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NOTES AND COMMENTS

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RISKS OF LITIGATION

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Authors and publishers who accuse prominent Saudi Arabians of providing funds to al-Qaʿida are being sued for their accusations. The most active litigant has been Khaled bin Mahfouz, whom the Forbes Website[1] describes as a citizen of Saudi Arabia worth $3 billion. In March 2005, Bin Mahfouz and his company Nimir Petroleum won a libel case in the High Court in London against the Pluto Press and author Michael Griffin for statements in *Reaping the Whirlwind: Afghanistan, Al Qaʿida and the Holy War,* which was published in a revised edition in 2003. According to the Bin Mahfouz Website,[2] the book wrongly alleged that "Sheikh Khalid funded bin Laden's and al-Qaʿida's terrorist activities, [that he] had been dismissed from NCB [National Commercial Bank] because of the funding of terrorism, and as a result had also been stripped of his Saudi passport and confined to a military hospital by the Saudi authorities"; also that "Nimir Petroleum was owned by a funder and supporter of Osama bin Laden and al-Qaʿida and was a party to negotiations with the Taliban in connection with an oil pipeline to be built across Afghanistan." In the court proceedings, the publisher and author "accepted that there was no truth whatsoever in any of these allegations. They acknowledged that Sheikh Khalid had no connection whatsoever with Osama bin Laden or the supporting or funding of terrorist activities, left NCB only for health reasons, and was not stripped of his passport or confined to a military hospital. They also accepted that Nimir Petroleum was not owned by a funder of terrorism and was not involved in any Afghan pipeline project and has never had any dealings with the Taliban regime." Pluto Press and Griffin agreed to destroy all copies of the book, to desist from repeating these allegations, and "to publish an apology on www.plutobooks.com, in the *Bookseller* magazine and in the British Institute of Middle East Studies *Newsletter*." In August 2005, all signs of a connection with Griffin or the book, which they had published in two editions (2001, 2003), had vanished from the Pluto Press Website.

A main source for such allegations against Mahfouz was the writings of French author Jean-Charles Brisard. Brisard wrote something he called *UN Report on Terrorist Financing*, deceptively suggesting that the work was authorized by the United Nations. He is also the coauthor (with Guillaume Dasquié) of *The Forbidden Truth*, which is currently the subject of libel actions by Mahfouz in the United Kingdom and Belgium. The publisher plugged the book as "The result of three years of investigation by a

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leading French investigative journalist and an intelligence expert." In August 2004, the U.K. High Court ordered that damages for "defamation" be paid by Brisard and his associates for alleging that Mahfouz was one of the main Saudi sponsors of al-Qaʿida; that he "knowingly supported and assisted in terrorism, diverting millions of dollars to terrorist organizations through his position as chairman of National Commercial Bank; and that he is the brother-in-law of Osama bin Laden."[3] The Mahfouz family has three more cases pending against Jean-Charles Brisard, two in the United Kingdom, and one in Belgium.[4]

Other cases where authors and publishers have been penalized and forced to renounce certain defamatory assertions against prominent Saudis are the following:

- Rachel Ehrenfeld and her publisher Bonus Books were obliged in June 2005 by a British court to pay substantial damages for "defamatory statements" about Sheikh bin Mahfouz in her book *Funding Evil*. (His lawyers must have been tracking new publications with "defamatory" claims because her book had only just been published.[5])
- The Center for Research on Globalization published an "Apology to Sheikh Khalid bin Mahfouz and his Family" in the summer of 2004 for defamatory allegations in an article and a book (*War and Globalisation, The Truth behind September 11*) written by Michael Chossudovsky that it had published in 2002.[6]
- Loretta Napoleoni acknowledged in the spring of 2005 that her book *Modern Jihad* (Pluto Press, 2003) "contained a number of erroneous and highly defamatory allegations about Sheikh Khalid bin Mahfouz" and agreed to expunge them from a forthcoming French edition.[7]

Mahfouz's Website provides a list of "books, reports, newspapers, magazines and web based publications [that] contain numerous errors of fact about Khalid bin Mahfouz and his family. . . ." and asserts that "Khalid Bin Mahfouz and his family reserve their rights against the authors, editors, publishers, distributors and printers of these publications. Furthermore, it should be noted that they expressly reserve their rights against any person or entity which repeats any of the erroneous allegations contained in these or any other publications."[8,9]

All of these suits originated in England where the courts are said to be more "litigation-friendly,"[10] but in other venues similar complaints have been unsuccessful. A suit against Brisard for allegations in *Forbidden Truth* that was essentially the same as the one by bin Mahfouz in the United Kingdom was filed in Switzerland by Yeslam bin Laden, half-brother of Osama, but that court rejected his claims.[11]

Some authors have fought back,[12] but these lawsuits have generally chilled the publication of allegations against prominent figures who have the means to resist. In March 2004, Eric Boehlert revealed that a book by Craig Unger, *House of Bush, House of Saud: The Secret Relationship Between the World's Two Most Powerful Dynasties*, was "essentially quashed" at the last minute by its British publisher Secker & Warburg because of "the aggressive use of the British legal system and its plaintiff-friendly libel laws by wealthy Saudis."[13]

Whatever the merits of these allegations and denials, they at least demonstrate how difficult it is to clear one's name once one has been accused, especially when suspicion of people like those mentioned earlier is already in the air. Moreover, from the other point of view, it demonstrates how risky the scholarly pursuit of damning information can be if the people referenced have the means to resist. "Studying up" can be risky business.

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NOTES

[1]http://www.forbes.com/billionaires2004/LIRJKTG.html

[2]http://www.binmahfouz.info/faqs_4_pluto.html

[3]http://www.libertythink.com/2004_08_08_archives.html, http://www.mail-archive.com/ctrl@listserv.aol.com/msg115142.html

[4]http://www.binmahfouz.info/faqs_4_forbidden_truth.html

[5]http://www.kendallfreeman.com/news/home.asp

[6]http://www.globalresearch.ca/articles/CHO212A.html

[7]http://www.binmahfouz.info/news_200503_1.html

[8]http://www.binmahfouz.info/faqs_4.html

[9]Similar suits have been filed against the news services. The Jameel family of Jeddah, owners of a based financial conglomerate won a libel suit against the *Wall Street Journal* in the United Kingdom (see http://www.carter-ruck.com/articles/Jameel030205.html). In March 2003, Tunisian opposition leader Rashid Ghannouchi won a large "damages" award against the newspaper *al-Arab* for allegations that he was linked to bin Laden. See http://www.carter-ruck.com/recentwork/ghannouchi-21mar03.html. A Jeddah businessman, Yassin al-Kadi, won a libel case against the small newsletter *Africa Confidential* and now is challenging the inclusion of his name on the U.S.-designated terrorist list because of his association with the now-defunct Islamic charity, Muwaffaq (http://911review.org/Sept11Wiki/Al-Kadi,Yassin.shtml; http://haganah.org.il/harchives/004299.html). He also has complained to the European court in Luxembourg that the United States has frozen his assets (http://lists.econ.utah.edu/pipermail/a-list/2003-October/028115.html). Yousef Jameel of the Jameel family is seeking damages for libelous statements in the *Wall Street Journal* (Europe) and the *Sunday Times* in English High Court (http://www.libertyforum.org/showflat.php?Cat=&Board=news_news&Number=120823). Mr. Jameel's younger brother, Mohammed, and the Abdul Latif Jameel Co., Ltd., are also suing the *Wall Street Journal* for an article in February 2002 that claimed the Jameel group was being monitored by the Saudi Arabians at the request of U.S. law enforcement authorities (http://www.arabnews.com/?page=1&section=0&article=65706&d=21&m=6&y=2005). The Al Rajhi family of Riyadh has a similar case pending against the same paper (http://www.libertyforum.org/showflat.php?Cat=&Board=news_news&Number=1208231).

[10]"The Saudis, who say the allegations are untrue, have made London the venue of choice for their defamation actions because of the globally recognised reputation of a judgment under English law, which is notoriously claimant friendly in libel cases" (David Pallister, "Saudis turn to claimant-friendly English courts to clear their names over allegations that they helped to finance Osama bin Laden," *The Guardian*, 16 October 2003). (Cf. http://www.libertythink.com/2004_08_08_archives.html).

[11]"Switzerland's Supreme Court has rejected an appeal by one of Osama bin Laden's half brothers to ban a controversial book on the head of Al Q'aeda" (27 December 2002) (http://abc.net.au/news/newsitems/s754681.htm; see also http://www.aftenposten.no/english/local/article709009.ece).

[12]Rachel Ehrenfeld (e.g., http://www.frontpagemag.com/Articles/ReadArticle.asp?ID=18450).

[13]"Banned in Britain! Fearful of Saudi lawsuits, the British publisher of 'House of Bush, House of Saud' has backed down from issuing the book." (http://www.salon.com/news/feature/2004/03/23/unger_ban/index_np.html).

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