

Press Release

Carter-Ruck

Date: 28 May 2020

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Rached Ghannouchi obtains libel judgment against Middle East Online Limited and Haitham El Zobaidi

Rached Ghannouchi (the leader of the Tunisian Ennahdha Party and Speaker of the Tunisian Parliament) has obtained judgment in the High Court of Justice in London, England, in his claim against Middle East Online Limited and its Editor, Haitham El Zobaidi (who are based in London), in respect of an article published on 5 July 2019.

The article falsely alleged that Mr Ghannouchi pretends to believe in democracy whilst leading a party that is a front for a terrorist organisation, and which tolerates, encourages and actively supports terrorism both in Tunisia and abroad; and that he had allowed the receipt by his Party of money from the State of Qatar, thereby facilitating Qatar to exert improper influence over Tunisian politics. Neither he nor his Party receive any funding from the State of Qatar.

Mr Ghannouchi strongly denies these allegations, which are entirely false and gravely defamatory, and in relation to which he was not even asked for comment prior to publication. Mr Ghannouchi and his Party are deeply committed to the democratic process and have been at the forefront of and played a key role in establishing a democratic system in Tunisia, including pluralism and the sharing and alternation of power. This is evident in Mr Ghannouchi's numerous written publications and public lectures since the 1980s, which have centred on promoting a political system grounded in popular sovereignty and that protects civil and political rights and freedoms. There was, and is, absolutely no basis for the publication of such serious and harmful allegations.

Mr Ghannouchi obtained default judgment from the High Court of Justice after Middle East Online and Haitham El Zobaidi failed to file a defence. A copy of the High Court Order is annexed to this press release. At one stage of the claim, the Defendants indicated their intention to resist the application for default judgment, but eventually consented to the terms of an order. The High Court hearing to assess damages has been listed to take place on 10 June 2020, at which the Court will determine the amounts to be paid by Middle East Online and Haitham El Zobaidi to Mr Ghannouchi by way of compensation and in respect of the legal fees he has incurred in this matter.

Mr Ghannouchi welcomed the Court's decision. He commented that the Defendants' failure to provide a defence and their decision not to resist the application for default judgment only served to highlight the baseless nature of the allegations, and the degree of disregard for individual rights and journalistic standards in publishing them without any evidence.

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Mr Ghannouchi has instructed Carter-Ruck to launch further legal action against false allegations reproduced in other publications. He said that he will not hesitate to take legal action against any further defamatory statements.

For further information, please contact Nigel Tait (Nigel.Tait@carter-ruck.com) or Mathilde Groppo (Mathilde.Groppo@carter-ruck.com).

IN THE HIGH COURT OF JUSTICE

Claim No. QB-2019-004284

QUEEN'S BENCH DIVISION

MEDIA AND COMMUNICATIONS LIST

**The Honourable Mr Justice Nicklin
24 April 2020**

BETWEEN:

RACHED GHANNOUCHI

and

**(1) MIDDLE EAST ONLINE LIMITED
(2) HAITHAM EL ZOBAIDI**



QB-2019-004284

Defendants

ORDER

PENAL NOTICE

IF YOU THE DEFENDANTS DO NOT COMPLY WITH THE UNDERTAKINGS YOU HAVE GIVEN TO THE COURT RECITED IN THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED (IN THE CASE OF THE SECOND DEFENDANT) OR FINED OR HAVE YOUR ASSETS SEIZED.

ANY PERSON WHO KNOWS OF THE UNDERTAKINGS GIVEN TO THE COURT AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS TO BREACH THE TERMS OF THE UNDERTAKINGS GIVEN TO THE COURT MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

UPON the Defendants having failed to file an acknowledgement of service or a defence to the claim and the relevant time for doing so having expired

AND UPON the Claimant's application for judgment in default by Application Notice dated 12 February 2020 ("**the Default Judgment Application**")

AND UPON the Defendants providing the undertakings to the Court set out in paragraphs (3) and (4) below in lieu of the injunction sought by the Claimant

AND UPON the Defendants acknowledging that they understand the terms of the undertakings to the Court and the potential consequences of failing to comply with them, including that they may

be found to be in contempt of court and be imprisoned (in the case of the Second Defendant), fined or have assets seized

BY CONSENT IT IS ORDERED AND DIRECTED that

JUDGMENT

- (1) Judgment be entered for the Claimant on his claim.
- (2) The Claimant's claim for damages is to be assessed.

UNDERTAKINGS GIVEN TO THE COURT BY THE DEFENDANTS IN RESPECT OF THE INJUNCTION APPLICATION

- (3) The Defendants undertake not, whether, in the case of the First Defendant by itself or its servants or agents or otherwise howsoever, or in the case of the Second Defendant by himself his servants or agents or otherwise howsoever, publish, cause or authorise the publication of the words complained of in paragraph 6 of the Particulars of Claim or any similar statements defamatory of the Claimant.
- (4) The Defendants undertake, pursuant to Defamation Act 2013 section 12, to publish a composite summary of (1) the judgment of the Court on this application (alternatively a summary of this Order if no judgment is given) and (2) the judgment of the Court to be given on the assessment of damages (alternatively a summary of any agreement reached between the parties on the issue of damages) within 21 days of either the judgment on the assessment of damages or agreement being reached between the parties on damages.

DIRECTIONS

- (5) The Claimant must serve on the Defendants any evidence upon which he relies for the assessment of damages by 4pm on 15 May 2020
- (6) The Defendants must serve on the Claimant any evidence on which they rely for the assessment of damages by 5 June 2020.
- (7) By 4pm on 15 May 2020, the Claimant must request a Private Room Appointment before the assigned Master for the hearing of the assessment of damages and costs.

COSTS

- (8) The Defendants are to pay the Claimant's costs of the claim, including the costs of the Default Judgment Application, such costs to be summarily assessed. The assessment shall proceed without a hearing, as follows:
- a. The Claimant shall serve costs schedules within 7 days of the handing down of the Master's Order following the assessment of damages hearing;
 - b. The Defendant shall file and serve written submissions on the Claimant's costs schedules, if any, within 7 days of service thereof;
 - c. the Claimant shall, if so advised, lodge and serve responsive submissions within 7 days from the date of service of the Defendant's submissions, if any.

24 April 2020