

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
B E T W E E N:

Claim No.

JANE CAHANE

Claimant

-and-

(1) THE INVESTIGATIVE JOURNAL LIMITED
(2) MOHAMED FAHMY

Defendants

PARTICULARS OF CLAIM

The Parties

The Claimant

1. The Claimant is an editor, journalist and writer. The Claimant was employed as Editor-in-Chief by the First Defendant and worked with and under the supervision of the Second Defendant from 17 December 2018 until July 2019.

The Defendants

2. The First Defendant is the publisher of an English-language journal called The Investigative Journal ("TIJ") accessible on the website <https://investigativejournal.org/>. The First Defendant's registered address is at 39 Bridewell Place, London, England E1W 2PB.
3. The Second Defendant is, and has at all material times been, the Chief Executive Officer of TIJ, and was officially announced as such on 10 May 2019. The Second Defendant is also a director of the First Defendant, and was officially appointed as such on 19 April 2020.
4. At all material times, the First Defendant acted through the Second Defendant, who was the First Defendant's agent and/or its directing mind and will. In the premises:

- i. the Second Defendant's acts, omissions and knowledge are attributable to and are to be imputed to the First Defendant; and
- ii. the First Defendant is vicariously liable for the Second Defendant's tortious acts or omissions.

The Representations

Representations in the Job Description

5. In early December 2018, the Defendants published a job description advertising the role of "Senior Managing Editor" at TIJ (the "Job Description"). The said job description and advert was placed online, including on the employment search website Totaljobs. A copy of the Job Description is attached hereto at **Annex 1**.
6. In the Job Description, the Defendants made written representations about the nature and purpose of TIJ with the intention of inducing interested parties, including the Claimant, to apply for the role of Senior Managing Editor with TIJ and ultimately to enter into an employment contract with the First Defendant. In particular, the Defendants represented that:
 - i. TIJ would "*feature deeply researched and well written longform investigative articles from journalists from across the globe, bringing a diversity of viewpoints and often underreported stories to (its) readers*";
 - ii. TIJ would be "*a premier news portal for deeply researched and reported longform investigative journalism*";
 - iii. TIJ would "*(cover) stories from government corruption, corporate scandal and backroom politics to personal profiles and world affairs*";
 - iv. TIJ's "*contributors are some of the most respected journalists from around the globe*";
 - v. TIJ would "*each week (provide) readers with longform investigative articles that offer deeper and more nuanced insight into the stories and people behind the daily headlines*"; and
 - vi. TIJ upholds and acted in accordance with "*Truth in Journalism*" – meaning that TIJ would only publish truthful matters or matters it understood to be true.

7. In the Job Description, the Defendants also made written representations about the nature of the role of Senior Managing Editor at TIJ, with the intention of inducing interested parties, including the Claimant, to apply for the role of Senior Managing Editor with TIJ and ultimately to enter into an employment contract with the First Defendant. In particular, the Defendants represented that the person employed in this role would:

- i. *"take the helm" of TIJ;*
- ii. *"work with leading journalists and a team of editors to help create and manage a top- tier, investigative online publication";*
- iii. *"administer the day-to-day operation of (TIJ)";*
- iv. *"build and nurture an international team of talented journalists, editors and designers";*
- v. *"plan and commission articles for (TIJ)";*
- vi. *"coordinate editorial meetings";*
- vii. *"oversee spending, production schedules and editorial calendars";*
- viii. *"hire and supervise editorial staff, designers, fact-checkers, designers and producers";*
- ix. *"write copy and monitor and/or edit social media posts";*
- x. *"oversee copyediting and edit copy where necessary";*
- xi. *"review final copy to ensure accuracy, style and tone";*
- xii. *"resolve issues as they arise";*
- xiii. *"attend events on behalf of (TIJ)";*
- xiv. *"monitor and optimize performance to meet traffic, engagement and other targets"; and*

xv. *"implement best practices to maximize efficiency and ensure the highest journalistic standards of truth, objectivity and balance"*.

8. Each of the said representations (pleaded at paragraphs 6 to 7 above) was a representation of existing fact or alternatively, a representation as to each of the Defendants' present intentions in relation to TIJ and the Claimant's role with TIJ.

Representations during the Interview on 14 December 2018

9. Induced by the said representations, the Claimant applied for the role advertised in the Job Description on 7 December 2018 and was invited by the Defendants to attend an interview.
10. On 14 December 2018, the Claimant was interviewed by the Second Defendant at TIJ's offices at 1 St Katharine's Way, London E1W 1UN (the "Interview").
11. During the Interview, the Second Defendant (and accordingly the First Defendant) made further and additional representations orally about the nature, purpose and funding of TIJ with the intention of inducing the Claimant to enter into an employment contract with the First Defendant. In particular, the Second Defendant represented that:
- i. TIJ was an authentic and trustworthy publication whose journalists risked their lives for the truth;
 - ii. TIJ's motto was "*Truth in Journalism*" (which carried with it a representation that TIJ upheld the same and acted in accordance with the same);
 - iii. TIJ would be "*great*" and taken "*to the top*" of independent investigative journalism; and
 - iv. TIJ was funded by Yousri Ishaq, whom the Second Defendant described as a philanthropist supporting independent journalism.
12. During the Interview, the Second Defendant also made further and additional representations orally about what would be the Claimant's role at TIJ with the intention of inducing the Claimant to enter into an employment contract with the First Defendant. In particular, the Second Defendant represented that the Claimant:

- i. would have the role of Editor-in-Chief rather than Senior Managing Editor (which was the position the Claimant had applied for); and
 - ii. would accordingly have the same or greater senior editorial and managerial responsibilities than those listed in the Job Description.
13. Each of the said representations (pleaded at paragraphs 11 to 12 above) was a representation of existing fact or alternatively, a representation as to each of the Defendants' present intentions in relation to TIJ and the Claimant's role with TIJ.

Summary of the combined representations in the Job Description and the Interview

14. By way of both the Job Description and the Interview, as further set out above at paragraphs 6 and 11, the Defendants made a number of representations about the nature, purpose and funding of TIJ with the intention of inducing the Claimant to apply for the role and then enter into an employment contract with the First Defendant. By way of summary, the Defendants represented that:
 - i. TIJ was a reliable, accurate, well-researched, trustworthy, independent, balanced and nuanced investigative journal;
 - ii. TIJ covered a wide range of topics and a diversity of viewpoints from an independent and objective standpoint;
 - iii. TIJ's contributors were some of the most respected journalists around the world;
 - iv. TIJ's aim and purpose was to become one of the world's leading independent public-interest investigative journals advancing the cause of truth; and
 - v. TIJ was funded by a philanthropist named Yousri Ishaq who was committed to supporting independent journalism.
15. By way of both the Job Description and the Interview, as further set out above at paragraphs 7 and 12, the Defendants made a number of representations about the Claimant's prospective future role at TIJ with the intention of inducing the Claimant to apply for the role and then enter into an employment contract with the First Defendant. By way of summary, the Defendants represented that:

- i. the Claimant would hold a senior editorial and managerial position as Editor-in-Chief of TIJ; and
- ii. the Claimant's prospective role would involve wide-ranging and high-level responsibilities and a significant degree of independence, leadership and control, in particular in relation to:
 - a) planning, commissioning and editing articles;
 - b) hiring, commissioning, training and managing staff and freelancers;
 - c) overseeing spending;
 - d) overseeing production schedules; and
 - e) managing external communications and marketing, including social media communications and external events.

16. Each of the said representations (pleaded at paragraphs 14 to 15 above) was a representation of existing fact or alternatively, a representation as to each of the Defendants' present intentions in relation to TIJ and the Claimant's role with TIJ.

Reliance

17. In reliance on, and induced by, the above representations, the Claimant applied for the role and then entered into a written employment contract with the First Defendant on 17 December 2018 (the "**Employment Contract**"). A copy of the Employment Contract is attached hereto at **Annex 2**.

18. In particular, the Claimant relied on and was induced by:

- i. the representations at paragraphs 6 and 11, as summarised at paragraph 14 above, about the nature, purpose and funding of TIJ (including the representation that she would work for a leading public interest investigative journal advancing the cause of truth, as this had been one of the Claimant's main and longstanding career aspirations, as the Claimant confirmed shortly thereafter in an interview with the *Press Gazette* in February 2019); and

- ii. the representations at paragraphs 7 and 12, as summarised at paragraph 15 above, about her future role at TIJ.
19. In the absence of the said representations, and/or had the Claimant known the truth about the nature, purpose and funding of TIJ and her future role at TIJ (see below at paragraph 20), the Claimant would not have applied for the role or agreed to enter into the Employment Contract. The Claimant did not pursue a number of other employment opportunities that were open to her at the time in order to enter into the Employment Contract.

Falsity

20. Each of the representations set out at paragraphs 6–7 and 11–12, as summarised at paragraphs 14–15 above, was false in that the real nature, purpose and funding of TIJ, and the real and intended role of the Claimant at TIJ, were entirely different and contrary to those representations.

PARTICULARS OF FALSITY

Nature, Purpose and Funding of TIJ

- i. TIJ is not and was never intended to be a reliable, accurate, well-researched, trustworthy, independent, balanced and nuanced investigative journal. It is not and was never intended to be a journal that could accurately be described by any of the aspects of the Job Description set out at paragraph 6 above or any of the statements made at the Interview pleaded at paragraph 11 above. On the contrary, TIJ was and is designed, purposed, intended, funded and operated with a view to (i) supporting and advocating, on a covert basis, the position of deeply authoritarian and repressive regimes in the Middle East (in particular those in power in the United Arab Emirates and the Arab Republic of Egypt) known for egregious human rights abuses, media manipulation and attacks on the free press; (ii) disseminating, on a covert basis, the political propaganda of the said regimes (including propaganda intended to smear and discredit those perceived to be opponents of the said regimes); and (iii) manipulating public discourse, again on a covert basis, in a manner intended to favour and assist the interests of those regimes (together the "**True Objectives of TIJ**"). In particular, in pursuit of the True Objectives of TIJ:

- a) TIJ was, is and was intended to be controlled and directed by the Second Defendant who has covertly received substantial funding from and been assisted and directed by or on behalf of the United Arab Emirates or representatives or agents thereof. In particular, the Second Defendant (i) has had close and long-standing connections with senior officials of the United Arab Emirates, including Ambassador Yousef Al Otaiba, the United Arab Emirates' Ambassador to the United States of America, (ii) has received substantial funding, including at least USD 250,000 in 2015, from the United Arab Emirates or representatives or agents thereof, and (iii) was assisted and directed by, and collaborated with, the United Arab Emirates or representatives or agents thereof, including Ambassador Yousef Al Otaiba (the United Arab Emirates' Ambassador to the United States of America), Mr Simon Pearce (a senior communications adviser to the United Arab Emirates), Mr Andrew Wigley (a public relations adviser associated with Mr Simon Pearce and retained to pursue the interests of the United Arab Emirates), Goldbug (a public relations agency retained to pursue the interests of the United Arab Emirates) and Mr Richard Mintz of the Harbour Group (a registered foreign agent and lobbyist for the United Arab Emirates) in pursuit of actions intended to harm the interests and position of those perceived to be opponents of the United Arab Emirates;
- b) TIJ's editorial line was intended to be and is closely monitored and dictated by the Second Defendant who has covertly received substantial funding from the United Arab Emirates and been assisted and directed by or on behalf of the United Arab Emirates and/or representatives or agents thereof in pursuit of an agenda intended to further the interests of the United Arab Emirates and to discredit those perceived to be opponents of the United Arab Emirates (as further detailed at sub-paragraph 20ia) above;
- c) The Second Defendant is, has been, and intended to continue to be in close contact with the United Arab Emirates and the Arab Republic of Egypt and/or representatives or agents thereof, including as recently as June 2019 when the Second Defendant met with the Egyptian Presidency to discuss TIJ's editorial line and content;
- d) The Second Defendant works and intended to continue to work closely with critics and adversaries of those perceived to be opponents of

the United Arab Emirates and the Arab Republic of Egypt, including Mr Khalid Al Hail (who is known for biased and misleading attacks on the government of Qatar and for media manipulation, including disseminating manifestly fake materials on social media against the former Emir of Qatar, such as sharing on Twitter on 31 May 2020 a fake recording of the former Emir of Qatar purportedly using racist language, and attending, participating in and being involved with biased and misleading events intended to smear those perceived to be opponents of the United Arab Emirates and the Arab Republic of Egypt, including for instance an event organised by Levant News in London in October 2019 attacking the Muslim Brotherhood) and Mr Moutassim El Harith (who has attended, participated in and been involved with biased and misleading events intended to smear those perceived to be opponents of the United Arab Emirates and the Arab Republic of Egypt, including for instance an event he organised, moderated and spoke at with Levant News in London in October 2019 attacking the Muslim Brotherhood);

e) The Second Defendant has attended, participated in and spoken at biased events aimed at aggressively targeting, attacking and smearing those perceived to be opponents of the United Arab Emirates and the Arab Republic of Egypt, including for instance (i) a conference attacking Qatar in February 2019 organised in Washington by the Middle East Forum, a controversial, Islamophobic think-tank based in the United States, and (ii) a deeply misleading protest involving paid protesters, which was organised in or around April 2019 by the International Observatory of Human Rights ("IOHR"), another sham organisation with the same misleading objectives as TIJ, in front of the Iranian Embassy in London, in order to amplify a biased and politically motivated campaign being mounted by IOHR at the time. The Second Defendant's participation at such events has often involved him personally targeting, attacking and smearing those perceived to be opponents of the United Arab Emirates and the Arab Republic of Egypt in an aggressive fashion, including in particular the media network Al Jazeera, whom he said he was "*after*" and was "*very angry*" about in the aforementioned conference organised by the Middle East Forum;

f) Articles, reports and social media content published by TIJ have focused and continue to focus primarily on aggressively targeting, attacking and smearing those perceived to be opponents of the United

Arab Emirates and the Arab Republic of Egypt, including particular countries such as Turkey, Qatar and Iran, and particular organisations such as the Muslim Brotherhood, including for instance (i) an article published by TIJ in February 2019 entitled "*Wiretaps Expose Turkey's Support of Terrorists Entering Syria*", which aggressively alleged that the Government of Turkey supported terrorism and was a "*dire threat*" to the region; (ii) a deeply biased article published by TIJ in March 2019 entitled "*The State of Qatar's Hack of Democracies: A Global Cyber-Crime Operation*" which referred positively and at length to a legal claim brought by Elliott Broidy in relation to the alleged hacking of his emails by Qatar; (iii) an article published by TIJ in January 2020 entitled "*An opportunity not to be missed after Soleimani assassination*" that attacked what it called Iran's "*malign and destructive attempts at regional hegemony*"; and (iv) video content published by TIJ in September 2019 entitled "*Is the Muslim Brotherhood a Terrorist Organization?*", which aggressively portrayed the Muslim Brotherhood as an organisation linked to and supportive of terrorism and terrorist activities. It was intended that TIJ would continue to publish such matters;

- g) The drafting, editing and publishing of articles, reports and social media content by TIJ clearly demonstrate politically motivated bias and manipulation, in relation both to the topics covered and to the content thereof (see paragraph 20ii below), in accordance with the True Objectives of TIJ, including for instance (i) an article published by TIJ in February 2019 entitled "*Wiretaps Expose Turkey's Support of Terrorists Entering Syria*" that aggressively alleged that the Government of Turkey supported terrorism and was a "*dire threat*" to the region; (ii) a deeply biased article published by TIJ in March 2019 entitled "*The State of Qatar's Hack of Democracies: A Global Cyber-Crime Operation*" which referred positively and at length to a legal claim brought by Elliott Broidy in relation to the alleged hacking of his emails by Qatar, (iii) an article published by TIJ in January 2020 entitled "*An opportunity not to be missed after Soleimani assassination*" that attacked what it called Iran's "*malign and destructive attempts at regional hegemony*", and (iv) video content published by TIJ in September 2019 entitled "*Is the Muslim Brotherhood a Terrorist Organisation?*" that aggressively portrayed the Muslim Brotherhood as an organisation linked to and supportive of

terrorism and terrorist activities. The Defendants intended that TIJ would continue to operate in this manner;

- h) TIJ and the Second Defendant were, are and were intended to continue to be, on a covert basis, deeply intertwined and commingled with IOHR, another sham organisation with the same misleading objectives as TIJ. TIJ and IOHR have closely assisted and supported each other's objectives, on a covert basis, in particular through: (i) the sharing of staff (including Melissa Rutherford, Daniel Tara, Ashraf Naji and Neil Williams) and freelance associates (including Adelle Nazarian, Kerim Belci, Hanif Qadir, Ahmet Yayla and Ranya Nagi); (ii) the sharing of office space at WeWork, 5th Floor, International House, 1 St Katharine's Way, London E1W 1UN; and (iii) the fact that the Second Defendant had and has control, on a covert basis, of both TIJ and IOHR, despite having no official role at TIJ until May 2019, when he officially became the Chief Executive Officer of TIJ, and no official role at IOHR to date. Staff of TIJ and IOHR were, for instance, required to participate in, and participated in, a deeply misleading protest involving paid protesters, which was organised in or around April 2019 by IOHR in front of the Iranian Embassy in London, in order to amplify a biased and politically motivated campaign being mounted by IOHR at the time. More generally, TIJ has engaged in the deceptive practice of 'astroturfing' in relation to IOHR, including for instance by sharing and amplifying, on social media, posts and campaigns emanating by IOHR (which for instance, (i) called for the release of certain prisoners held in Iran and Turkey in July and August 2020; (ii) drew attention to the humanitarian crisis in Yemen in June 2020; and (iii) criticised Qatar for an alleged privacy flaw in its Covid-19 contact tracing app in May 2020) without making clear that TIJ and IOHR were and are intertwined and commingled, in order to give the false impression that IOHR was receiving grassroots support and backing from independent organisations;
- i) TIJ's content has regularly been shared and disseminated on social media by a film production organisation founded and run by the Second Defendant, Ensan Films, whose films have also primarily focused on aggressively targeting, attacking and smearing those perceived to be opponents of the United Arab Emirates and the Arab Republic of Egypt, and whose founders include individuals with close connections to Egyptian state television, such as Youssef Al Hosseiny (who worked as a

presenter at the Egyptian state television) and Mohamed Gameel (who worked as a video editor at Nile TV News at the Egyptian state television);

- j) The Second Defendant has collaborated with Egyptian state media, including by giving biased interviews that have focused on aggressively targeting, attacking and smearing those perceived to be opponents of the United Arab Emirates and the Arab Republic of Egypt (including Turkey, Qatar, Al Jazeera Media Network and the Muslim Brotherhood), including an interview published in June 2019 by the Egyptian state-controlled newspaper Al-Ahram. In the aforementioned interview in particular, the Second Defendant purported to laud the value of a free press to a newspaper owned and operated by the Arab Republic of Egypt, which is widely considered to be one of the most repressive regimes in the world where press freedom is concerned and one of the world's most prolific jailers of journalists (ranking, for instance, as the 166th worst country out of 180 for press freedom in Reporters Without Borders' 2020 World Press Freedom Index and as the third worst jailer of journalists worldwide according to the Committee to Protect Journalists). In the same interview, the Second Defendant also: (i) acknowledged that TIJ was specifically created in order to attack particular countries such as Turkey and Qatar, which were not in his view sufficiently targeted by the Western media; and (ii) claimed that, in addition to its operations in London, TIJ also had substantial operations in Canada (Vancouver) and the United States (Washington DC); and
- k) TIJ's funding is deeply opaque, and it can be inferred from all those matters detailed in the sub-paragraphs immediately above that (i) the Second Defendant's representation that TIJ was funded by a philanthropist named Yousri Ishaq who was committed to supporting independent journalism was misleading and/or false; and (ii) TIJ's funding instead came from, or on behalf of, the United Arab Emirates or the Arab Republic of Egypt, or representatives or agents thereof. Yousri Ishaq, a long-time resident in the United Arab Emirates (where he worked with the Second Defendant at the state-funded media outlet *Al Hurra*), is not himself possessed of the resources to fund an entity such as TIJ.

- ii. At no time has TIJ covered, nor did the Defendants intend TIJ to cover, a wide range of topics and a diversity of viewpoints from an independent and objective standpoint. In particular:
- a) Articles, reports and social media content published by TIJ have focused and focus primarily on aggressively targeting, attacking and smearing those perceived to be opponents of the United Arab Emirates and the Arab Republic of Egypt, including particular countries such as Turkey, Qatar and Iran and particular organisations such as the Muslim Brotherhood;
 - b) Articles, reports and social media content published by TIJ have focused and focus primarily on a narrow set of topics pertaining to terrorism, cyber-criminality and corruption allegedly on the part of those perceived to be opponents of the United Arab Emirates and the Arab Republic of Egypt, including particular countries such as Turkey, Qatar and Iran, and particular organisations such as the Muslim Brotherhood;
 - c) TIJ has not put forward a diversity of viewpoints from an independent and objective viewpoint; articles, reports and social media content published by TIJ have, to a very great extent, targeted, attacked and smeared those perceived to be opponents of the United Arab Emirates and the Arab Republic of Egypt, including particular countries such as Turkey, Qatar and Iran, and particular organisations such as the Muslim Brotherhood, without generally seeking or reflecting the views of those parties in any way; and
 - d) the Defendants intended that TIJ would continue to operate in this manner.
- iii. TIJ's contributors have at no time included some of the most respected journalists around the world, nor was it intended by the Defendants that TIJ should have such contributors. On the contrary, many of them have been controversial journalists having connections with deeply authoritarian and repressive regimes in the Middle East (in particular those in power in the United Arab Emirates and the Arab Republic of Egypt) known for egregious human rights abuses, media manipulation and attacks on the free press, and whose work for TIJ and otherwise is characterised by predetermined and narrow political

agendas and a willingness to produce the kind of biased material identified above. In particular, TIJ's contributors included, by way of example:

a) Richard Minitzer, who wrote a deeply biased article for TIJ in March 2019 entitled "*The State of Qatar's Hack of Democracies: A Global Cyber-Crime Operation*", which referred positively and at length to a legal claim brought by Elliott Broidy in relation to the alleged hacking of his emails by Qatar, while failing to disclose (i) his own connections with Mr Broidy, in particular, the subsequently reported fact that the American Media Institute, of which Mr Minitzer was the chief executive, had received large sums of money from or through Mr Broidy, including sums paid by the United Arab Emirates in return for publishing attacks on Qatar; (ii) the fact that Mr Broidy was clearly not a trustworthy individual, given that he had a reported conviction in relation to the provision of illegal gifts in the United States and was being investigated by the Justice Department in the United States for failing to register as an agent of foreign interests, including those of the United Arab Emirates, at a time when he was promoting their causes and being paid by them; and (iii) the fact that Mr Broidy was a paid agent of the United Arab Emirates, a known regional rival of Qatar. The aforementioned article also quoted, relied upon and made positive reference to John Hawley (referred to therein anonymously as "*a former U.S. Navy Seal and CIA contractor*"), a Virginia-based private investigator with a history of unlawful and unethical conduct who has regularly worked in furtherance of the interests of the United Arab Emirates and the Kingdom of Saudi Arabia, or representatives or agents thereof. The article also featured and quoted the Second Defendant himself as a supposedly authoritative source without referring to the fact that he had commissioned the same and controlled the publication in which it appeared (the Second Defendant at that time being determined to conceal his involvement with TIJ – see below at subparagraph 20viii.b));

b) Gregg Roman, an individual with no prior noteworthy journalistic experience and the director of the Middle East Forum – a controversial, Islamophobic think-tank based in the United States, which is associated with a number of public controversies, including, for instance: (i) assisting and funding Tommy Robinson, the co-founder and former leader of the far-right and Islamophobic organization The English Defence League; and

(ii) founding and operating 'Campus Watch', a project aimed at smearing those it perceives to be opponents of its foreign policy views, and that has been decried by a number of independent commentators as intimidatory and 'McCarthyesque'. Far from being an independent journalist, Mr Roman also has close relations with the Government of Israel, having previously worked as a political adviser in the Israeli Knesset and as "Coordinator of Government Activities in the West Bank and Gaza Strip" at the Israeli Ministry of Defence;

c) Adelle Nazarian, another associate of Mr Broidy and a former journalist at the far-right American newspaper Breitbart, which is widely known for its extremist, pre-determined and narrow political agendas, and who has written numerous articles aggressively targeting, attacking and smearing those perceived to be opponents of the United Arab Emirates and the Arab Republic of Egypt. In addition to, and in conjunction with, her biased journalistic activities, she has also attended and promoted biased protests, events and conferences aiming at aggressively targeting, attacking and smearing those perceived to be opponents of the United Arab Emirates and the Arab Republic of Egypt, including, for instance, a conference attacking Qatar in February 2019 organised in Washington by the Middle East Forum, the controversial, Islamophobic think-tank referred to above, and protests outside the Embassies of Qatar and Morocco in Washington, DC (in September 2017 and November 2018, respectively), where other protestors were paid for their attendance. Far from being a legitimate and independent journalist, Ms Nazarian is registered with the US Department of Justice as a "Foreign Agent" (i.e. a lobbyist) for an anti-Iranian group;

d) Oren Litwin, a contributor to 'Islamist Watch', a project run by the Middle East Forum, the controversial, Islamophobic think-tank referred to above, for whom he has written numerous articles aggressively targeting, attacking and smearing those perceived to be opponents of the United Arab Emirates and the Arab Republic of Egypt, including Qatar in particular. The Second Defendant commissioned Mr Litwin to write a piece critical of Qatar for TIJ, but subsequently came to the view that Mr Litwin's successive drafts were insufficiently critical of Qatar for his liking, which led the Second Defendant to cancel the commission and to pay Mr Litwin a 'kill fee' for the same; and

- e) Bethany Blankley (who was, for a time, seriously considered as a potential contributor to TIJ, although this did not eventually materialise), another associate of Mr Broidy and a journalist with extremist, pre-determined and narrow political views, who was previously a political analyst for Fox News Radio and who has written articles espousing far-right and Islamophobic views.
- iv. The Defendants' aim and purpose was never, and could never have been, for TIJ to become one of the world's leading, independent public-interest investigative journals advancing the cause of truth. On the contrary, TIJ was always intended by the Defendants to be run and was run with the aim and purpose of advancing the True Objectives of TIJ and thereby to advance the interests of deeply authoritarian and repressive regimes in the Middle East (in particular those in power in the United Arab Emirates and the Arab Republic of Egypt) known for egregious human rights abuses, media manipulation and attacks on the free press.
- v. TIJ's funding is deeply opaque, and it can be inferred from all those matters detailed above that: (i) the Second Defendant's representation that TIJ was funded by a philanthropist named Yousri Ishaq, who was committed to supporting independent journalism was misleading and/or false; and (ii) TIJ's funding instead came from, or on behalf of, the United Arab Emirates or the Arab Republic of Egypt, or representatives or agents thereof. Yousri Ishaq, a long-time resident in the United Arab Emirates (where he worked with the Second Defendant at the state-funded media outlet *Al Hurra*), is not himself possessed of the resources to fund an entity such as TIJ.

The Claimant's Role at TIJ

- vi. Despite endeavouring to fulfil her role as Editor-in-Chief as much as she could and to the best of her ability, the Claimant was Editor-in-Chief of TIJ in name only as a result of the actions of the Second Defendant. In particular, the Second Defendant insisted on taking and took all substantial decisions relating to TIJ (including all decisions of a senior managerial nature) himself and micromanaged much of the Claimant's work, as further detailed in sub-paragraph vii immediately below; and
- vii. Despite endeavouring to fulfil her role as Editor-in-Chief as much as she could and to the best of her ability, the Claimant's role did not involve wide-ranging and

high-level responsibilities and a significant degree of independence, leadership and control (including in relation to those matters specified at sub-paragraphs 15.ii(a)-(e) above), given that the Second Defendant insisted on taking and took all substantial decisions relating to TIJ (including all decisions of a senior managerial nature) himself and micromanaged much of the Claimant's work, other than the editing, design, production, proofreading and uploading of TIJ's articles and reports which was almost all entirely completed by the Claimant, who performed these tasks to a high professional standard. It is to be inferred that the Defendants' refusal to permit the Claimant to undertake the full role that had been represented to her (see paragraph 15 above) derived from their determination to ensure that the True Objectives of TIJ were met. In particular:

- a) while the Claimant was involved in the planning, commissioning and editing of articles, all final decisions in relation to these articles lay almost exclusively within the control of the Second Defendant rather than the Claimant, other than in relation to the editing of those articles, which was almost entirely completed by the Claimant and accordingly to a high professional standard;
- b) despite endeavouring to do so as much as she could, the Claimant had limited control or say over the hiring, commissioning, training or management of staff and freelancers, since the Second Defendant overrode or ignored on several occasions the Claimant's reasonable suggestions in this regard or failed to consult her altogether, for instance in relation to (i) commissioning a freelance production editor and a designer to work for TIJ; (ii) approaching or commissioning writers and journalists, including where the Claimant had expressed reservations regarding their political opinions or competence; (iii) the inclusion of new members on the Board of Advisers of TIJ; and (iv) the Second Defendant's threat in May 2019 to hire someone else to manage the Claimant directly rather than himself. On occasion, the Second Defendant also berated the Claimant when the Claimant questioned or challenged what she believed to be the Second Defendant's unreasonable and/or poor decisions in this regard, for instance on 17 June 2019 when the Second Defendant sent angry voice messages to the Claimant on WhatsApp after the Claimant challenged the Second Defendant's unreasonable views regarding the Claimant's commissioning of freelance production editor Graeme Osborn, whom the Second Defendant had previously agreed to hire;

- c) despite endeavouring to do so as much as she could, the Claimant had little to no control over any of TIJ's spending as the Second Defendant insisted on taking and took almost all decisions in that regard, frequently overriding or ignoring the Claimant's reasonable suggestions, including in relation to expenditures for commissioned articles, for example, (i) the fees for some of the commissioned reports, which varied from author to author; and (ii) the fee for freelance production editor Graeme Osborn, whom the Claimant had sought to hire to assist her for a few days' work on a report in June 2019, and whom the Second Defendant eventually and unreasonably rejected on the basis of his proposed fees, despite having agreed to them previously. On occasion, the Second Defendant also berated the Claimant when the Claimant questioned or challenged what she believed to be the Second Defendant's unreasonable and poor decisions in this regard, for instance on 17 June 2019 when the Second Defendant sent angry voice messages to the Claimant on WhatsApp after the Claimant explained to the Second Defendant that his unreasonable expectations regarding the fee for freelance production editor Graeme Osborn could not be met;
- d) despite endeavouring to do so as much as she could, the Claimant had little to no control or say over TIJ's production deadlines and schedules as the Second Defendant insisted on taking and took almost all decisions in that regard, imposing production deadlines and schedules that often placed disproportionate and significant physical and mental strain on the Claimant; and
- e) despite endeavouring to do so as much as she could, the Claimant had little to no control or say over any of TIJ's external communications and marketing, including social media communications and external events, as the Second Defendant insisted on taking and took almost all decisions in that regard. On occasion, the Second Defendant also berated the Claimant when the Claimant questioned, challenged or did not follow what she believed to be the Second Defendant's unreasonable and poor decisions and/or expectations in this regard, including for instance on 16 April 2019, 7 May 2019 and 15 May 2019 when the Second Defendant sent angry WhatsApp messages to the

Claimant because she had sent various emails, including to writers, without the Second Defendant's prior approval.

viii. The Second Defendant also:

- a) repeatedly told the Claimant that her role should be limited exclusively to editing and that the Claimant should not focus on or substantively deal with any other aspect of matters;
- b) used the Claimant as a public façade behind which the Second Defendant could run TIJ and further the True Objectives of TIJ unbeknown to the wider public for many months until the Second Defendant was officially announced as the Chief Executive Officer of TIJ by way of a press release dated 10 May 2019. Prior to this announcement in May 2019, the Second Defendant gave strict instructions to all staff at TIJ, including the Claimant, to refrain from ever publicly referring to or in any way disclosing the fact that the Second Defendant was involved with TIJ, including refraining from mentioning his name in any social media post, email or correspondence, and refraining from posting any photos of, or other information concerning, him online; and
- c) other than on limited occasions, resisted research relating to, or suggestions for, serious public-interest articles and/or commissions of report topics proposed and strongly advocated by the Claimant that did not directly serve the True Objectives of TIJ, notwithstanding that these would have been beneficial in terms of developing TIJ's reputation as "*a premier news portal for deeply researched and reported longform investigative journalism*".

ix. In the premises, the Defendants did not permit the Claimant to undertake the tasks particularised at paragraphs 7, 12 and 15 above, and never had any intention that the Claimant's role should be in accordance with those representations.

Deceit

21. In all the premises, the Defendants made the representations identified at paragraphs 6–7 and 11-12, as summarised at paragraphs 14-15 above, fraudulently in that the Defendants knew they were false, or were reckless, not caring whether they were true or false. In

particular:

PARTICULARS OF KNOWLEDGE

- i. Each of the Defendants knew that each of the representations had been made.

Nature, Purpose and Funding of TIJ

- ii. Further, at all material times, each of the Defendants knew the true nature, purpose and funding and intended nature, operation and funding of TIJ (as set out at paragraph 20 above). By way of summary, each of the Defendants knew that:
 - a) TIJ was not, is not and was not intended to be a reliable, accurate, well-researched, trustworthy, independent, balanced and nuanced investigative journal and is, was and was intended to be designed, purposed, intended, funded and operated in pursuit of the True Objectives of TIJ;
 - b) TIJ would not and was not intended to cover a wide range of topics and a diversity of viewpoints from an independent and objective standpoint given that the Defendants intended TIJ to focus primarily on aggressively targeting, attacking and smearing those perceived to be opponents of the United Arab Emirates and the Arab Republic of Egypt, including particular countries such as Turkey, Qatar and Iran and particular organisations such as the Muslim Brotherhood;
 - c) TIJ's contributors did not and were not intended to include some of the most respected journalists around the world and instead were controversial journalists having connections with deeply authoritarian and repressive regimes in the Middle East (in particular those in power in the United Arab Emirates and the Arab Republic of Egypt) known for egregious human rights abuses, media manipulation and attacks on the free press, and whose work for TIJ and otherwise was characterised by pre-determined and narrow political agendas and a willingness to produce the kind of biased material identified above;
 - d) TIJ's aim and purpose was never intended to be, and could never have been, to become one of the world's leading independent public

Interest investigative journals advancing the cause of truth, and instead TIJ was designed and run with the aim and purpose of advancing the True Objectives of TIJ, and thereby to advance the interests of deeply authoritarian and repressive regimes in the Middle East (in particular those in power in the United Arab Emirates and the Arab Republic of Egypt), which are known for egregious human rights abuses, media manipulation and attacks on the free press; and

- e) TIJ was not and is not funded by Yousri Ishaq, who is furthermore not a philanthropist committed to supporting independent journalism, given that it can be inferred from the fact that Yousri Ishaq is not himself possessed of the resources to fund an entity such as TIJ, and that TIJ's funding was and is deeply opaque and from all those matters detailed above that TIJ's funding came from, or on behalf of, the United Arab Emirates or the Arab Republic of Egypt, or representatives or agents thereof.

iii. In support of the above contentions, the Claimant will rely on:

- a) the facts and matters set out at paragraph 20 above;
- b) the Second Defendant's control of and intimate involvement with all aspects of the operation of the First Defendant;
- c) from May 2019, the seniority of the Second Defendant's position at the First Defendant.

iv. Further, in all the premises, the Second Defendant's knowledge is to be attributed or imputed to the First Defendant.

The Claimant's Role at TIJ

v. Further, at all material times, each of the Defendants knew the true nature or intended nature of the Claimant's role. By way of summary, each of the Defendants knew that:

- a) the Claimant would be Editor-in-Chief of TIJ in name only:

1. the Second Defendant intended to take all substantial decisions relating to TIJ (including all decisions of a senior managerial nature) himself and to micromanage much of the Claimant's work; and
 2. the Second Defendant intended to use the Claimant as a public façade behind which the Second Defendant could run TIJ and further the True Objectives of TIJ unbeknown to the wider public for many months until the Second Defendant was officially announced as the Chief Executive Officer of TIJ by way of a press release dated 10 May 2019;
- b) the Claimant's role would not involve wide-ranging and high-level responsibilities and a significant degree of independence, leadership and control (including in relation to those matters specified at sub-paragraphs 15.ii(a)-(e) above):
1. the Second Defendant intended to take all substantial decisions relating to TIJ (including all decisions of a senior managerial nature) himself and to micromanage much of the Claimant's work; and
 2. the Second Defendant intended to use the Claimant as a public façade behind which the Second Defendant could run TIJ and further the True Objectives of TIJ unbeknown to the wider public for many months until 10 May 2019 when the Second Defendant was officially announced as the Chief Executive Officer of TIJ.

vi. Sub-paragraphs (iii) and (iv) of this paragraph 21 are repeated herein.

Negligent Misrepresentation

22. In the alternative, the Defendants made the representations identified at paragraphs 6-7 and 11-12, as summarised at paragraphs 14-15 above, negligently in that the Defendants made these representations carelessly or without any reasonable grounds for believing their truth. As to this:

- i. the Defendants had particular knowledge as to: (a) the nature, purpose and funding of TIJ and the intended nature, operation and funding of TIJ; and (b) the

role or intended role that it was proposed would be performed by the Claimant in TIJ;

- ii. the Claimant had no such knowledge;
- iii. further and accordingly, each of the Defendants knew that:
 - a) job applicants (including the Claimant) would rely on the content of the Job Description in determining whether to apply for the role and accept employment with the First Defendant; and
 - b) the Claimant would rely on what she was told by the Second Defendant at the Interview in deciding whether to accept employment with the First Defendant;
- iv. in the premises, each of the Defendants voluntarily assumed personal responsibility for the accuracy of the information provided to the Claimant in the Job Description and Interview, and knew that the Claimant would use that information in deciding whether to apply for and accept employment with the First Defendant;
- v. accordingly, each of the Defendants owed the Claimant a duty in tort to exercise reasonable skill and care in providing truthful and accurate information to her about the First Defendant and the proposed role at TIJ, and/or the Defendants' intentions as to the same;
- vi. they breached that duty by providing information which they knew or ought to have known was false.

23. Accordingly:

- i. the Defendants are liable to the Claimant in the tort of negligence; and/or
- ii. the First Defendant is liable to the Claimant by reason of section 2(1) of the Misrepresentation Act 1967.

Liability of the First Defendant

24. For the avoidance of any doubt, the First Defendant is liable to the Claimant:

- i. directly in relation to representations made by the First Defendant or in respect of representations that are attributable to it or to be imputed to it; and/or
- ii. because it is vicariously liable for the tortious acts of the Second Defendant.

Loss and Damage

25. By reason of the Defendants' misrepresentations and as set out above, the Claimant has suffered loss and damage. The Claimant will file and serve a schedule of loss in due course, but will seek damages under at least the following heads and having regard to the pleaded matters below.

PARTICULARS OF LOSS AND DAMAGE

- i. Had the Claimant been aware of the true position:
 - a) the Claimant would not have applied for and would not have accepted employment with the First Defendant;
 - b) the Claimant would instead have continued to seek and obtained employment elsewhere as an editor, journalist or writer, and her remuneration for such employment would have likely been in the region of £35,000–£45,000 *per annum*. The Claimant would have also likely sought to extend and extended her contract as a proofreader with HSBC which ended on 20 February 2019, for which her salary was £1,000 per week;
 - c) in any event, the Claimant would not have been dismissed from her position with the First Defendant – such dismissal having occurred largely as a result of tensions between the Claimant and the Second Defendant principally caused by the Claimant's growing realisation, discomfort and frustration with the true nature of TIJ and her role therein, which she regularly challenged during her employment at TIJ, in addition to the Second Defendant's unreasonable behaviour throughout the Claimant's employment (contrary to the First Defendant's false pretext that it terminated her Employment Contract on 19 June 2019 on the basis of an alleged data breach by the Claimant);
 - d) the Claimant would not have suffered the reputational loss and damage set out at sub-paragraph (ii) below;

- e) the Claimant would not have suffered the pecuniary loss set out at sub-paragraph (iii) below.
- ii. The Claimant has suffered serious reputational loss as a result of the Defendants' misrepresentations and her employment with the Defendants, in particular as follows:
 - a) the Defendants' misrepresentations and the Claimant's employment with the Defendants have seriously harmed the Claimant's reputation for journalistic and editorial integrity and independence, given that the Claimant's name is now closely associated with TIJ and the Second Defendant, and with their operations and publications in pursuit of the True Objectives of TIJ, including with TIJ's and the Second Defendant's political propaganda and manipulation of public discourse in a manner intended to favour and assist the interests of deeply authoritarian and repressive regimes in the Middle East (in particular, those in power in the United Arab Emirates and the Arab Republic of Egypt), which are known for egregious human rights abuses, media manipulation and attacks on the free press (as further detailed at sub-paragraphs 20.i-20.v above); and
 - b) the Claimant's practical lack of seniority, overall inability to influence, steer or commission the actual reports produced, and lack of control during her employment with the Defendants (as further detailed at sub-paragraphs 20.vi-20.viii above) (i) ensured at all material times that her work for TIJ was directed towards ensuring that the True Objectives of TIJ were met, thereby closely associating the Claimant's name with TIJ's and the Second Defendant's discreditable journalistic and editorial practices and standards, and (ii) undermined her standing and credibility in the profession amongst fellow journalists and editors.
- iii. As a result of this serious reputational loss, the Claimant has suffered pecuniary loss in the form of loss of earnings because:
 - a) The Claimant's profile for job applications as a journalist and/or an editor (including both employment positions and freelance commissions) has been seriously harmed;

- b) The Claimant is currently unemployed and has been unable to find suitable alternative employment since the First Defendant unreasonably terminated her Employment Contract on 19 June 2019, other than a brief period of time from 8 July 2019 until 27 September 2019 as a freelance contractor with Reach Plc (a position the Claimant had applied for in December 2018 before her employment with TIJ, and therefore before she had suffered any of the aforementioned reputational damage);
- c) The Claimant has suffered her longest period of unemployment since the beginning of her journalistic and editorial career, having had all of her many job applications since her employment with TIJ ignored or rejected, which the Claimant has never previously experienced in her over 30-year-long career; and
- d) The Claimant has suffered financial hardship as a result of her inability to obtain employment or any other form of substantial income since September 2019.

iv. The Claimant has also suffered substantial physical and mental stress and hardship as a result of the Defendants' misrepresentations and the matters set out above. This physical and mental stress and hardship has, in particular, severely harmed the Claimant's ability to trust prospective future employers, and has resulted in the Claimant experiencing strong feelings of burnout and emotional breakdown.

26. To the extent necessary, the aforementioned types of losses were reasonably foreseeable.

Interest

27. The Claimant claims and is entitled to interest on such sums as are found to be due and owing to her, at such rate and for such period as the Court shall deem fit pursuant to section 35A Senior Courts Act 1981.

AND THE CLAIMANT CLAIMS AGAINST EACH OF THE DEFENDANTS:

- (a) Damages;
- (b) Damages pursuant to section 2(1) of the Misrepresentation Act 1967;
- (c) Interest on those damages as set out at paragraph 27 above;
- (d) Costs, together with interest on costs for such period and at such rate as the Court shall deem fit; and
- (e) Further or other relief.

STATEMENT OF TRUTH

I believe that the facts stated in these Particulars of Claim are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed


Jane K Cahane

Dated

4 November 2020