concerned about the reaction of Turkey and President Erdogan. They considered that President Erdogan was prone to revenge and feared that once he had finished his purge of the Turkish army he would turn against those he considered had supported the coup. UAE officials at many different levels were trying to indicate to Turkey that the UAE had not been responsible for supporting the coup. This aspect of what the First Source said was reflected in paragraphs numbered 16 and 17 in the words complained of.
42. The First Source said that the UAE wanted any blame focussed on the Claimant, and a UAE representative had indicated on Twitter that there was anger with the Claimant. He said the Claimant had left the UAE and was now in Egypt.

43. The Second Defendant considered that the information provided by the First Source was reliable and credible. It was consistent with what the Second Defendant reasonably believed to be an established pattern of behaviour by the Claimant in acting as conduit for UAE funds and communications in various operations in the region, as described in more detail below.

The Second Source

44. Having obtained the information set out above from the First Source the Second Defendant sought corroboration of it. He telephoned the Second Source, whose identity is also confidential. The Second Source has close links to the UAE. He had provided the Second Defendant with information in the past which had proved to be reliable. The Second Defendant had a long conversation with the Second Source, in English, concerning the issues raised by the First Source.

45. The Second Source told the Second Defendant that he was aware of the information that the Claimant had provided financial backing to those behind the failed coup

46. The Second Source told the Second Defendant that the Claimant had been ordered to leave for Egypt by the UAE. He said this had been done as part of an attempt by the UAE to distance itself from the Claimant, to give the impression that the Claimant had been acting alone and so that any information which the Turkish government had about the Claimant's involvement in the failed coup would not implicate the UAE. The UAE government was eager to maintain a working relationship with President Erdogan now that the coup had failed.

47. The Second Source told the Second Defendant about activity on Twitter originating from the UAE which named the Claimant as complicit in the coup and said that he had left for Egypt because of anger within the UAE that the coup had failed. The Second Source had this information independently of it also being referred to on social media.

48. The Second Source reminded the Second Defendant of the article the Second Defendant had previously written reporting the Claimant's statements to the Atlantic Treaty Association (ATA) in Brussels in late November 2015 accusing Turkey of providing financial support to ISIS (referred to in paragraph 18 of Appendix A), which they were both aware of. The Second Source, when reminding the Second Defendant of the article, emphasised to the Second Defendant his, the Second Source's, own view of

the significance of the Claimant's statements to the ATA in the context of events in Turkey.

Third Source

49. The Second Defendant sought to corroborate what he had been told by both sources about anger towards the Claimant being expressed on Twitter by the UAE. He spoke to an Arabic speaking confidential source who very closely monitors the Arabic media and with whom the Second Defendant has a well-established working relationship. The Third Source told the Second Defendant that Lieutenant General Dhahi Khalfan, the Head of General Security for the Emirate of Dubai, formerly head of the Dubai police and widely seen as an unofficial spokesman for the UAE regime, had publicly attacked the Claimant in a tweet. It was clear to the Second Defendant that his source had seen numerous similar tweets.
50. Based upon what he was told by the Third Source, the Second Defendant then obtained a copy of the tweet and a translation of it into English, in which General Khalfan had said: *"May Allah curse you and Dahlan too, you are all alike."*
51. As was reported by the Palestinian news website alwatanvoice.com on 23 July 2016, in an article headed *"Dahi Khalfan condemns Dahlan for the first time"*, this was the first occasion when an Emirati official had publicly condemned the Claimant. This was a significant public statement from a prominent official in the UAE, which, as the Second Defendant reasonably believed, given the Claimant's important and powerful role within the UAE, would not have been made without sanction at the highest level. The tweet corroborated what both the First and Second sources had said about the UAE seeking to distance themselves from the Claimant, the coup having failed.
52. Having obtained confirmation by the Second Source of what the First Source had told him, and confirmation of what both had said about the activity on Twitter from the Third Source, the Second Defendant took the view that it was imperative that the information he had obtained was put into the public domain, and was published quickly, as an important, credible and newsworthy piece of information about the failed coup and the developing situation as between Turkey and the UAE.
53. Through his work as a journalist operating in this field for many years, the Second Defendant was familiar with the key aspects of the Claimant's life and work set out

above which ground the objective public interest in the subject matter of the words complained of (save for post publication matters relied on and the detail given at paragraphs 25.4 – 25.6, 25.12.1 – 25.12.6, and 25.17.2 - 25.17.9) which he has since become aware of.

54. The Second Defendant was familiar with the previous extensive press reporting about the Claimant, key aspects of which are summarised in Appendix A. He had discussed the Claimant and his activities with numerous people in the ordinary course of his work. He had written about him extensively, as had Middle East Eye under his editorship.

55. In light of this knowledge, what the Second Defendant was told by his sources struck him as inherently plausible, falling into an established pattern of activity by the Claimant on behalf of the UAE. The Second Defendant believed the information was true.

56. The Second Defendant's prior knowledge about the region, the Claimant and the issues raised in the words complained of which he had accumulated over his career also bolstered his reasonable belief that it was in the public interest to publish the information which he had been told by his sources concerning both the funding by the UAE of the Turkish coup plotters, and the Claimant being the conduit for that funding.

57. In the time since the first publication of the words complained of the Second Defendant has continued to gather and receive information concerning the Claimant, his position and conduct on the regional stage and in relation to the specific issues raised in the words complained of. That information has sustained and bolstered his reasonable belief in the public interest in the continuing publication of the words complained of by Middle East Eye, and will be relied on in response to the Claimant's claim in these proceedings for an injunction to restrain further publication of the words complained of.

58. Most importantly, President Erdogan has stated publicly that his government knows which Gulf country provided financial support for the coup attempt and his foreign ministry has named that country as the UAE and his Foreign Minister has named the Claimant as the conduit for money from the UAE to the alleged coup plotters:

58.1. In early June 2017 President Erdogan of Turkey said the following at a public event (in English translation):

We know very well who was happy in the Gulf during the coup attempt in Turkey. If they have intelligence agencies, so do we. We know very well how they spent their night. We know very well those who followed the developments all night and sought the success of the coup attempt. We know very well the amount of money that has been spent for the sake of this coup attempt.

- 58.2. On 13 June 2017 the Daily Sabah, a Turkish newspaper publishing in Turkish and English, reported that the Turkish Foreign Minister Mevlut Cavusoglu had made very similar remarks, as follows (In English translation):

We know that a country provided \$3 billion in financial support for the coup attempt in Turkey and exerted efforts to topple the government in illegal ways. On top of that, it is a Muslim country.

- 58.3. Whilst the Foreign Minister had not named the Muslim country in question, the newspaper reported that sources within the foreign ministry had confirmed that he was referring to the UAE.

- 58.4. In May 2018 Mr Cavusoglu was reported as having stated, during the course of a briefing of Arab journalists in Istanbul that the Claimant had been responsible for conveying funds from the UAE to the “Fetullah Gulen group” in Turkey for use in the failed coup there in July 2016.

Other reporting concerning the Claimant

59. Of the many hundreds of articles written about the Claimant during the 20 years in which he has been a public figure it is impossible for the Second Defendant to identify all that he had read before first publication of the words complained of. Attached as Appendix A is a selection of the coverage which the Second Defendant believes he had read before first publication and which informed his knowledge and belief about the Claimant and supported his reasonable belief in the public interest in publishing the words complained of and/or which have been written or edited by the Second Defendant. Attached as Appendix B is a selection of the coverage which the Second Defendant has become aware of since first publication which has further informed his knowledge and belief about the Claimant and supported his reasonable belief in the public interest in continuing to publish the words complained of.

Other reporting concerning the Claimant's role in the Turkish coup

60. The Second Defendant's belief in the credibility and reliability of his sources was further supported in his own mind after first publication of the allegations complained of, by information to similar effect concerning the Claimant's role in the Turkish coup published by other media outlets before the publication of the words complained of, knowledge of which only came to the Second Defendant after first publication.

60.1. On 18 January 2016 (i.e. several months before the coup attempt) the Turkish language weekly magazine Gercek Hayat, had published an article under the headline (in English translation) *"New coup against Erdogan"*. The article reported (in English translation) on *"information leaked from political lobbies in the UAE"* that the UAE, with Russia, had *"entrusted the task of overthrowing Erdogan to the sacked Al-Fatah member, Mohammed Dahlan"*.

60.2. The article alleged that on 14 December 2015 the Claimant had met with a group of 15 people including representatives of global media and politicians at his office in Abu Dhabi in order to agree a campaign against Turkey, in the same way in which the Claimant had worked to ensure that both President Morsi and the Muslim Brotherhood had been attacked in the Egyptian media.

60.3. It was said that at the meeting a four stage campaign had been agreed, with 70 million dollars allocated to the first stage of the campaign. The campaign was described as follows:

1. Introducing bad perceptions about Erdogan in both the Arab and dissident Turkish media.
2. Supporting the opponents of Erdogan and the Justice & Development Party in Turkey (AKP), as well as providing them with financial support to meet this goal.
3. Supporting the PKK in order to cause chaos in Turkey, and damage to its national security, then revolting against Erdogan.
4. Supporting military leaders in the army who are against Erdogan and the AKP.

60.4. On 17 July 2016 Breitbart Jerusalem published in English an article with the following heading: *"Exclusive – Arab intel source: Turkey convinced Egypt, UAE*

behind coup attempt". This article reported on information from "an Arab intelligence source" that the Turkish government was:

looking into the role played by Mohammed Dahlan, formerly a top Palestinian Authority official, who is currently a close adviser to Prince Mohammed Bin Zayed, the heir to the UAE throne, and their ally President Abdel Fatah Sisi of Egypt. Turkey sees Dahlan as the centrepiece of an international anti-Muslim Brotherhood network.

60.5. On 20 July 2016 The New Khalij, an Arabic language newspaper published an article entitled: *"Mujtahid: 'The UAE implicated bin Salman in Turkey's Failed Coup'"* which reported on information published by an influential and authoritative Saudi source concerning cooperation between the UAE and Saudi Arabia in their preparations for the Turkish coup. The source had alleged that Fetullah Gulen had received more than \$200m from the UAE, including the support of UAE affiliates inside and outside Turkey. Mujtahid is the pseudonym for a well known Saudi dissident whom the Second Defendant considers to be a reliable source.

60.6. On 21 July 2016 the Palestinian Arabic language newspaper Al Resalah published an article entitled (in English translation): *"A leader in AKP: We will not hesitate to arrest Dahlan if it is proven he was involved in the coup attempt"*. This article reported a statement given to that newspaper by Ahmet Varol, a leading figure in the ruling AKP. Mr Varol was reported as saying that the Claimant *"had a hostile attitude towards Turkey"* and *"hostile policies against the people of the region"*. The article included the following passage:

He indicated that there is no tangible evidence at the moment that can be relied upon regarding Dahlan's involvement in support of the coup, "but the State continues its investigations and in any case will not hesitate to punish and hold accountable those involved in meddling with our country".

60.7. On 21 July 2016 the Egyptian mainstream Arabic language news website www.almesryoon posted an article which read (in English translation):

Rafaat: The Emirates have sacrificed Dahlan for fear of Erdogan.

Doctor Mahmoud Rafaat, Head of the European Institution of Law and International Relations, stated that the UAE feared an attack by the president of Turkey, Recep Erdogan after allegations surfaced of the Emirates' involvement in the Turkish coup attempt.

Rafaat stated on Twitter: "I have news from trustworthy resources that the UAE is fearful of future attacks carried out by Erdogan, in retaliation to the Emirates' involvement in the Turkish coup attempt. Thus, leading the UAE to carry out international and regional actions."

Rafaat added: "Although the Emirates' expulsion of Mohammed Dahlan for his involvement in the coup to avoid accusations of financing the Turkish coup has not been confirmed, in my opinion this is most likely what happened. Indeed it is a failed act by Abu Dhabi."

- 60.8. On 26 July 2016 the UAE opposition website UAE71 published a detailed video report containing analysis of UAE media output on the night of the coup entitled (in English translation) *"The scandal of how Abu Dhabi media dealt with the coup attempt in Turkey"*. This reported a series of statements by UAE controlled media and by UAE officials on the night of the coup which were supportive of the coup and its leaders, and which reported falsely that the coup had succeeded and that President Erdogan had requested asylum in Germany.

Social media

61. Because of restrictions on free speech in the Middle East, particularly in relation to political matters, and because much of the Middle Eastern press lacks, or is perceived to lack, political independence, social media can be an important source of information on controversial or fast moving events, as it proved to be during the Arab Spring and during the failed Turkish coup.

62. Following first publication of the words complained of on 29 July 2016 the Second Defendant examined in more detail social media emanating from or linked to the UAE, to determine whether further corroboration was available for the information obtained from his sources about the UAE distancing itself from the Claimant on social media. He regarded the following material as significant and providing further corroboration for the information he had been given:

- 62.1. A tweet in Arabic by the twitter account holder with the twitter handle "Zayed_04@" (an anonymous but prolific and well-followed Emirati news source) on 20 July 2016 which read, in English translation:

Breaking: The UAE demands Dahlan to leave the country after the failed #Turkish coup, and Dahlan decides to leave for Serbia

62.2. Another tweet in Arabic by “Zayed_04@” on the same day which read, in English translation:

Breaking: Mohammed Bin Zayed arrives in Doha to request Qatari assistance in regards to the Emirates’ alleged involvement in the #Turkey coup

62.3. On 20 July 2016 the Emirati twitter account holder with the twitter handle “@ibnuae0” tweeted the following (in English translation):

The #Emirates’ involvement in the failed coup attempt is clear from a number of indicators, most importantly #Mohammed Bin Zayed’s visit to Doha, then Mohammed Dahlan’s visit to Serbia then Egypt!

62.4. On 11 August 2016 Dr Salem Almenhali, Professor of International Relations & Media in the UAE tweeted the following (in English translation):

An hour after the failed the coup, #Mohammed bin Zayed contacted the Prince of #Qatar, and requested him to mediate with Turkey. He informed that Dahlan has been kicked out of the Emirates and relocated to Egypt. Said that they do not have any relations with him, and that they are annoyed with him.

Pattern of Claimant’s activity on behalf of the UAE

63. The credibility of what he was told by his Sources was further supported in the mind of the Second Defendant by what he reasonably believed about the past activity of the Claimant and his proven track record of acting on the international stage on behalf of the UAE.

64. He was aware (or, if so specified below, has become aware since first publication) of the following information in relation to the activities of the Claimant and the UAE in relation to Libya, Egypt, and Tunisia.

Libya

65. On 10 February 2010 Gen Cretz, then US Ambassador to Libya, reported to the US government (in one of the diplomatic cables subsequently published by Wikileaks) that the Claimant had recently met Saif Gaddafi, son of the then Libyan leader Muammar Gaddafi, in Spain, to discuss reconciliation efforts between Hamas and Fatah.

66. In around April 2011 the Algerian newspaper al-Shuruq reported comments of Libyan dissident Omar el-Khadraoui concerning the Claimant. His remarks were as follows (in English translation):

The former leader of the Fatah movement, Mohammed Dahlan, and someone known as Muhammad Rashid, a Kurd from Iraq whose real name is Khalid Salam and who used to be an adviser to the late Yasser Arafat, are behind a deal to supply internationally proscribed weapons to Colonel Gaddafi who uses them to shell civilians in Misurata in western Libya.

67. The above connection between the Claimant and Saif Gaddafi and the allegation that he had been involved supplying arms to Colonel Gaddafi were reported by Middle East Eye in the article entitled *“The UAE’s shadowy dealings in Serbia”* dated 15 August 2014 (quoted in paragraph 10 of Appendix A), and also in the Middle East Eye article dated 22 December 2014 entitled *“Secret flight linking Israel to the UAE reveals ‘open secret’ of collaboration”* (quoted in paragraph 12 of Appendix A).

68. As the Second Defendant had written about on 21 February 2014 in an article entitled *“The coup that wasn’t”* (quoted at paragraph 6 of Appendix A), and as was widely reported elsewhere, the UAE had been accused by a group representing a range of Islamist militia (the Revolutionaries Operations Room or ROR) of being behind “security cells” established in order to attempt to overthrow the Libyan parliament and to co-ordinate media coverage. The ROR allege that the UAE was working closely with Mohammad Ismail (an adviser to Saif Gadaffi mentioned in the Wikileaks cable referred to at paragraph 65 above) who was himself close to President Sisi.

69. In February and March 2015 a number of leaked tape recordings were published by the Libyan channel Panorama which purported to contain further connections between the Claimant and individuals involved in the Libyan civil war, which were also widely reported. The tapes purported to reveal the Claimant travelling on a private jet with Mohammad Ismail to Egypt in order to meet President Sisi.

70. On 21 May 2015 Al-Jazeera reported that the Egyptian satellite channel “Mekameleen” had broadcast a further leaked tape recording which disclosed a series of conversations between senior figures in the Egyptian armed forces and Mohammad Ismail and which referred to a shipment of weapons sent by a Gulf state to Libya through the mediation of the Claimant.

71. To the best of the Second Defendant's knowledge at the time the words were first published, the Claimant had not denied the very many media reports that he had been actively involved in the Libyan civil war on behalf of the UAE.

72. In the circumstances, based on what he knew and believed, derived from the material referred to above, and more broadly from his professional work in relation to Middle Eastern affairs, the Second Defendant reasonably believed it was in the public interest to inform the readers of Middle East Eye in the words complained of of the links between the Claimant, acting on behalf of the UAE, and the continuing civil war in Libya.

73. Since first publication of the words complained of the Second Defendant has become aware of a number of matters which support him in his belief that it remains in the public interest to publish the aspects of the words complained of which refer to Libya, as follows.

73.1. On 21 November 2012 Fatou Bensouda, a Prosecutor with the International Criminal Court, wrote to President Abbas in relation to an investigation which the ICC had begun into crimes under the jurisdiction of the Court that allegedly occurred in Libya since February 2011. The ICC has jurisdiction with respect to the crimes of genocide, crimes against humanity and war crimes. Mr Bensouda wrote:

In furtherance of this investigation, my Office seeks the assistance of the Government of Palestine in relation to the alleged involvement of two Palestinian nationals, Mohammed DAHALAN and Mohamed Borhan RASHID, whose involvement with Saif Al-Islam Gaddafi, Abdullah Al Senussi, and other individuals potentially most responsible for the most serious crimes under the Rome Statute

73.2. The Defendants published an article in relation to this newly discovered letter on 13 October 2017. Prior to that article being published the First Defendant's journalist Olivia Alabaster posed a number of questions to the Claimant (through his solicitors) relating to the document and his involvement in Libya more generally. The Claimant's solicitors did not address the substance of any those questions, but rather asserted in response that the allegations were "*unsubstantiated*" and "*politically motivated*".

- 73.3. On 29 July 2014 UAE Ambassador Otaiba sent an email to Susan Rice, then United States National Security Adviser, which clearly referred to arms shipments by the UAE to Libya. It read:

MBZ [i.e. the Crown Prince Mohammed Bin Zayed] asked me to inform you that we will be sending 'equipment' to our friends in the western part of Libya in the next 2-3 days. They will arrive in a UAE cargo aircraft and will be escorted by a UAE military contingent, just to ensure safe passage. He just wanted me to give you the heads up this will be happening so that no one is caught off guard.

- 73.4. Further confirmation that the UAE had been involved in the Libyan civil war came on 25 August 2014 when the New York Times published an article under the heading *"Arab Nations Strike in Libya, Surprising U.S."* The article reported how Egypt and the UAE had *"secretly launched air strikes against Islamist-allied militia battling for control of Tripoli"*.

- 73.5. Andrew W Steinfeld, then Foreign Policy Advisor to the Chairman of the Joint Chiefs of Staff, sent the New York Times article to UAE/US Ambassador Otaiba, commenting *"nice proxy war you guys have going on there"*. Mr Otaiba's replies indicated that the reports of the UAE taking an active military role in Libya were true, and the Ambassador (and by extension the UAE) found nothing to be ashamed of in that conduct. He said the following:

And like I said before, fighting Islamists in Libya is no different than fighting Taliban in Afghanistan.

If you can't stop the money and arms going to the bad guys, don't hold us responsible for supporting the good guys.

- 73.6. On 30 November 2015 in an article entitled *"Watan obtains text conversation between Bin Zayed and Libyan official"* Watanerba published what it claimed to be a series of messages sent through the Google Plus service, obtained by hackers, between Crown Prince Bin Zayed and Nouredine Bouchiha (chief of staff to the senior Libyan politician Mahmoud Jibril). The messages revealed Mr Bouchiha confirming that a shipment of 77 armoured vehicles from the UAE had reached his army.
- 73.7. In December 2015 a leaked tape recording purporting to contain a conversation between Mr Bouchiha and Saleh Latwish, a senior tribal leader in the Ajdabiya

area of Libya, was published online and reported in the Arab and Libyan press. In the tape Mr Bouchiha sends the regards of the Claimant to Mr Latwish and invites him to a meeting in Egypt with the Claimant and Mahmoud Jibril. The two men discuss the ongoing conflict in Libya and various militia groups. Mr Bouchiha offers to provide Mr Latwish with any help he needs *“militarily, politically, financially”*.

73.8. On 18 July 2016 the Libyan online news website minbarlibya.com published an article under the heading: *“Details about Dahlan and Bouchiha operations room in Libya”*. This article recorded that the Palestinian website Watan had published information obtained from a former employee of Mr Bouchiha who had fled Libya and asked for asylum in a European country. The former employee had told Watan about a military operations room in Libya from which the Claimant led two groups of UAE forces carrying out various missions in Libya in support of General Haftar, who claims that he is the head of the Libyan National Army.

73.9. In a report dated 1 June 2017 the Panel of Experts on Libya, established pursuant to United Nations Security Council resolutions concerning the UN arms embargo on transfer of weapons to Libya, submitted its final Report to the Security Council.

73.10. The Report described how the Libyan National Army (“LNA”) of General Haftar depends heavily on arms supplies from abroad. It noted how military operations by the LNA, as well as the other warring factions of the Benghazi Defence Brigades and Misratan armed groups had *“exposed local populations to increasing violence, including through air strikes”*.

73.11. The Report stated as follows at paragraph 132:

The United Arab Emirates have been providing both material support and direct support to LNA which have significantly increased the air support available to LNA. The Panel has received no response from the United Arab Emirates to its enquiries.

73.12. The Report detailed some of the primary source material on which this finding was based, demonstrating the reliability and credibility of the claims within it that the UAE had been supplying arms to one of the Libyan warring factions. For example:

73.12.1. The report included a photocopy of a letter from the former Libyan Minister of Interior dated 18 December 2014 asking the Libyan Ambassador to the UAE to intervene in the blockage of the transfer of 100 armoured vehicles and coordinate with the UAE Ministries of Defence and Foreign Affairs.

73.12.2. The report stated that the Panel had received a confidential copy of a contract signed by General Saqr Jerushi, the head of the LNA's Air Force for the purchase of eleven Mi-24v helicopters, along with various armaments to be fitted to those aircraft. The Czech authorities had confirmed to the Panel that seven Mi-24v helicopters had been sold to the UAE and an export license granted in September 2015. The report stated how the technical descriptions and serial numbers of seven of the eleven helicopters purchased by General Jerushi were "*identical*" to the information provided to the Panel by the Czech authorities.

73.13. Middle East Eye reported on the UN Report referred to above in an article dated 11 June 2017 entitled "*UAE breaches UN embargo with gunship exports to Haftar*".

73.14. On 6 October 2017 Le Monde published an article headed (in English translation): "*From Gaza to Abu Dhabi, the ascent of the intriguing Mohammed Dahlan*". The article recounted various incidents from the Claimant's career, describing his close friendship with Crown Prince Mohammed Bin Zayed and how they had together:

supported the destabilisation of Mohamed Morsi, the winner of the 2012 presidential election, of the Muslim Brotherhood. They financed the massive demonstrations in June 2013 which culminated in the coup d'état of General Abdel Fattah Al-Sissi.

73.15. The Le Monde article reported further "*multiple sources*" saying that the Claimant had visited Libya several times since 2012. It reported a telephone conversation, "*believed credible by an expert of Libyan chaos*" in which someone close to Mahmoud Jibril proposes to a militia leader "*the help of Dahlan*".

73.16. The Le Monde article also reported the Claimant's response in November 2016 to a question from an interviewer concerning allegations about his role in Libya. He is reported to have said:

Suppose that the Emirates sent weapons to Libya. How does that bother you? When the French or the English support a corrupt dictatorship it is acceptable. But when an Arab country helps another, it is forbidden?

Egypt

74. At the time of first publication of the words complained of the Second Defendant knew of the Claimant's strong opposition to President Morsi and the Muslim Brotherhood publicly expressed before the Egyptian coup and of the close ties between the Claimant and President Sisi after the coup, including the funding provided to President Sisi's regime by the UAE. He knew of the Claimant's links to Egyptian media, including the Al-Ghad television channel referred to below, and believed it likely that the Claimant had used his influence in and with Egyptian media, with the assistance of funds provided by the UAE, to lay the groundwork for the success of Sisi's coup against Morsi.
75. The Second Defendant's belief in the matters set out above, gained through his long work as a journalist in this field, supported in his mind the credibility of the information with which he had been provided by his sources relating to the Claimant's role, on behalf of the UAE, in seeking also to assist the attempted coup against President Erdogan and the Muslim Brotherhood in Egypt.
76. Since first publication of the words complained of the Second Defendant has become aware of the specific matters identified above at paragraphs 25.17.2 – 25.17.7 and 25.17.9 concerning the Claimant's attacks on Morsi before the coup (and by Morsi on him), the Claimant's proud admission to have played an active role in the overthrow of Morsi, and his claim that by overthrowing Morsi President Sisi had "saved" Egypt and the Arab world, and the information referred to in paragraph 76A below.

76A. On 9 April 2018 the New Yorker magazine published an article written by Dexter Filkins (a journalist of high repute) entitled "A Saudi Prince's Quest to Remake the Middle East". On page 5 of that article Mr Filkins cited various unnamed sources, whom he described as former American officials and a former senior American diplomat, as sources for a claim that Crown Prince Mohammed Bin Zayed, and

Bandar bin Sultan, the director of Saudi intelligence “began plotting with others in their governments to remove Morsi from power” shortly after Morsi was elected President. The plotting was said to include a promise to (then General) Sisi of \$20bn in economic aid if Morsi was deposed. Mr Filkins further attributes to his sources the claim that “As the coup took shape, Bandar and Sisi used Mohammad Dahlan, a Palestinian confidant, to carry messages and money to collaborators in the Egyptian military.”

77. The Second Defendant has also since first publication become aware of the following information concerning the Claimant’s activities in Egypt’s Sinai, which he believes fits into the established pattern of conduct by the Claimant in the region on behalf of and funded by the UAE, and so provides further support for the public interest in publishing the words complained of:

77.1. During an interview with an Egyptian television channel in around March 2014 the Claimant admitted to the interviewer he had *“Fatah members, young nationalist men who left Gaza, in Sinai”*.

77.2. On 7 July 2017 the WatanSerb website, in an article entitled *“International lawyer reveals truth behind two attacks in Sinai and role of Dahlan gangs”* reported statements by Mahmoud Rafaat that men operating under the Claimant’s command in Sinai had carried out two military operations.

77.3. On around 28 July 2017 the Turkish newspaper Yeni Safak alleged that the Claimant had set up a training camp in Sinai, bankrolled by Crown Prince Mohammed Bin Zayed, in order to train 8000 fighters with the aim of taking control of Gaza.

Tunisia

78. The Arab Spring was sparked in Tunisia, with the self-immolation of Mohamed Bouazizi on 17 December 2010. This led to a series of street demonstrations and the eventual ouster of President Zine El Abidine Ben Ali on 14 January 2011, after 23 years of rule. Following elections held in December 2011 Moncef Marzouki became President. He appointed a government led by the Islamist Ennahda movement. President Marzouki then lost an election held in November and December 2014 to President Beji Caïd Essebsi of the secular Nidaa Tounes party.

79. Before first publication of the words complained of the Second Defendant had been told by former President Marzouki in an interview which he conducted with him on 26 June 2016 that he believed that the UAE had been behind a series of assassinations in Tunisia in 2013 which had had the effect of destabilising his government.
80. The Second Defendant had also been told in around June 2016 by Nebil Karoui, a well-known Tunisian entrepreneur and former aide to the current president of Tunisia, Beji Caid Essebsi, that he (Karoui) had been offered a bribe by the UAE.
81. What the Second Defendant had been told about the UAE seeking to interfere in Tunisian affairs, so as to destabilise the government, lent further credibility in his mind to the claims that the UAE had also sought to intervene in Turkey and Libya.
82. Since first publication of the words complained of the Second Defendant has learnt further information, set out below, which supports his belief that the continued publication of the words complained of is in the public interest.
83. On 5 December 2014, before the second round of the Tunisian elections Tunisian journalist Saleh Attyia stated on Tunisian television that he had received information confirming the existence of a crisis cell in the UAE, led by the Claimant, with a leading figure in Nidaa Tounes as one of its agents. He said that the cell had commissioned that agent to assassinate prominent political figures in Tunisia and to carry out a coup should President Marzouki have won the second round of the elections. This was reported in the Watanserb article referred to below at paragraph 88.
84. On 18 May 2015 a Tunisian journalist claimed on Tunisian television that President Essebsi had told him that the UAE had asked him to repeat the Egyptian scenario and to remove the Ennahda movement, in return for which the UAE would fulfil its financial commitments to Tunisia. President Essebsi had said that he rejected this offer, preferring a policy of dialogue and consensus rather than civil war. This was also reported in the Watanserb article referred to below at paragraph 88.
85. On 30 December 2015, as reported in the Arabic media at around that time, the Watan newspaper published an interview with Adnan Mansar, the Secretary General of a Tunisian political party then recently set up by President Marzouki, 'Harak Tunis al-Irada'. Mr Mansar compared what the UAE was doing in relation to Tunisia with what had happened in Egypt, saying (in English translation):

The hostility of the UAE towards Tunisian democracy is clear from its injection of a large amount of money to Tunisia in order to drive the country into a situation similar to what happened in Egypt.

86. On around 23 January 2016 President Marzouki made a speech to the Conference of the Coalition of Associations for Democracy and Freedoms in Paris in which he alleged that the UAE was creating and funding political parties and companies with the aim of making the Arab Spring fail.
87. On around 23 January 2016 President Marzouki stated in an interview with France 24 Arabic that the UAE had been financing “*counter-revolution*” in Tunisia, as well as in Egypt, Libya and Syria.
88. On 24 January 2016 Watanserb published an article entitled (in English translation) “*“Watan” reveals: Operations and assassinations room led by Dahlan ... This is why Marzouki blew up in the UAE’s face*” which reported on President Marzouki’s recent Paris speech and a number of other matters relating to Tunisia, including attacks on Marzouki by the UAE. The UAE Minister for Foreign Affairs, Anwar Qargash, had attacked President Marzouki as a “*tool*” for “*those who carry an extremist and sectarian project for the region*”.

Events since first publication

89. In addition to the information identified above which the Second Defendant came to know after first publication of the words complained, he also became aware of the following matters occurring after first publication, which have supported and sustained his reasonable belief that it remains in the public interest to continue to publish the words complained of.
90. On 3 August 2016 an Egyptian television channel either owned by or known to have very close links to the Claimant (Al-Ghad) broadcast an interview with Fetullah Gulen, the man alleged by Turkey to have been behind the coup. This was Mr Gulen’s first interview since the coup had failed. He used the platform to severely criticise President Erdogan, and called for the international community to put pressure on him to abide by the rule of law. He criticised the large number of arrests of army personnel and of judges, journalists and businessmen which had taken place after the coup. The

Second Defendant considered it significant that Gulen had chosen a channel publicly linked to the Claimant for his first interview.

91. On around 26 September 2017 Interpol voted to admit Palestine as a full member. On 29 September 2017 Middle East Eye reported, in an article headed *"Palestine to seek Dahlan's arrest through Interpol, officials say"*, comments made by an aide to President Abbas that the Claimant and two others were going to be *"top of the list"* of individuals that the Palestinian Authority would ask Interpol to pursue.

Contact with the Claimant

92. The information which the Second Defendant had been given was highly significant, and was perishable. The Second Defendant suspected that if the First Source was giving him the information in question he would also be giving it to the Turkish media, and so there was a need to publish swiftly.
93. The Second Defendant knew that a journalist from Middle East Eye had three times in the past sought to obtain comment from the Claimant to allegations concerning his conduct, and that each time the Claimant did not respond.
94. In August 2014, Rori Donaghy, a journalist for Middle East Eye spoke to the Claimant's assistant Zahia and told her that he wished to put some questions to the Claimant concerning an article he was writing about the role of the Claimant in Serbia and Montenegro. She asked him to put the questions to her in writing, which he duly did. The Claimant did not respond.
95. On 19 December 2014 Mr Donaghy sent an email to the Claimant's assistant Zahia. After introducing himself and the story he was writing concerning relations between Israel and Abu Dhabi, he posed a number of questions for the Claimant, including: *"Can you clarify your role in advising the UAE leadership, what exactly do you do for them?"*. Mr Donaghy received no reply to that email.
96. On 18 July 2016, Mr Donaghy sought a response from the Claimant, again through Zahia, in relation to an article on Middle East Eye, the article referred to in Appendix A at paragraph 22. The Claimant again did not respond.

97. In light of the above, and in light of his knowledge more generally of reporting about the Claimant obtained through his professional life, the Second Defendant reasonably believed that an approach to the Claimant in relation to the information which he had obtained from his sources was unnecessary as it would have been pointless. Furthermore, to the best of the Second Defendant's knowledge and belief the Claimant is not in the practice of responding in real time to allegations put to him or published about him. He has no press office or representative or telephone or email contact information for press and media inquiries. When he does make comment for the media, he selects particular journalists to meet, usually in Cairo hotels.
98. As stated already above, the Claimant was offered, on 21 October 2016, less than a month after his solicitors first complained, the publication of a statement by way of response or rebuttal at the foot of the article complained of. The Claimant's solicitors rejected this offer out of hand on 14 November 2016, saying that the inclusion of such a statement would *"simply portray [the Claimant] as a liar and a hypocrite in his denials"*. The Defendants' offer to publish such a statement was repeated on 22 November 2016, and remains open.
99. The Claimant's flat refusal of the offer to publish a response to the words complained of, and the reasons which he gave for that refusal demonstrate that the Claimant's belief that it was pointless and unnecessary to contact him was correct.
100. Moreover, before publication of the article referred to above concerning the Claimant's investigation by the International Criminal Court the First Defendant's journalist contacted the Claimant through his solicitors, putting a number of detailed questions to him, and giving him sufficient opportunity to reply. The Claimant declined to give any substantive response to the points raised with, simply instructing his solicitors to assert that the allegations against the Claimant were *"politically motivated"*.
- 100A On 23 April 2018 the Defendants' solicitors wrote to the Claimant's solicitors raising the New Yorker article referred to in paragraph 76A above, noting that it did not include any comment from the Claimant, nor did it indicate (as it did in relation to the Emirati Embassy) that comment had been requested but not forthcoming. The Claimant was asked to comment *"specifically as to whether he denies or admits that he performed a role on behalf of the UAE substantially as attributed to him by Mr Filkins' American source(s)"*. The Claimant has not responded to that request.

100B Following the Turkish Foreign Minister's statement to Arab journalists that the Claimant had been responsible for conveying funds from the UAE to those said to be behind the failed Turkish coup (as referred to at paragraph 24.6 above), the Claimant made a public statement on his Facebook page which, amongst other things, denied any link between him and the Turkish opposition groups. The Defendants' solicitors wrote to the Claimant's solicitors on 18 July 2018 offering to "add a short update to the article complained of online by way of update, referring to the Foreign Minister's comments and to [the Claimant's] public denial on Facebook", noting that the Defendants' previous offer referred to above at paragraph 98 had been rejected, but enquiring as to whether the Claimant's position may have evolved. The Claimant did not accept this offer, rather his solicitors stated on 6 August 2018 that what they described as the "clarification" offered was "totally inadequate".

Damage and damages

101. Paragraph 8 is denied.

102. It is denied that the Claimant has suffered considerable, or any, distress or embarrassment as a result of the publication of the imputation complained of.

102.1. As pleaded above at paragraphs 25.17.3 – 25.17.6 and 25.17.9 the Claimant has proudly stated that he played an active role in the removal of the democratically elected President Morsi and has claimed that the man who overthrew him in a military coup, President Sisi, saved Egypt and the Arab world. In light of those public statements, the Claimant's claim to have suffered embarrassment at an allegation that he played an active role in an attempt to overthrow the democratically elected President Erdogan by military coup is not worthy of belief.

102.2. As pleaded above at paragraph 73.16, when asked whether the UAE had sent weapons to Libya the Claimant responded by asking the interviewer why that would bother him, and questioning why it should be forbidden for one Arab country to help another, thereby demonstrating his view that an allegation of intervention in the Libyan civil war is nothing to be embarrassed about. The Claimant's publicly expressed lack of concern about this allegation mirrors that

privately expressed by Ambassador Otaiba in his 25 August 2014 email referred to above at paragraph 73.5.

103. The Defendants note that a claim for aggravated damages is made in the prayer, although no basis for aggravated damages is pleaded in the body of the Amended Particulars of Claim. For the avoidance of doubt, it is denied that the Claimant is entitled to any damages, whether general or aggravated or otherwise.

104. In his Further Information dated 21 December 2017 the Claimant stated that he “makes private and public appeals for charitable donations, inter alia, at public fund raising events and private appeal for political donations”. Pending an explanation as to whether and if so the extent to which such fundraising takes place either in England and Wales, or in any of the Additional Jurisdictions, it is denied that the publication of the article complained of in those jurisdictions is likely to damage the Claimant’s prospects for raising donations for his political or charitable works. ~~The Claimant’s “political and charitable works” are carried out exclusively, alternatively primarily, in jurisdictions other than England and Wales. By seeking damages on account of adverse effects on those activities he is impermissibly seeking to use a libel action confined to publication within England and Wales to protect his international reputation.~~ The Defendants reserve the right to plead further to this allegation once the Claimant has answered the request for further information as to the Claimant’s ~~political and charitable works~~ and fundraising activities which accompanies this Amended Defence.

105. If and insofar as necessary, the Defendants will rely on the following in mitigation and/or extinction of damages:

105.1. The Claimant’s delay in complaining and issuing proceedings:

105.1.1. No complaint was made about the article in question until 19 September 2016, nearly two months after first publication.

105.1.2. That complaint led to an exchange of correspondence which terminated with a letter from the Defendants’ solicitors dated 22 November 2016.

105.1.3. The correspondence did not resume until letter from the Claimant's solicitors dated 2 February 2017.

105.1.4. The Defendants' solicitors replied by letter dated 24 February 2017. Nothing was then heard from the Claimant until nearly four months later, then his solicitors informed the Defendants' solicitors by email dated 14 June 2017 that they had instructions to issue proceedings, which was then done on 21 June 2017, nearly 11 months after the words complained of were first published.

105.2. The Claimant's general bad reputation, in England and Wales and in the Additional Jurisdictions, as a controversial political figure associated with corruption, torture and human rights abuses, the use of force for political ends, and opposing, undermining and supporting the overthrow by force of democratic governments in the Middle East on behalf of the UAE.

105.3. Such of the facts set out above in the public interest section of the Defence which are admitted or proved at trial.

Injunctive relief

106. Paragraph 9 is admitted. The Defendants intend to continue to publish the words complained of, reasonably believing that it is in the public interest to do so. As noted above, the Defendants' offer to publish a statement from the Claimant at the foot of the article complained of remains open.


ADRIENNE PAGE QC

JACOB DEAN

ADRIENNE PAGE QC

JACOB DEAN

The Defendants believe that the facts stated in this Defence are true.

Signed

Served this 10th day of September 2018 by Carter-Ruck of 6 St Andrew Street, London, EC4A 3AE. Solicitors for the Defendants

MEDIA AND COMMUNICATIONS LIST

BETWEEN:

MOHAMMED DAHLAN

Claimant

and

(1) M.E.E LIMITED
(2) DAVID HEARST

Defendants

APPENDIX A TO
AMENDED DEFENCE OF BOTH DEFENDANTS

1. On 3 April 2008 in an article headed "*The Gaza Bombshell*" Vanity Fair published an investigation by the journalist David Rose into the civil war in Gaza in 2007. The article, said to be corroborated by sources in the US and Palestine, reported a "plan for forces led by [the Claimant], and armed with new weapons supplied at America's behest, to give Fatah the muscle it needed to remove the democratically elected Hamas-led government from power." A Hamas leader was reported as saying: "Everyone here recognises that Dahlan was trying with American help to undermine the results of the elections. He was the one planning the coup."
2. Published along with the Vanity Fair article were a number of the primary documents on which it was based, including a document which was said to reveal "details of the secret talks between Palestinian strongman Muhammad Dahlan and Lieutenant General Keith Dayton".
3. The Vanity Fair article also reported allegations by Hamas that "[the Claimant]'s forces routinely tortured detainees" and described the experiences of those who had been tortured by the Claimant's forces. Whilst bound and blindfolded, victims of that torture had been forced to chant "By blood, by soul, we sacrifice ourselves for Muhammad Dahlan! Long live Muhammad Dahlan".
4. The article reported Claimant's response to that allegation as follows:

“Definitely there were some mistakes here and there. But no one person died in Preventive Security. Prisoners got their rights. Bear in mind that I am an ex-detainee of the Israelis’. No one was personally humiliated, and I never killed anyone the way [Hamas is] killing people on a daily basis now.”

...

“The only order I gave was to defend ourselves. That doesn’t mean there wasn’t torture, some things that went wrong, but I did not know about this.”

5. An article dated 25 January 2011 published by the Guardian entitled: “*Palestine papers: Mohammed Dahlan*” reported the following:

Dahlan was in close contact with the CIA and Israel's Shin Bet security service and accumulated a personal fortune. He was accused of creaming off tax revenues into his bank account and is widely seen as corrupt.

...

Dahlan reportedly played a key role in the June 2007 CIA-backed coup against the Hamas-led administration in Gaza, which backfired and led to the defeat of Fatah and a fatal rupture with the PLO.

...

Late last year he was reported to have been suspended from the Fatah central committee and placed under investigation over suspicions he was planning to form his own militia and seeking to oust Abbas.

6. In article written for the Huffpost website first published 21 February 2014 entitled “*The Coup That Wasn’t*” the Second Defendant reported on recent events in Libya, including the announcement of a military coup which then failed to materialise. The Second Defendant questioned who was behind the coup. He reported that a statement put out on Facebook on behalf of “The Revolutionary Operations Room”, a group which represents a range of Islamist extremists, had pointed the finger at the UAE, claiming they had established security cells in Libya to overthrow the Parliament and to co-ordinate media coverage. The Second Defendant wrote:

The events in Libya this week are just the latest of a series of failures for the UAE Crown Prince Mohammed Bin Zayed, accused in the ROR statement, of masterminding the “security cell” and his righthand-man Mohammed Dahlan, the former Fatah leader in Gaza.

7. An article in Middle East Eye dated 4 April 2014 entitled: “*Murder, spies and alibis: The return of Dahlan*” examined the background of the Claimant in context of recent activity suggesting he was planning a comeback to Palestinian politics. The article contained the following passages:

Times were different then [i.e. around 2003]. Dahlan, a former Palestinian Authority (PA) minister, national security advisor and head of Gaza's Preventative Security Service (PSS) – an organisation notorious for its links to US and Arab intelligence agencies and innovative torture techniques – was likely the most powerful Palestinian in the world.

...

Asserting their newfound power following Rajoub's exit, Fatah militias loyal to Dahlan and his "Gang of Five" made it clear to any ambitious Fatah leader that the movement had a new leadership. The Gang of Five "put the West Bank faction of Jibril Rajoub in the shade", reported UPI at the time, adding that "Dahlan's men have even roughed up squads of Rajoub's bully boys".

...

Dahlan and his supporters were chased out of Gaza by Hamas in 2007, and then out of the West Bank by his own party in June 2011. This occurred after he was accused of corruption and the poisoning of Arafat, on behalf of Israel, during the Israeli siege.

...

How is it possible that Dahlan, accused of appalling crimes during his Gaza reign, remains relevant? He has been accused of torture, spying for Israel, and assassinations on its behalf. Additionally, according to a Vanity Fair investigation in April 2008, he attempted a coup in Gaza against the elected Hamas government that led to a civil war, resulted in Hamas seizing Gaza, and deepened disunity that still plagues Palestinians.

Before his ousting by Hamas, Dahlan had commanded a 20 000-strong security force in impoverished Gaza, and led a special unit funded and trained by the CIA. The Gaza Strip was mockingly but tellingly referred to by some as "Dahlanistan".

Even after being banished by both Hamas and Fatah, Dahlan's name continued to be associated with bloody conflicts in other parts of the Middle East. In April 2011, Libya's Transitional National Council accused him of links to an Israeli weapons' cache allegedly received by former Libyan leader Muammar Ghaddafi.

...

Abbas's list of accusations against Dahlan which included the latter's alleged role in the assassinations of Hamas leader Salah Shehadeh, his family and some neighbours in an Israeli air strike in 2002. Abbas further implied that Dahlan had a role in Arafat's poisoning in 2004. The PA president referred to 'three spies' who worked for Israel and had carried out high profile assassinations of Palestinians. Apart from Dahlan, he was also referring to Hassan Asfur, another member of the 'Gang of Five'. Hamas immediately called for an investigation.

...

When Hamas raided Dahlan's house in Gaza in 2007, they discovered a huge cache of unlicensed weapons and thousands of bullets. Stacks of photographs of him with senior Israeli military and intelligence officials were also found. The pictures suggested friendly relations between Dahlan and the Israeli leaders responsible for substantial violence against Palestinians.

But Dahlan's adventures, it seems, are not restricted to wild statements about the PLO president. His supporters in the Sinai desert are suspected of wreaking havoc

and being an integral part of the ongoing violence there. And his wife has been accused of dishing out large sums of money to selected Palestinians in refugee camps in Lebanon. The Dahlan story is set to grow, and is linked inextricably to the Egyptian coup and role of the UAE in the region.

8. An article in Middle East Eye dated 7 April 2014 and entitled "*Profile: Mohammed Dahlan, Gaza's comeback kid*" profiled the Claimant as "one of the most controversial men in Palestinian politics". It contained the following passages:

Over the course of his long and turbulent political career, Mohammed Dahlan has been called many different things: a Palestinian freedom fighter, a murderer, a future leader of Fatah - even a Central Intelligence Agency (CIA) operative and an Israeli spy.

Although a onetime protégé of Yasser Arafat, Dahlan has also been accused of poisoning and killing his former mentor. He has likewise swung from being a strong ally of Palestinian President Mahmoud Abbas to one of his most hated enemies. In March, Abbas dredged up accusations linking Dahlan to Arafat's death in 2004 - remarks that will likely send reverberations through the Palestinian political scene for years to come.

...

Dahlan, America, and his Israel connection

This power, however, came at a price. Dahlan quickly came embroiled in allegations of widespread corruption and heavy-handedness. Gaza was nicknamed "Dahlanistan" during his rule. As part of his PSS appointment, Dahlan received CIA military training and worked closely with Israeli's security services on imprisoning scores of Palestinians, mainly Hamas supporters. In 2002, according to Abbas' most recent accusations, Dahlan helped coordinate an Israeli airstrike that killed prominent Hamas figure Salah Shahadeh along with his wife, daughter and 12 other civilians.

...

Dahlan's post-Arafat and anti-Abbas dalliances

Arafat's suspicious death in 2004 set the stage for Israeli's withdrawal from Gaza in 2005 and for Palestinian National Council elections in 2006. These elections, however, brought Hamas to power in the Strip and widespread clashes followed between Hamas and Fatah supporters. These intensified in December after a failed assassination attempt on Hamas' prime minister Ismail Haniyeh. After the affair, Dahlan was forced into exile again, with an explosive 2008 Vanity Fair article subsequently linking him and the CIA to the botched putsch.

9. In an article dated 17 July 2014 entitled "*Playing with ceasefires*" published by both Middle East Eye and HuffPost UK the Second Defendant examined power politics in the Middle East, in the context of Egyptian attempts to broker a ceasefire in Gaza. He identified three rival regional blocks, namely (i) "the counter-revolutionary club of Saudi Arabia, the Emirates, Egypt" which "sees democracy in the Arab world as a mortal enemy, particularly when power falls into Islamist hands (ii) "the club of Turkey, Qatar,

Tunisia, Morocco, who are all friendly to, and fund, popular Islamist movements” and (iii) “Iran and Hezbollah, the Shia block”. The Second Defendant wrote the following concerning the Claimant:

The UAE, however, is more interested in replacing Hamas in Gaza with the Fatah strongman Mohammed Dahlan, a former CIA and British intelligence asset. The UAE both house, funds and runs Dahlan.

10. In article dated 15 August 2014 Middle East Eye reported on connections between the UAE, the Claimant and Serbia, under the headline: *“The UAE’s shadowy dealings in Serbia.”* The article was illustrated with a photograph showing Crown Prince Mohammed Bin Zayed visiting Red Star Football Club, along with the Serbian Prime Minister Aleksander Vucic and the Claimant. That article contained the following passages:

Over the past two years the UAE has invested billions of dollars in Serbia.

The Emirati leadership has agreed lucrative deals to develop the Serbian arms industry; bought a significant stake in its national airline; and handed out multibillion dollar loans to the government.

The reasons for UAE investment in Serbia are shrouded in secrecy, although Serbian sources have revealed to MEE that they go far beyond any potential financial rewards.

The Crown Prince of Abu Dhabi Mohammed bin Zayed al-Nahyan has been accused of acting as a proxy for the US and Israel in Eastern Europe while also attempting to exploit a loosely regulated Serbian arms market to distribute weapons across the Middle East.

Behind the huge investment lies the shadowy figure of exiled Palestinian strongman Mohammed Dahlan. He is said to be at the centre of a web facilitating communication between the UAE with American and Israeli intelligence figures while also aiding corrupt Emirati investments in Serbia that have lined the pockets of their political leaders.

...

Mohamed Dahlan: the UAE fixer

Aleksandar Vucic was elected as prime minister of Serbia in April this year. He was previously known for his vitriolic hatred of Muslims, in 1995 he is reported as having said that Serbia “would kill 100 Muslims for every Serb who died” during the civil war.

Vucic now enjoys what he described as a “close personal friendship” with Sheikh Mohammed of Abu Dhabi.

This friendship and subsequent heavy UAE investment in Serbia was only possible because of one man: Mohammed Dahlan.

Dahlan, the former Palestinian spy chief in Gaza, has been living in exile in the UAE since he was chased out of the West Bank in June 2011. Palestinian President

Mahmoud Abbas has accused him of financial embezzlement and acting as an Israeli agent involved in assassination attempts on the late Yasser Arafat. He is now widely reported as serving as a security advisor to Sheikh Mohammed in Abu Dhabi.

Dahlan was the linchpin in improving ties between Serbia and the UAE in 2012, after relations had soured four years earlier when the Emiratis became the first Arab country to recognise Kosovo as an independent and legitimate state.

Dahlan's mediation role hinged on his own interests in Eastern Europe, which centre on Montenegro. He was given Montenegrin citizenship in 2012, despite what Serbian analyst Pekic describes as "a very restrictive policy" that does not allow double citizenship.

Montenegrin officials have not disclosed why they gave Dahlan citizenship, but MEE's Serbian source has suggested it could be to do with his lucrative business dealings in Montenegro, claiming "there is strong evidence Dahlan has used Montenegro to launder Palestinian money he has embezzled".

...

Dahlan is said to have used his Montenegrin connections to facilitate a visit by Prime Minister Milo Djukanovic to the UAE last year. Serbian Prime Minister Vucic later referred to that visit as being key to improving his own previously sour relations with Montenegro when he said: "we were very pleased when Djukanovic said a few nice words about Serbia in his talks with UAE officials. He was decent enough to advise them to invest in Serbia's defence industry."

That advice is what led to the UAE investments in Serbia's weapons industry in recent months.

In April 2013 the Serbian President Tomislav Nikolic – a key Vucic ally in Serbia – awarded Dahlan with the Medal of the Serbian Flag "for his contribution to peaceful cooperation and friendly relations between Serbia and the UAE".

Dahlan could also be called upon to give advice on the arms trade as he himself is said to have experience of covertly working within it. He is accused by the Palestinian Fatah Party of being involved in shipping Israeli made arms to former Libyan leader Muammar Gaddafi. He has connections to Libya, as revealed by a WikiLeaks cable from 2010 that detailed a meeting he held in Spain with Gaddafi's son Saif.

As well as aiding the UAE's investments in Serbian arms, Dahlan could also be playing a key role in the alleged Emirati goal of fulfilling American and Israeli interests in Eastern Europe. A Serbian intelligence source, who asked to remain anonymous, told MEE that Dahlan has a "warm relationship" with former CIA Director George Tenet and "ties" to Amnon Shahak from the Israeli army and Yaakov Perry from Mossad.

The source said that Dahlan has connections to exposed Israeli agents in Eastern Europe too, through the Palestinian Adnan Yasin who is currently living in the Bosnian capital Sarajevo. Yasin is a former employee of the Palestinian Liberation Organisation who was arrested in Tunisia in 1993 after French security agencies "expressed concern at his activities".

Yasin is reported as having confessed to working for Mossad in 1991.

11. An article in Middle East Eye dated 21 December 2014 entitled “*Return to Dahlanistan?*” reported on rallies held in support of the Claimant in Gaza, and contained the following passages:

In June 2011, with mounting financial and corruption charges against Dahlan, Fatah’s Central Committee decided to drop him from the party. With some popularity remaining amongst party members, he rejected the decision but was unable to keep his membership, despite the support he still has among Fatah members in Gaza.

One of their most fierce naming-and-shaming campaigns took place last March. In Fatah’s Revolutionary Council, Abbas blamed Dahlan for participating in the assassination of former Palestinian president Yasser Arafat. Dahlan denied the long-standing claim and swiftly responded, saying Abbas was helping foreign and Israeli leaders achieve their own agendas.

Earlier this month, dormant Dahlan-Abbas squabbling was renewed when Rafeeq Al-Natsheh, chairman of the PA’s Anti-Corruption Commission, referred a case of misused funds against Dahlan to a court dealing with financial corruption. Dahlan said the move was a “political sentence”.

...

Meanwhile, Bardawil [a Hamas leader] revealed to Middle East Eye that, in addition to supporting the PA security forces fired this week, Dahlan has pledged support for those affected by this summer’s war.

Dahlan, said Bardawil, is offering to provide \$5,000 for each family that lost a family member, \$10,000 for each family that lost a house, \$1,500 for each individual seriously wounded and \$700 for each moderately wounded individual. One of Dahlan’s aides told local media that the money would come from the United Arab Emirates via Dahlan to the families.

12. An article in Middle East Eye dated 22 December 2014 entitled “*Secret flight linking Israel to the UAE reveals ‘open secret’ of collaboration*” contained the following passage:

Secretive Israeli-Emirati ties – including the sale of security equipment to Abu Dhabi – may have been aided by the presence of exiled Palestinian strongman Mohammed Dahlan in the UAE.

Dahlan lived in the UAE since being chased out of the West Bank in 2011, accused by Palestinian Authority President Mahmoud Abbas of financial embezzlement and acting as an Israeli agent involved in assassination attempts on the late Yasser Arafat.

Dahlan is said to have helped foster valuable relations between the UAE and Serbia and was allegedly involved in shipping Israeli-made arms to former Libyan leader Muammar Gaddafi.

After initially agreeing to be interviewed by MEE, Dahlan declined to comment on UAE-Israel relations.

13. An article in the Guardian dated 30 January 2015 entitled “*Mahmoud Abbas rival given Serbian citizenship, documents reveal*” reported the granting of Serbian citizenship to the Claimant, and suggested that he could be planning to use that country as a base to launch a leadership challenge against Mahmoud Abbas. It contained the following passages:

Serbia’s government has quietly granted citizenship to Mohammed Dahlan, a key rival of the Palestinian president, Mahmoud Abbas, and adviser to the crown prince of Abu Dhabi.

Dahlan, his family and five key political supporters were all granted citizenship between February 2013 and June 2014, according to documents from the state’s official gazette analysed by the Balkan Investigative Reporting Network (BIRN).

...

Dahlan is credited with facilitating Abu Dhabi’s promised investment of billions of euros in Serbia. However, the government in Belgrade has refused to explain whether this is the reason for granting citizenship to him and 11 other Palestinians in the past two years.

...

Dahlan, a former PA security chief, was seen by many as Yasser Arafat’s likely successor but lost out to Abbas. The latter accused him of corruption and he was kicked out of the political party Fatah in 2011.

...

Dahlan has publicly denied the accusations but refused to respond to questions sent to him by BIRN. His backers dismiss the court cases as nothing more than politically motivated show trials, while Abbas and the PA claim to have produced extensive reports on his alleged wrongdoing.

A spokesman for Abbas said: “According to all national and international rules, when somebody wants to take a passport from another country, they [the government] should check to make sure that they have a clean file and clean history and not just give it. They have not asked the Palestinian side about their history or whether they are criminals or not.

“We will send a letter to the Serbian president and prime minister to stop that.”

...

Dusan Simeonovic, former ambassador to Egypt and Palestine, told BIRN the move was “clearly a sign of gratitude for Dahlan’s role in implementing investments from the UAE”.

...

Dahlan was instrumental in forging new diplomatic and economic ties between Crown Prince Sheikh Mohammed bin Zayed of Abu Dhabi and the Serbian government. He was decorated by President Tomislav Nikolić with the Medal of the Serbian Flag in April 2013 for his role in “the development and strengthening of peaceful cooperation and friendly relations between Serbia and the United Arab Emirates”.

The president's office refused to elaborate on this when questioned by BIRN last week, adding only that Dahlan was "a close associate of Sheikh Mohammed bin Zayed who had contributed to investments from the UAE".

Serbia opened an embassy in Abu Dhabi in August 2013. This blossoming relationship played a key role in finalising a series of intergovernmental deals signed between Serbia and Abu Dhabi, promising billions of euros of investment through companies connected to the ruling family.

14. On 21 February 2015 The New Arab, an English language news website based in London covering stories from the Arab world and beyond, published an article entitled: *"New Sisi link shed light on Libya intrigue"*. The article concerned a leaked recording which had been published by the Libyan Panorama channel containing a conversation between Egyptian President Sisi and his chief of staff, Major General Abbas Kamel, discussing Libya. The article contained the following passages:

The first few minutes of the leaked conversation focused on Ahmad Gaddafi al-Dam, the cousin of Colonel Muammar Gaddafi, and on the Libyan Prime Minister at the time, Ali Zeidan. The conversation then turned to the controversial Palestinian figure and former Fatah leader Muhammad Dahlan. Abbas Kamel alluded to the importance of Dahlan's position as adviser to the Crown Prince of Abu Dhabi, Muhammad bin Zayed Al Nahyan, highlighting Dahlan's secret role in Libya.

...

According to the leaked recording, Sisi had reservations regarding Dahlan's arrival in Egypt at the time. General Kamel responded to this by saying that Dahlan served as an adviser in the UAE, and that Mahmud Abbas was angry that the Commander-in-Chief had called on Fatah to be united – a reference to the need for Abbas to improve his relationship with Dahlan at the expense of Hamas.

15. On 3 March 2015 Middle East Eye published an article under the heading: *"Dahlan says he wants to run as next Palestinian president"*. The article contained the following passages:

In an interview this week from his current home in Abu Dhabi, Dahlan told Newsweek he has a "nice life" in the Gulf "but believe me, my heart is there."

"If there was an election tomorrow, I'll go back."

Dahlan was expelled from the Fatah political party by Palestinian Authority President Mahmoud Abbas in 2011 following accusations of corruption, but instead of falling from grace, Dahlan has revelled in his outcast role by cementing strong relationships with the Emirati and Egyptian governments.

Through a consultancy business he told Newsweek that he runs from his home, Dahlan is widely reported as acting as a security advisor to Sheikh Mohammed bin Zayed al-Nahyan, the Crown Prince of Abu Dhabi, where he played an influential

mediating role in securing arms deals between the UAE and Serbia. Last year, the Serbian government granted him and his family Serbian citizenship.

In the interview, Dahlan also claimed credit for the brief opening of the Egyptian Rafah border crossing in January, saying that the move came after he paid a visit to Egyptian officials.

...

The acrimonious rift between Mahmoud Abbas and Dahlan escalated into a public feud where the two have traded accusations of corruption, even accusing the other of having a hand in the death of the late president Yasser Arafat.

"Because I know the facts, Abu Mazen [Abbas] hates me," Dahlan told Newsweek. "I understand that, by the way. But it doesn't give [him] the right to claim that I'm corrupted like [he is]."

Dahlan once commanded the PA Preventative Security Forces in the 1990s, which clamped down on Hamas activists harshly. He denies that there was any torture involved, but Hamas has not dismissed his notoriety and view him as a bitter enemy.

Dahlan was in charge of the security forces that failed to implement a coup against the Hamas government in 2007, and were overcome by Hamas in the Gaza strip. Recently, a rapprochement between Dahlan and Hamas led to the suggestion that relations between the two were driven by their shared rivalry of Abbas.

16. In an article dated 13 March 2015 entitled "*New Sisi leak reveals more on Dahlan's role in Libya*" Middle East Monitor reported on further leaked tapes published by Panorama. The article contained the following passages:

Libya's Panorama channel aired another leaked audio recording purports to reveal more about the role dismissed Fatah member Mohammed Dahlan played in the unrest in Libya.

In the recording, aired yesterday, Egyptian President Abdel Fatah Al-Sisi's office manager Abbas Kamel is heard revealing that Dahlan, accompanied by three people, will secretly visit Libya on a private jet.

In the recording, Kamel is heard recommending a military official allow Dahlan to leave the Libyan airport in secret, noting that Dahlan has already caused a problem for the Egyptian authorities because he travels upon orders from the UAE which monitors all his movements.

...

The first part of the recording reveals an alleged phone call between Kamel and military council member Mahmoud Hijazi, in which Kamel provides Hijazi with Dahlan's flight information to Cairo with a Libyan person named as Mohammad Ismail Ahmad Ismail who worked as a security advisor to Saif Al-Islam Gaddafi, son of the late Libyan leader.

Ismail fled to the UAE after the Libyan revolution and works with Mahmoud Jibril and Dahlan in the UAE to monitor the situation in Libya.

In the recording Kamel is heard mentioning Dahlan mockingly and referring to him as “that person!”

Kamel is also heard giving a man named Husam Dahlan’s flight number and the names of those travelling: Mohammed Ismail Ahmed Ismail, Mohammed Khalid Idris Dahlan, Saleem Sheikh Musa Mahmoud Al- Sheikh and Mohammad Yusuf Shakir Dahlan.

Kamel noted in the recording that a security vehicle will escort Dahlan and his companions and arrange their meeting with Hijazi the next day.

17. Also on 13 March 2015 Middle East Eye reported on the leaked Panorama tapes, in an article entitled: *“New Egypt leak alleges role for shadowy Palestinian businessman in Libya”*. The article contained the following passages:

Mohammed Dahlan travelled to Libya on a private plane on orders from the UAE, according to leak apparently from President Sisi’s office

The latest alleged leak to target the Egyptian government claims that controversial Palestinian businessman Mohammed Dahlan conducted a secret visit to Libya last year.

According to the tape, released on Thursday night by Libyan news channel Panorama, the visit was arranged by the United Arab Emirates, which Dahlan uses as a base.

...

The audio features a voice purported to be that of Abbas Kamel, office manager to then-army chief, now president, Abdel Fattah al-Sisi.

The voice is heard discussing arrangements to collect Dahlan from an airport in Libya, where he was apparently scheduled to arrive by private plane.

Dahlan, a sacked member of Palestine’s Fatah party who recently announced his wish to run for office as president of Palestine, was alleged by a previous leak to be working in Libya as a security consultant for the UAE.

The recording also claims to shed light on Egyptian intervention in Libya, a long-discussed topic and the subject of the previous alleged leak from Sisi’s office.

The voice is heard to warn of the possible consequence of any judicial proceedings being launched against Ahmed Gaddafi al-Dam, a cousin of former strongman leader Muammar Gaddafi and Tripoli’s special envoy to Cairo for years before his arrest by Egyptian police in March 2013.

Officials from Mohammed Morsi’s Muslim Brotherhood government, overthrown in July 2013, wanted to charge him with forging official documents. However, he was released after a month in detention, and was not rearrested by the succeeding government.

In Thursday’s broadcast, the voice said to be that of Kamel is heard to say that Dam is “co-operating with [Sisi’s government]”.

Later in the recording, the voice is heard discussing a shipment of eight tonnes of arms, which he says is enough to fill a plane – the voice does not specify a destination for the possible shipment.

18. In an article for Huffpost first published 31 March 2016 entitled “*The King’s Speech*” the Second Defendant described an attack on Turkey by King Abdullah of Jordan, who had claimed that Turkey was behind the region’s problems with radical Islam. The Second Defendant wrote:

Attacks on Turkey, as the power behind the IS throne, have been made before. Mohammed Dahlan, a Fatah strongman and security adviser to Mohammed bin Zayed, crown prince of Abu Dhabi, made similar claims to a NATO-linked think-tank, the Atlantic Treaty Association in Brussels.

Dahlan accused the West of hypocrisy in its ugliest form. He said:

“OK, terrorism reached Europe. But how did it get there? No one is saying. OK, world oil trade, and the whole of Europe knows who is trading and with whom, with Turkey. Yet, you remain silent. Had this sort of trade been conducted with Egypt, with whom you have no interest and whose political regime you dislike, you would have waged a political war.”

He went on:

“The entire movement of terrorism in Syria came through Turkey. And you know this. But you are not bothered. Because you have political interest. Or I have no explanation why this is happening. I am not against Turkey. But I am against not exposing the facts of those who are not confronting ISIS, those who are providing it with financial facilities, trading in oil with it or smuggling weapons to it.”

...

Both Abdullah and Dahlan attacked Turkey not just as an alleged financier and arms supplier for Islamic State, but also as an alternative political model to autocracies like Jordan or the UAE.

19. On 25 May 2016 Middle East Eye reported on concerns about UAE investments in Serbia, under the headline: “*Thousands rally against \$3bn UAE development project in Serbia capital*”. The article included the following passage:

One of the murkiest parts of the relationship involves Matar Suhail Ali Dhaheri, the crown prince’s right-hand man for investments in Serbia, and Mohammed Dahlan, a former leader of the Palestinian political party Fatah who has been exiled from Gaza and the West Bank and has close ties to the UAE monarchy. Dahlan and his family were all quietly given Serbian citizenship in 2013 and 2014, while Dhaheri was personally given citizenship by Vucic at the start of the year.

Opponents allege that the men may have been granted nationality in order to allow UAE investors to buy up chunks of currently protected fertile Serbian agricultural land on the cheap.

20. On 27 May 2016 the Second Defendant wrote an article in Middle East Eye under the heading: *“EXCLUSIVE: The secret Arab plan to oust Palestinian leader Abbas”*. That article included the following passage:

The United Arab Emirates, Egypt and Jordan are planning for a post-Mahmoud Abbas era that would leave his Fatah archrival Mohammed Dahlan in control of the Palestinian presidency, the Palestinian Liberation Organisation and the Palestinian Authority, Middle East Eye has learned.

Senior Palestinian and Jordanian sources told MEE separately of the plan. Although there were differences in emphasis - the Jordanian source added caveats about Dahlan's known weaknesses - they independently corroborated the existence of a joint plan of action.

Abbas has been a dominant figure in Palestinian politics since the 1990s and Palestinian president since 2005.

Dahlan is a former leader of the Palestinian political party Fatah who has been exiled from Gaza and the West Bank and has close ties to the UAE monarchy.

The UAE has already held talks with Israel about the strategy to install Dahlan, and the three parties will inform Saudi Arabia once they reach an agreement on its final shape.

21. On 3 June 2016 Middle East Eye published an article under the heading: *“The race to replace Abbas: Jordan, Egypt push Palestinian succession plans”* which reported information from Palestinian and diplomatic sources that the Claimant had been *“moving from one Arab capital to another, talking to officials, reaching out to Fatah activists and leaders with one mission: preparing the stage for the post-Abbas era.”*

22. On 18 July 2016 Middle East Eye published an article under the heading: *“REVEALED: How Palestinian president made an enemy of the UAE”* which reported how an *“escalating five-year row between the United Arab Emirates and Palestinian President Mahmoud Abbas is behind the Gulf state's recent decision to withhold millions of dollars from the Palestinian Authority”*. The article traced the beginning of the dispute between the UAE and President Abbas to the close relationship between the Claimant and Crown Prince Mohammed Bin Zayed of the UAE. It quoted a named member of the Fatah Revolutionary Council as follows:

However, Dahlan – who serves as a security consultant in the UAE, which contributed to strengthening his ties with Egypt – has been seeking, since he sought

refuge to the UAE, to stir sedition between the PA leadership and the Arab countries, namely the UAE.

MEDIA AND COMMUNICATIONS LIST

BETWEEN:

MOHAMMED DAHLAN

Claimant

and

(1) M.E.E LIMITED
(2) DAVID HEARST

Defendants

APPENDIX B TO
AMENDED DEFENCE OF BOTH DEFENDANTS

1. On 10 January 2007 in an article headed "*Gaza chief brands Hamas murderers*" the BBC reported Hamas spokesman Fawzi Barhum accusing the Claimant of bringing Palestinians to the brink of civil war, saying of the Claimant: "We remain vigilant in the face of these putschists and their plots."
2. In an article dated 26 July 2007 headed "*Fatah's Gaza strongman steps down*" the BBC reported that the Claimant's "political career has been marred by allegations of human rights violations and corruption."
3. In an article dated 4 August 2009 entitled "*Can Fatah reinvent itself?*" the BBC said of the Claimant: "Mohammed Dahlan, the former head of a powerful security force in Gaza, is a divisive figure widely perceived as corrupt." The article reported further: "Mr Dahlan, however, as the leader of security forces in Gaza during street battles with Hamas in 2007, is at the forefront of the feud between the two factions [i.e Hamas and Fatah]. His security forces were supported by the US in what some documentary evidence suggests was a Washington-backed attempt to remove Hamas from power."
4. An article dated 29 December 2010 on Al Jazeera English entitled "*Fatah suspends 'strongman' Dahlan*" reported that the Claimant had been suspended from the Palestinian leadership amidst Palestinian media reports that a "commission of inquiry is

looking into the origin of Dahlan's alleged fortune, as well as allegations that he attempted to establish a personal militia in order to stage a coup against the PA."

5. On 18 January 2013 the Monitor online, a Montenegrin based online magazine publishing in English, published an article under the heading "*CIA, Djukanovic & Arafat's Murder Suspect*" which examined the Claimant and his background in the context of his business links with Montenegro. The article included the following:

Mohammad Dahlan, a former Palestinian Security Minister, whom his country's authorities suspect of embezzling hundreds of millions of state funds, has business deals in Montenegro. He could be one of the important links between Milo Djukanovic [Montenegrin Prime Minister] and the Al Nahyan royal family of the United Arab Emirates (UAE), which the Montenegrin Prime Minister has just visited. In Abu Dhabi, Djukanovic sought salvation for Montenegro's bankrupt economy.

...

Today, the opposing Palestinian factions - Hamas and Fatah - have something in common. Both accuse Dahlan for embezzling state funds and endemic corruption, and for immensely enriching himself. Even in the nineties, Dahlan was a regular target of public criticism. A research paper from 1997 on Dahlan – A man who swallowed Gaza - claimed that he earned his initial capital through a monopoly on the import of gasoline, which was sold at enormous prices to the impoverished population under siege.

Later on, Dahlan was accused of betraying Palestinian interests – of having close ties to the US intelligence circles and Israel's Mossad. His opponents claim that he is a confidant of the CIA. He has also lately been mentioned in connection with the death of the PLO leader Yasser Arafat. Allegedly, Dahlan sent poison packaged as medicine to Arafat in his Paris hospital. Arafat's body was recently exhumed amid suspicions that he was poisoned with polonium. Some traces were found on the clothes, but experts have not yet confirmed that this is the actual cause of death. Dahlan has denied all these allegations.

...

A document from July 2012, 'Chronicle of Cleptocracy (corruption within the Palestinian political establishment)'- presented in a recent testimony before the US Congress, points at several politicians who have embezzled huge Palestinian funds, including Abbas senior, his sons and Dahlan. It describes the conflict that broke out between Abbas and Dahlan, and states that Dahlan has ties with Montenegro and several other countries, including Egypt and the Emirates.

...

In any case – money from the Emirates would come handily to Djukanovic, who did not arrive by chance to the royal palace in Abu Dhabi one December night. In late 2008, Palestinian media disclosed the news: "Dahlan is in Abu Dhabi with the Prime Minister of Montenegro. He was seen in the lobby of the Emirates' royal palace two nights ago with the dodgiest characters one can imagine. The story is this: He is there to arrange real estate deals for the Abu Dhabi royal family in Montenegro and receive a fat fee as the middleman."

...

Mohammad Dahlan has also been criticized for his relations with Mohammad Rashid, who was recently condemned 'in absentia' by the Palestinian Authority to 15 years in prison for financial fraud. After the Arab Spring, Dahlan and Rashid have been accused for delivering weapons from Israel to the Libyan leader Gaddafi in return for huge sums of money.

6. On 18 March 2014 in an article entitled "*Mahmoud Abbas accuses political rival of role in Arafat killing*" the Daily Telegraph reported allegations by the President of the Palestinian Authority Mahmoud Abbas, made in a live televised address to Fatah members, that the Claimant was responsible for the murder of six Fatah members and the disappearance of large sums of money and implied that he had a hand in the death of Yasser Arafat.
7. On 1 February 2015 Associated Press also reported the Claimant obtaining Serbian citizenship, under the heading "*Serbia grants citizenship to main rival of Palestinian leader*". The article contained the following passages:

Dahlan, who turned into a businessman in exile, has promised millions of dollars of investments from the Emirates to Serbia. The Balkan country's government can secretly grant citizenships to foreigners when it sees the individuals can serve special state interests.

Dacic [Serbian Foreign Minister Ivica Dacic] said that Dahlan was not given the citizenship on political grounds, but due to the economic relations with the Emirates.

"When Dahlan was in Serbia, we spoke only about relations with the United Arab Emirates," Dacic said. "Internal Palestinian issues were not on the agenda."

8. On 4 February 2015 in an article entitled "*Palestinians look to exiled Mohammed Dahlan for Abbas successor*" the Financial Times reported on growing support for the Claimant in Gaza. The article included the following passages:

Supporters say Mr Dahlan is using the UAE-based Khalifa charity to aid victims of last summer's Israeli military operation in Gaza who have been left stranded by a stalled international reconstruction effort and the failure of Mr Abbas' reconciliation government with Hamas.

"Our aim is to serve the people of the Gaza Strip," says Abdel Hamid al-Masri, a Dahlanist member of the suspended Palestinian parliament. "We feel Gaza is a marginalised area even in the minds of the Palestinian government."

The president is ageing with no known and accepted way of transition. You end up with a fierce fight over who is going to take over Ali Jarbawi, a professor of political science at Bir Zeit University Hamas, which is voicing frustration over the Palestinian Authority's failure to rebuild after the war last summer or pay its 40,000 civil servants, has allowed the Dahlanists to organise "as a pressuring tool on

President Abbas,” Mr al-Masri acknowledges.

For Gaza’s war-shocked residents, the money dispensed in Mr Dahlan’s name is a vital stopgap for a rebuilding effort where little of the \$5.4bn pledged by international donors has materialised.

The Abdel Daim family say they have received \$4,500 of UAE money dispensed via the “Dahlan committee” for serious injuries suffered during the war by three of its members. They hope to receive another \$10,000 for two others killed during the conflict.

The family, displaced from their homes by Israeli bombardment, were sleeping in a UN school in Jabalya, northern Gaza, on July 30 when artillery shells landed. They are now living in a half-built concrete house open to the elements, and say that no aid from the UN has materialised, but they have had help from Mr Dahlan.

“Nobody gave us assistance,” says Khalil Abdel Daim. “[Dahlan] is a man who helped us — 100 per cent — and we appreciate anyone who supports us.”

At 53, Mr Dahlan is young by the standards of Fatah’s ageing leadership. He is said to have the backing of the UAE and Egypt — two of the Arab countries leading the fight against Islamists — and is rumoured to have held meetings with senior Israeli officials.

In the UAE, he has emerged as a close adviser to Abu Dhabi’s crown prince, Sheikh Mohammed bin Zayed Al-Nahyan, helping him in his drive to project military and financial power against political Islam. Abu Dhabi has since 2012 cracked down on its own Islamists and supported moves against the pan-Arab Muslim Brotherhood across the region.

9. On 28 April 2015 Newsweek published an article entitled: *“Exiled Palestinian leader looks for regional allies in mediation of Nile dam deal”*, which reported that the Claimant had mediated the signing of an agreement for the construction of a dam on the Nile between Egypt, Ethiopia and Sudan. The article contained the following passages:

The agreement was the culmination of a year of negotiations and meetings in Abu Dhabi, Addis Ababa and Egypt and sources have revealed that Dahlan, expelled from Palestinian Authority (PA) president Mahmoud Abbas’s Fatah party in 2011 and charged with corruption and defamation, was at the heart of the negotiations. He was invited to mediate the talks by Ethiopian leader Hailemariam Desalegn at the request of Egyptian president Abdel Fattah el-Sisi.

“We were invited by the prime minister of Ethiopia, and we were eager to assist,” a source close to Dahlan, speaking on condition of anonymity, told Newsweek.

“We laid the foundation for the agreement at the request of Sisi as well,” the source added.

Exclusive photos given to Newsweek show Dahlan, 53, meeting with both Desalegn and the head of Egyptian intelligence Khaled Fawzy in the Ethiopian capital, Addis Ababa, and the Ethiopian foreign minister Tedros Adhanom in Abu Dhabi. Dahlan’s UAE sponsor, crown prince Sheikh Mohammad Bin Zayed, was the only other party

aware of Dahlan's involvement in the back-door talks.

...

The ostracised Palestinian figure had served as the security chief of Fatah in Gaza until 2007 when Hamas won a shock election victory to take control of the enclave. Vanity Fair revealed a year later that Dahlan had cooperated with Washington to stage a coup against the Hamas government, which was subsequently preempted and prevented by the Islamist militant group, forcing Dahlan into the West Bank.

10. On 3 January 2016 Al-Monitor, a US based website providing reporting and analysis regarding the Middle East published in English an interview with the Claimant, under the heading "*Dismissed Fatah leader Dahlan says Abbas, Hamas lack 'serious nationalism'*". The article included the following passages:

He [i.e. the Claimant] said that Arab efforts, especially by Egypt, to achieve a rapprochement between him and Abbas are still ongoing, and expressed his wishes for their success. He also said that he offered support and counseling to Abdel Fattah al-Sisi (then Egypt's military leader, and now the country's president) as to how to end the rule of the Muslim Brotherhood when President Mohammed Morsi was in power.

...

I [the Claimant speaking] have been sending aid through the UAE to the Palestinian people in Jerusalem, Gaza and the West Bank, especially Gaza. By the way, I don't receive this aid personally, as I only propose projects and ideas, and [the donors] deal directly with the people, while I make sure this aid has positive effects.

...

Al-Monitor: On earlier occasions, you were critical of former President Mohammed Morsi and the Muslim Brotherhood in general. Did you help President Sisi end the rule of the Muslim Brotherhood in Egypt?

Dahlan: I played an active role as a Palestinian in backing the Egyptian people. It is a simple and limited role, but I assumed it because Egypt has interests in helping the Palestinian people. The Muslim Brotherhood, throughout their experience — which started in 1928 and until today — have never built a school or a state. Where is their great example so we can follow suit? Did they build Malaysia, Singapore or Taiwan so we can brag about them?

11. On 3 April 2016 Al-Monitor published an article in English under the headline: "*Is this the man who will replace Abbas?*" The article described the ways in which the Claimant was "expanding his regional and international influence to become the potential successor to Palestinian President Mahmoud Abbas". The article included the following passage:

Dismissed Fatah leader and former member of Fatah's Central Committee Mohammed Dahlan has been active on the regional and international levels in the past few months. Surprisingly, Dahlan has been more present on the regional and international scenes than any other Palestinian leader. While these activities are not

directly linked to the Palestinian issue, it is important to note that Dahlan was dismissed from Fatah in 2011.

On March 13, Dahlan attended the founding conference of the opposition Ghad al-Suri (Syria's Tomorrow) movement led by Ahmad Jarba in Cairo. During the conference, the movement's spokesman, who did not reveal his name, thanked Dahlan for his efforts in helping to solve the Syrian crisis.

On Jan. 18, the Turkish paper Gercek Hayat spoke about a multinational plan to conduct a coup against Turkish President Recep Tayyip Erdogan, presumably led by the United Arab Emirates (UAE), backed by Russia and Iran, and supervised by Dahlan.

Prior to that, on Dec. 12, 2015, Dahlan participated in a meeting held by Russian President Vladimir Putin in the Russian city of St. Petersburg for the opening of UNESCO's World Culture Forum.

In addition, Dahlan gave a lecture Nov. 18 during a security conference held in Brussels under NATO auspices. During the lecture, Dahlan attacked the Islamic movements and accused Turkey of supporting the Islamic State.

In April 2015, Newsweek talked about the major role Dahlan played in the agreement on the Renaissance Dam project signed between Egypt, Ethiopia and Sudan in March 2015.

In this context, Abdel Hamid al-Masry, member of Fatah's Revolutionary Council and close friend of Dahlan, told Al-Monitor, "Dahlan has a regional and international [role] in resolving some thorny issues in some countries. He has wide-range relations in the region and the world and is respected by many Arab and world leaders as he is considered a part of the regional leadership. Leaders in the Middle East assign to him [specific] missions; for instance, Egyptian President Abdel Fattah al-Sisi had assigned to him the Renaissance Dam negotiations file. Dahlan also assumed a role in bringing the Tunisian national powers together and unifying the Syrian national opposition's discourse."

For his part, a prominent Fatah leader told Al-Monitor on condition of anonymity, "The political regional and international activities of Dahlan are not related to the fact that he is Palestinian. Rather these activities are because he has tight relations with the UAE, which tasks him with political and security files and allows him to establish ties he couldn't have established as a Palestinian leader only. This is following his arrival to the UAE in 2011, where he has been treated as a VIP. However, this does not necessarily allow him to assume a Palestinian leadership post, as he has been officially dismissed from the Fatah movement since 2011."

The most important world capitals that provided Dahlan with this regional and international network are Cairo and Abu Dhabi, where Dahlan enjoys undeniable influence since he is considered the security adviser of UAE's Crown Prince Sheikh Mohammed bin Zayed Al Nahyan. This position has provided Dahlan with influence that many UAE officials may not enjoy within the state.

Dahlan also enjoys considerable influence in Egypt through his direct ties with Sisi, which allows him to influence Egyptian media. In addition, he has been deploying efforts to buy some news websites in Jordan.

12. On 6 October 2017 Le Monde published an article headed (in English translation): *“From Gaza to Abu Dhabi, the ascent of the intriguing Mohammed Dahlan”*. The article recounted various incidents from the Claimant’s career, describing his close friendship with Crown Prince Mohammed Bin Zayed and how they had together:

“supported the destabilisation of Mohamed Morsi, the winner of the 2012 presidential election, of the Muslim Brotherhood. They financed the massive demonstrations in June 2013 which culminated in the coup d’etat of General Abdel Fattah Al-Sissi.”

13. The Le Monde article reported further “multiple sources” saying that the Claimant had visited Libya several times since 2012. It reported a telephone conversation, “believed credible by an expert of Libyan chaos” in which a close relation of Mahmoud Jibril proposes to a militia leader *“the help of Dahlan”*. It also reported the Claimant’s response in November 2016 to a question from an interviewer concerning allegations about his role in Libya. He is reported to have said: *“Suppose that the Emirates sent weapons to Libya. How does that bother you?”*.