



Claim Form

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Claimant(s) name(s) and address(es) including postcode
Mohammed Dahlan, PO Box 128827, Abu Dhabi, United Arab Emirates

Defendant(s) name and address(es) including postcode

- (1) M. E. E Limited, 7th Floor, 1 Sussex Place, Hammersmith, London, England, W6 9EA
(2) David Hearst, 7th Floor, 1 Sussex Place, Hammersmith, London, England, W6 9EA

Brief details of claim

(1) Damages, including aggravated damages, for libel arising from publication by the Defendants of an article online headlined "EXCLUSIVE: UAE funnelled money to Turkish coup plotters" which was first published on or around 29 July 2016, and which referred to and was defamatory of the Claimant

(2) An injunction restraining the Defendants, whether acting by themselves or by servants or agents or otherwise howsoever from further publishing or causing to be published the said words concerning the Claimant or any other words to similar effect

(3) Costs

(4) Such further or other relief, remedies or Orders as the Court may deem just and convenient

Value
£250,000

Assigned to Master THORNE TC

You must indicate your preferred County Court Hearing Centre for hearings here (see notes for guidance)

High Court, Queen's Bench Division, Media & Communications List - s.15(2)(c) of the CCA 1984

Defendant's name and address for service including postcode

Carter Ruck Solicitors
6 St Andrew Street
London
EC4A 3AE
Ref: AT/dxm/15596.2

	£
Amount claimed	250,000.00
Court fee	10,528.00
Legal representative's costs	TBC
Total amount	

For further details of the courts www.gov.uk/find-court-tribunal.

When corresponding with the Court, please address forms or letters to the Manager and always quote the claim number.

Claim No.

Does, or will, your claim include any issues under the Human Rights Act 1998? ☐ Yes ☒ No

Particulars of Claim (attached)(to follow)

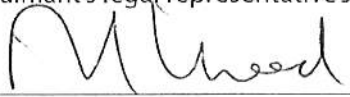
Statement of Truth

~~*(I believe)~~ (The Claimant believes) that the facts stated in these particulars of claim are true.

* I am duly authorised by the claimant to sign this statement

Full name Paul Tweed

Name of claimant's legal representative's firm Johnsons Solicitors

signed  position or office held Partner

~~*(Claimant)~~ (Litigation friend)
(Claimant's legal representative)

(if signing on behalf of firm or company)

**delete as appropriate*

Johnsons Solicitors
21 Arlington Street
London
SW1A 1RN
Ref: ME00010258

Claimant's or claimant's legal representative's
address to which documents or payments
should be sent if different from overleaf including
(if appropriate) details of DX, fax or e-mail.

BETWEEN:

MOHAMMED DAHLAN

Claimant

and

(1) MIDDLE EAST EYE LIMITED

(2) DAVID HEARST

Defendants

AMENDED PARTICULARS OF CLAIM
Pursuant to CPR 17.1(2)(a)

1. The Claimant is a politician, businessman and philanthropist. He is well known as the former leader of Fatah in Gaza and as an important figure in Palestinian politics.
2. The First Defendant is the publisher of *Middle East Eye*, an online news organisation (accessible at: www.middleeasteye.net) which reports primarily on news relating to the Middle East and Northern Africa.
3. The Second Defendant is the Editor in Chief of *Middle East Eye* and is the journalist who authored, and with the First Defendant published, the words complained of below.
4. The First Defendant published online on 29 July 2016 an article written by the Second Defendant with the headline “*EXCLUSIVE: UAE ‘funnelled money to Turkish coup plotters* (still accessible online at: <http://www.middleeasteye.net/news/exclusive-uae-funnelled-money-turkish-coup-plotters-21441671>).’ In this article the Defendants and each of them published or caused to be published the following words which referred to and were defamatory of the Claimant (paragraph numbers added):

[Headline] ***“EXCLUSIVE: UAE ‘funnelled money to Turkish coup plotters’***

[Hashtag] ***#TurkeyCoup***
(<http://www.middleeasterneye.net/topics/turkeycoup>)

[Standfirst 1] *Palestinian exile and Emirati middleman Dahlan was in contact with cleric Gulen before coup attempt, Turkish sources claim*

[Standfirst 2] *Mohammed Dahlan is considered to have close ties to Abu Dhabi's crown prince, Mohammed bin Zayed al-Nahyan (AFP)*

[Topics] *Topics: TurkeyCoup*

[Tags] *Tags: Turkey, Coup, United Arab Emirates, Mohammed Dahlan, Fatah, Fethullah Gulen*

[1] *The United Arab Emirates' government collaborated with coup plotters in Turkey before the unsuccessful attempt was launched, using exiled Fatah leader Mohammed Dahlan as a go-between with the US-based cleric accused by Turkey of orchestrating the plot, sources close to one of Turkey's intelligence services told Middle East Eye.*

[2] *Dahlan is alleged to have transferred money to the plotters in Turkey in the weeks before the coup attempt and to have communicated with Fethullah Gulen, the cleric alleged by Turkey to have masterminded the plot, via a Palestinian businessman based in the US.*

[3] *The identity of this man, who is close to Dahlan, is known to a Turkish intelligence service.*

[4] *Throughout the night of the coup on 15 July, pan-Arab media based in Dubai including Sky News Arabic and Al Arabiya reported that the coup against Turkish President Recep Tayyip Erdogan and the ruling Justice and Development Party had been successful.*

[5] *At one point, media outlets influenced by the Emirates claimed that Erdogan had fled the country. Still, there is no suggestion that the media outlets were involved in the coup.*

- [6] *It took the government of the UAE 16 hours - one hour after a statement by Saudi Arabia - to condemn the coup and to support Erdogan as the legitimate president of Turkey.*
- [7] *According to sources who spoke to MEE, the UAE then launched an operation to distance itself from Dahlan.*
- [8] *UAE indicated on social media that there was “anger with Dahlan”. Shortly afterwards, he was forced to leave the UAE and is understood to be in Egypt.*
- [9] *Dahlan is a former leader of the Palestinian political party Fatah who was exiled from Gaza and the West Bank and is thought to have close ties to Abu Dhabi's crown prince, Mohammed bin Zayed al-Nahyan.*
- [10] *He is alleged to have been used as a conduit for UAE funds and communications in various operations throughout the Middle East.*
- [11] *MEE reported in May that the UAE, Jordan and Egypt had identified Dahlan as a favoured successor to the current Fatah leader, Palestinian Authority President Mahmoud Abbas.*
- [12] *Dahlan is also linked to attempts to stoke the civil war in Libya. In a secret recording of Abbas Kamel, then-office manager of Egyptian President Abdel Fattah al-Sisi, Kamel revealed that Dahlan, accompanied by three people, would secretly visit Libya on a private jet.*
- [13] *Kamel recommended that a military official allow Dahlan to leave the Libyan airport in secret. Kamel said Dahlan had already caused a problem for the Egyptian authorities because he travels “upon orders from the UAE, which monitors all of his movements”.*
- [14] *Since the failure of the coup, the Emiratis have tried to mend fences with Ankara. They detained two Turkish generals at Dubai international airport on suspicion of having links to the coup.*
- [15] *Mehmet Cahit Bakir, a major general in command of the Afghanistan Turkish Task Force, and Sener Topuc, a brigadier general in command of the Train, Advise and Assist Command in Kabul, were deported back to Ankara.*
- [16] *The UAE are even more fearful of a backlash that may come after the purge of the Turkish army that Erdogan is conducting.*

- [17] *An informed source told MEE: “They now feel that Erdogan is in full power. They do not like him personally and think of him as a man who will seek to take revenge. Once Erdogan has cleaned out the stables, they think he will then turn on those outside the country who supported the coup.”*
- [18] *A total of 126 army generals have been arrested in connection with the attempted coup. This represents about one-third of all the generals in the Turkish armed forces.*
- [19] *Revelations about Dahlan’s conversations with the Palestinian businessman in the US before the coup could also increase pressure on Washington to consider Turkey’s request for Gulen to be extradited.*
- [20] *Turkey’s foreign and justice ministers are set to travel in person to the US to demand the extradition of Gulen, but for that to succeed they must present a US judge with prima facie evidence to back the list of criminal charges, and proof that similar charges exist under US law.*
- [21] *If the charges clear that hurdle, Gulen would still be open to the defence that the charges are political in nature and that he could not be guaranteed of a fair trial in Turkey. About 2,700 judges were removed from their posts after the coup.’*

4A. The publication online (pleaded at paragraph 4 above) reached a global audience of around 18,540 publishees, but the Claimant confines his claim for damages to publication in the following jurisdictions:

4A.1 Publication to approximately 1,772 publishees in England & Wales;

4A.2 Publication to approximately 1,801 publishees in Saudi Arabia;

4A.3 Publication to approximately 3,050 publishees in Turkey.

4A.4 Publication to approximately 552 publishees in Egypt.

4B. In respect of online publication in Saudi Arabia, Turkey and Egypt the Claimant relies upon:

4B.1 the common law exception to the requirement to prove double-actionability and asserts that English law alone should be applied to all of the issues arising in this claim in relation to publication in all five jurisdictions.

4B.2 alternatively, the presumption of identity that foreign law, and in particular the law of:

4B.2.1 Egypt;

4B.2.2 Turkey; and

4B.2.3 Saudi Arabia

is the same as the law of England & Wales, unless the contrary be pleaded and proved by the Defendants.

5. In their natural and ordinary meaning the words meant and were understood to mean:

5.1. That the Claimant was guilty of the most serious criminal misconduct in that he was secretly involved on behalf of the Government of the United Arab Emirates in funding and collaborating with those responsible for plotting an unsuccessful illegal military coup against the democratically elected government of Turkey in July 2016;

5.2. That the Claimant guilty of further serious criminal misconduct in that he engaged in secret attempts to encourage the continuation of the civil war in Libya.

6. Further or alternatively, by way of innuendo, the said words meant and were understood to mean that the Claimant is a terrorist.

PARTICULARS OF INNUENDO

- 6.1 The definition of terrorism in section 1 of the Terrorism Act 2000 includes all use or threat of serious violence to influence any government for the purposes of a political, religious or ideological cause;
 - 6.2 This includes any and all military attacks by a non-state armed group against any or all state or inter-governmental organization armed forces in the context of a non-international armed conflict.
 - 6.3 These facts and matters would have been known to a substantial but unquantifiable number of unidentifiable readers of Middle East Eye and these readers would have understood the words complained of herein to bear the meaning set out above.
7. The words complained of have caused and are likely to continue to cause serious harm to the reputation of the Claimant. The Claimant will rely on the following facts and matters:

PARTICULARS OF SERIOUS HARM

- 7.1. The First Defendant is a popular and well-regarded source on news about Middle Eastern affairs. It is available online without paywall, and has a large social media following: having 98,300 followers on Twitter; and 441,920 ‘likes’ on Facebook. In addition, the online publication was published on a page freely accessible, to any internet user, without subscription or registration. ~~Therefore, pending disclosure of readership statistics, the inference will be invited that a very substantial number of readers within the jurisdiction viewed the article.~~
- 7.2. The article was also shared widely by readers on social media. The article itself has four ‘*buttons*’ which are designed to be clicked upon in order to post the article onto social media. The buttons currently indicate that the article was shared on Twitter at least 4,401 times,

on Facebook 5,283 times, on Google+ 6 times, and miscellaneous 10,100 times. The inference is invited that a very substantial number of these shares were published to publishees within the four jurisdictions pleaded in paragraph 4A above.

7.3. The Defendants also shared the article via their social media channels, and this further increased the reach of the article complained of. By way of example, the article was posted three times on the Middle East Eye Facebook page, first on 29 July 2016, next on 30 July 2016, and again on 2 August 2016:

7.3.1. The 29 July 2016 post (accessible here: <https://www.facebook.com/MiddleEastEye/posts/1084402304958490?match=dWFlIGZ1bm5lbGxlZCxlYWU%3D>) got 142 ‘*reactions*,’ 18 comments and 120 ‘*shares*.’

7.3.2. The 30 July 2016 post (accessible here: <https://www.facebook.com/MiddleEastEye/posts/1084750448257009?match=dWFlIGZ1bm5lbGxlZA%3D%3D>) got 24 ‘*reactions*,’ and 168 ‘*shares*.’

7.3.3. The 2 August 2016 post (accessible here: <https://www.facebook.com/MiddleEastEye/posts/1087169518015102?match=dWFlIGZ1bm5lbGxlZA%3D%3D>) got 4 ‘*reactions*’ and 5 ‘*shares*.’

It is to be inferred that a substantial number of these “reactions” and “shares” were published to publishees within the four jurisdictions pleaded in paragraph 4A above.

7.4. The defamatory allegations made in the article are extremely serious and highly damaging to the Claimant’s reputation. They are allegations of the most serious criminal misconduct which, potentially, placed the lives of thousands of individuals at risk and threatened democracy in Turkey. No retraction or apology has been published, and so readers of the article continue to believe that the Claimant is guilty of the conduct alleged.

- 7.5. Comments below the article, published by the Defendants, indicate the gravity of the allegations and that readers of the publication believed them. By way of example, these comments included the following statements:

“abdul mohamed: Nothing surprising about this. They were behind the coup that kicked Mursi out. UAE hates anyone who has any positive feelings towards Muslin Brotherhood. Erdogan [sic] is one of those who is close to the MB.”

Aba Tounsi: hope Erdogan will do the necessary with these bastards!!!”

“Barry: This guy is all over the place. He was involved in trying to sell Israeli arms to Khadafy’s Libya, of all things. The Israelis nixed it and publicized the fact at he was trying to do this deal. They used to be ok with him (he enjoyed Tel Aviv and Jerusalem restaurants and nightlife when he was a big shot in PA), but they obviously had no use for him when he was trying tor save Khadafy.”

- 7.6. As a result of the above matters the Claimant will invite the Court to infer that serious harm has been caused to his reputation in the jurisdiction of this Court and that further serious harm is likely to be caused in the future.

- 7.7. Furthermore, given the seriousness of the allegations, republication was reasonably foreseeable and the Defendant is responsible for all such republication. Republication has occurred on a large number of websites, including but limited to the following:

- 7.7.1. Middle East Monitor
(<https://www.middleeastmonitor.com/20160730-uae-funnelled-money-to-turkish-coup-plotters/>).
- 7.7.2. www.linkedin.com (<https://www.linkedin.com/pulse/uae-funnelled-money-turkish-coup-plotters-shahid-ali>)

7.7.3. www.worldbulletin.net

(<http://www.worldbulletin.net/haber/175612/uae-funnelled-money-to-turkish-coup-plotters>)

The Claimant relies on these republications as evidence of serious harm to his reputation. The Claimant reserves the right to plead further defamatory republications of the words complained of when these are drawn to his attention.

8. In addition to the serious harm caused to his reputation, the Claimant has suffered considerable distress and embarrassment. The allegations are likely to have a serious impact on his ability to continue his political and charitable works, especially in respect of his prospects for raising donations for his political and charitable causes.
9. Unless restrained, the Defendants and each of them will further publish the said or similar words defamatory of the Claimant.

AND the Claimant claims:

- (1) Damages, including aggravated damages, for libel published within England & Wales, Egypt, Turkey, and Saudi Arabia;
- (2) An injunction to restrain the First Defendant whether by its officers, servants or agents or otherwise howsoever and the Second Defendant whether by himself, his agents or otherwise howsoever from further publishing, causing, authorising or procuring the publications of the allegations complained of or similar allegations defamatory of the Claimant.

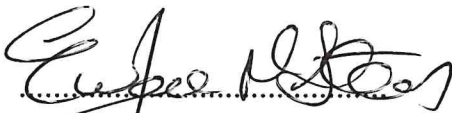
HUGH TOMLINSON QC

GREG CALLUS

HUGH TOMLINSON QC

GREG CALLUS

The Claimant believes that the facts stated in this Amended Particulars of Claim are true. I am duly authorised by the Claimant to sign this statement of truth.

Signed : 
Date: 
Position: 

Served this 3rd day of August 2018