



Neutral Citation Number: [2006] EWHC 1191 (QB)

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Case No: HQ03X01283

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 25 May 2006

Before:

THE HON. MR JUSTICE GRAY

Between:

(1) SHEIKH KHALID BIN MAHFOUZ
(2) ABDULRAHMAN BIN MAHFOUZ

Claimants

- and -

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

Defendants

James Price QC and Laurence Harris (Solicitor Advocate)

(instructed by **Kendall Freeman**) for the **Claimants**

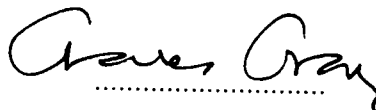
Adam Speker (instructed by **Reynolds Porter Chamberlain**) for the **First Defendant**

The Second Defendant did not appear and was not represented

Hearing dates: 19 May 2006

Approved Judgment

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.


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THE HON. MR JUSTICE GRAY

Mr Justice Gray:

1. I should at the outset record the fact that at the commencement of the hearing of this application I made an order under section 4(2) of the Contempt of Court Act, 1981 that publication of any report of the proceedings be postponed until after the determination of another action in which one of the defendants in this action, M. Brisard, is also a defendant, namely *Al Amoudi v. Brisard & others*. The reason for making the order is that that action is to be tried with a jury. Publicity about the present proceedings might result in unfairness to M. Brisard.
2. The Claimants in this libel action, Sheikh Khalid bin Mahfouz and Mr Abdulrahman bin Mahfouz, seek summary disposal of their libel claim against M. Jean-Charles Brisard and M. Guillaume Dasquie pursuant to sections 8 to 10 of the Defamation Act, 1996. Judgment in default has already been obtained against M. Dasquie for damages to be assessed. He has not attended on this application. But M. Brisard has instructed solicitors and counsel, Mr Adam Speker, to oppose the application.
3. The Claimants' claim is for damages for libel and injunctive relief in respect of a book entitled "Forbidden Truth" of which the Defendants are the authors. There are numerous references to both Claimants in chapter 12 of that book and elsewhere. It is not necessary for me to quote the material passages. It is sufficient if I set out the defamatory meanings for which each of the Claimants contends in the Particulars of Claim. The first Claimant contends that the words complained of in the context of the book as a whole bore the defamatory meanings that he knowingly supported and assisted in terrorism by:
 - i) acting as banker to the terrorist Osama bin Laden, the first Claimant's brother in law, and to Osama bin Laden's terrorist network Al Qaeda, and acting as the "banker of terror", thus knowingly and willingly participating in the lucrative business of terrorism;
 - ii) being one of the principal supporters of Osama bin Laden and Al Qaeda in their terrorist activities:
 - a) by contributing millions of dollars in order to support and further the campaign of terrorism and atrocities waged by Osama bin Laden and Al Qaeda;
 - b) by playing a prominent role in organising the financing of those terrorist activities and
 - c) by knowingly and willingly acting as a main protagonist in their terrorist network;
 - iii) conniving at and colluding in the terrorist activities of Osama bin Laden and Al Qaeda and actively facilitating those terrorist activities.
4. The second Claimant contends that the words complained of in the context of the book as a whole bore the defamatory meanings:

