

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
THE HONOURABLE MR JUSTICE GRAY
THURSDAY 25 MAY 2006
B E T W E E N:

CLAIM NO HQ03711983



- (1) KHALID SALIM A BIN MAHFOUZ
(2) ABDULRAHMAN K S BIN MAHFOUZ

Claimants

and

- (1) JEAN-CHARLES BRISARD
(2) GUILLAUME DASQUIE

Defendants

ORDER

UPON THE APPLICATION of the Claimants dated 23 December 2005

AND PURSUANT TO paragraph 4 of the Order of Mr Justice Treacy dated 22 August 2003

AND UPON READING the second Witness Statement of Laurence Mark Harris dated 23 December 2005 and the third Witness Statement of Jean Charles Brisard dated 28 March 2006

AND UPON HEARING James Price QC and Laurence Harris for the Claimants and Adam Speker for the First Defendant

IT IS ORDERED THAT

1. Judgment be entered against the above-named First Defendant, Jean-Charles Brisard;
2. The First and Second Defendants do pay:
 - 2.1 the First Claimant the sum of £10,000 by way of damages, such payment to be made within 28 days of the date of this Order;

- 2.2 the Second Claimant the sum of £10,000 by way of damages, such payment to be made within 28 days of the date of this Order;
3. There be publication by the Defendants of a suitable correction and apology in accordance with the following provisions:
 - 3.1 The parties are to agree a suitable correction and apology within 14 days of the date of this Order. The parties should by that date also reach agreement about the content, time, manner, form and place of the publication of the correction and apology by the Defendants, and the Defendants will publish the correction and apology in accordance with that agreement;
 - 3.2 In default of agreement being reached between the parties in accordance with paragraph 4.1 above, the Claimants are to prepare a summary of the judgment (the **Summary**) given by the Court and serve it upon the Defendants within 14 days of the date which the Claimants receive a transcript of the judgment;
 - 3.3 The Summary is to be agreed between the parties within 7 days of its service by the Claimants upon the Defendants. If it is agreed, then the Defendants will publish the Summary in a manner, form, place and at a time agreed between the parties;
 - 3.4 In default of agreement being reached between the parties in accordance with paragraph 4.3 above, the parties are to file within 10 days of service of the Summary with the Clerk to Mr Justice Gray and serve upon each other a copy of the Summary and the revisions they wish to make to it, and apply to the Court for the Court to settle the Summary. The Court will then settle the final version of the Summary;
 - 3.5 Once the Court has settled the final version of the Summary, the Court shall make an order as to the manner, form and place of publication by the Defendants.
4. An injunction be granted against the First Defendant restraining him, whether by himself, his servants or agents or otherwise howsoever from publishing, or causing or authorising the further publication of, within the jurisdiction of the court, the words complained of in this action or any similar defamatory words of or concerning the Claimants or either of them.
5. The injunction against the Second Defendant as set out in Paragraph 2 of the Order of Mr Justice Treacy dated 22 August 2003 shall continue in full force and effect.
6. The Claimants' costs of this action in so far as they relate to the First Defendant, being all those costs incurred in the action after 22 August 2003 (save the costs of this application which are provided for in paragraph 7 below) and such costs prior to

that date that do not relate to the Second Defendant, be paid by the First Defendant to the Claimants, such costs to be the subject of detailed assessment on the standard basis if they cannot be agreed.

7. The Claimants' costs of this application dated 23 December 2005 be paid by the Defendants to the Claimants, such costs to be the subject of detailed assessment on the standard basis if they cannot be agreed.
8. The First Defendant do make an interim payment to the Claimants of £150,000 in respect of the costs of this action, such payment to be made within 56 days of the date of this Order.
9. In default of payment by the Defendants of the amounts ordered to be paid to the Claimants pursuant to paragraph 2 of this Order within the time therein specified for payment, the Claimants may enforce this Order without further notice to the Defendants or further Order from the Court.
10. In default of payment by the First Defendant of the amount ordered to be paid to the Claimants pursuant to paragraph 8 of this Order within the time therein specified for payment, the Claimants may enforce this Order without further notice to the First Defendant or further Order from the Court.
11. Each Defendant is jointly and severally liable for the payments ordered at paragraph 2 and 7 of this Order and the Claimants may enforce paragraphs 2 and 7 of this Order against either of the Defendants, save that the Claimants may not recover more than the total amount ordered to be paid to them.
12. The First Defendant's application for permission to appeal under CPR 52.3(2)(a) be refused.
13. If the First Defendant wishes to apply for permission to appeal under CPR 52.3(2)(b) his time for filing his Appellant's Notice be extended to 22 June 2006.

