

A COMPENDIUM OF MCCANN-RELATED LIBEL ACTIONS

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by [Tony Bennett](#) on Fri Jun 17, 2011 4:14 pm

- McCann Team's libel actions: the story so far:

Note: this article will be updated and amended in blue. Please see SIX UPDATES SO FAR, 27 July 2011; 9, 21 and 26 August 2011, on 12 September 2011, and on 5 December 2011

A provisional compendium of all the libel actions and threatened actions by the McCanns and their friends and associates, showing who they've sued or attempted to sue, and with what result.

On a conservative estimate, lawyers in this case, both lawyers for the claimants and lawyers for the defendants, have made around £5 million (maybe much more) as a result of Madeleine's disappearance. What a good job that many children have chipped in with their weekly pocket money and many pensioners sent their weekly pensions to the McCanns to help this most worthy of causes.

[Note, this is a provisional compendium, some details may be inaccurate and there may be omissions. If corrections and omissions are posted here, I will update the OP as we go along].

The entries below show:

- Who took action
- Against whom
- Why
- When,

- With what result, and
- What lawyer was used.

Some references/sources are supplied

McCanns v Tal & Qual

1. Who took action? The McCanns.

Against whom? Portuguese tabloid Tal & Qual.

Why? They said they were libelled.

When? 31 August 2007.

Result? McCanns had to abandon their legal action because the newspaper went out of business through falling sales.

Lawyer used: Carlos Pinto de Abreu.

Ref: Carlos Pinto de Abreu quoted as saying: “The press has engaged in a horrific exercise in scandal-mongering, replete with rumours and lurid commentaries...to sell more TV time and newspaper space to advertisers”. Tal * Qual stood by their story; the journalist who wrote the article, Catarina Vaz Guerreiro, said: “I can't reveal my source, but I have complete trust in them. I strongly believe that the person that gave us this information is telling the truth”.

McCanns v 24Horas

2. Who took action? The McCanns.

Against whom? Newspaper, 24Horas.

Why? Various ‘smears’ against the McCanns including claims that Dr Gerald

McCann was not Madeleine's father.

When? October 2007

Result? Action threatened but not begun.

Ref: 12 October 2007, Daily Mail: "Kate and Gerry McCann are planning to sue a Portuguese newspaper in the British libel courts, the Evening Standard can reveal. The McCanns are considering the action against Lisbon-based 24 Horas after becoming increasingly angered by a series of smears. The McCanns' spokesman Clarence Mitchell said today: '24 Horas is running an absolutely despicable campaign and Kate and Gerry are not afraid to take legal action'. They can bring the action here because 24 Horas has a website available for download in the UK. The damages could be so large, it has been suggested, it could put the newspaper out of business".

Lawyer used: Carlos Pinto de Abreu.

Justine McGuinness v Mirror Group Newspapers

3. Who took action? Justine McGuinness, former reputation manager for the McCanns.

Against whom? The People/Mirror Group Newspapers.

Why? An article in The People, October 2007, suggesting she'd overclaimed expenses by £20,000.

When? Late 2007.

Result? Settled out of court for £5,000 damages. The lawyers (see below) claimed £78,000 costs under: 'No Win, No Fee'. Ms McGuinness had the money paid into a charity.

Lawyer used: Amber Melville-Brown of Withers LLP

McCanns v Media

4. Who took action? The McCanns.

Against whom? Express Newspapers, other TV and media outlets

Why? Claims they were libelled by suggestions they were somehow involved in Madeleine's disappearance

When? Claim made early 2008?

Result? £550,000 gained, settled out of court, front-page apologies printed Wednesday 19 March 2008 and Sunday 23 March

Lawyer used: Carter Ruck

Ref: The Guardian's Roy Greenslade said: "It is unprecedented for four major newspapers to offer front-page apologies, but it is more than warranted given that the papers had committed a substantial libel that 'shamed the entire British press'."

Murat v Media

5. Who took action? Robert Murat

Against whom? Express Newspapers titles the Daily Express, Sunday Express and Daily Star; Associated's Daily Mail, London Evening Standard and Metro; MGN's Daily Mirror, Sunday Mirror and Daily Record; and News International's Sun and News of the World.

Why? Claims he was libelled by suggestions in dozens of newspaper articles that he was somehow involved in Madeleine's disappearance

When? Claim made early 2008?

Result? The Scotsman apologised to Murat 15 May, paying no damages, £600,000 gained from the other newspapers on 18 July 2008, settled

out of court.

Lawyer used: Louis Charalambous of Simons Muirhead & Burton.

Michaela Walczuk & Sergei Malinka v Media

6. Who took action? Michaela Walczuk (girlfriend, now wife of Murat) and Sergei Malinka

Against whom? Express Newspapers titles the Daily Express, Sunday Express and Daily Star; Associated's Daily Mail, London Evening Standard and Metro; MGN's Daily Mirror, Sunday Mirror and Daily Record; and News of the World

Why? They claim they were libelled by suggestions in newspaper articles that they were somehow involved in Madeleine's disappearance

When? Claim made early 2008?

Result? Reputedly £100,000 gained for each of them on 18 July 2008, settled out of court.

Lawyer used: Louis Charalambous of Simons Muirhead & Burton.

Tapas 7 v Media

7. Who took action? The 'Tapas 7'.

Against whom? Express Newspapers and several other news groups.

Why? Claims they were collectively libelled by suggestions they were somehow involved in Madeleine's disappearance.

When? Claim made early 2008?

Result? £375,000 gained in total (over £53,500 each).

Lawyer used: Carter Ruck

Ref: Express Newspapers said at the time in an apology: “In articles...we suggested that the holiday companions of Kate and Gerry McCann might have covered up the true facts concerning Madeleine McCann's disappearance and/or misled the authorities investigating her disappearance. We also reported speculation that...Dr Russell O'Brien was suspected of involvement with Madeleine's abduction. We now accept that these suggestions should never have been made and were completely untrue...”

Murat v BskyB

8. Who took action? Robert Murat

Against whom? BskyB.

Why? Claims they accused him of involvement in Madeleine's disappearance.

When? During 2008?

Result? Undisclosed damages, settled out of court 14 November 2008.

Lawyer used: Louis Charalambous of Simons Muirhead & Burton.

McCanns v Paulo Reis, Portuguese journalist

9. Who took action? The McCanns

Against whom? Paulo Reis, a Portuguese journalist.

Why? Claims they were libelled in a series of articles by Reis in 2007 & 2008

When? Claim made summery 2008?

Result? Paulo Reis mentioned his libel letter from the McCanns in an article dated Ocober 2008; he had already taken a break from writing about Madeleine

McCann in order to concentrate on writing about other stories. It is not known if he withdrew any of his articles about Madeleine; probably not.

Lawyers used: Carter Ruck.

Ref: <http://gazetadigitalmadeleinecase.blogspot.com/2008/10/news-after-long-absence.html> He wrote: "I received a letter from Carter-Ruck, threatening to take me to court, if I don't stop immediately writing about the case - something I have no intention to do"

McCanns v Goncalo Amaral and TVI

10. Who took action? The McCanns.

Against whom? Goncalo Amaral and Portuguese TV station TVI .

Why? Claims they were libelled by suggestions they were somehow involved in Madeleine's disappearance

When? Libel action was threatened in July 2008 when Mr Amaral published his book but it didn't get under way until the McCanns served a writ in June or July 2009

Result? Complex! The main events so far:

- Sep 2009 Book banned, TV1 documentary banned, books impounded
- Dec 2009/Jan/Feb 2010 Hearing of Amaral's appeal against the book ban; appeal failed
- Oct 2010 Portuguese Appeal Court upholds Amaral's appeal; book unbanned
- Mar 2011 Portuguese Supreme Court hears appeal by McCanns against book unbanning' appeal fails, Amaral's book can be sold.

McCanns say they will appeal still further.

Lawyer used: Isobel Duarte.

McCanns v T Bennett & D Butler

11. Who took action? The McCanns.

Against whom? Tony Bennett & Debbie Butler

Why? Claims they were libelled in a book, a leaflet and on a website by suggestions they were somehow involved in Madeleine's disappearance

When? 27 August 2009

Result? Bennett and Butler agreed not to distribute '60 Reasons' book and '10

Reasons' leaflet and not to libel the McCanns; Bennett required to pay £400 Court costs.

Lawyer used: Carter Ruck.

B & K Kennedy v T Bennett

12. Who took action? Brian Kennedy, main backer of the McCanns and his son Patrick Kennedy.

Against whom? Brian Kennedy took action against Tony Bennett.

Why? Claims he was libelled in internet articles on the 3As website.

When? 28 August 2009

Result? The offending articles were no longer available because 3As was taken offline; Bennett agreed not to libel Kennedy.

Lawyer used: Carter Ruck.

McCanns v Pamalam

13. Who took action? The McCanns

Against whom? Pamalam, owner of 'gerrymccannsblogs' website, and her hosters.

When? 2009?

Why? Claims that Dr Gerald McCann's blogs were copyright and that there was libellous content on the blog.

Result: Unsuccessful. Pamalam retained the entries complained of as her hosters required the McCanns' lawyers to obtain a Court Order. The lawyers did not apply for one.

Lawyer used: Carter Ruck.

McCanns v Madeleine Foundation

14. Who took action? The McCanns.

Against whom? The Madeleine Foundation

Why? Claims the McCanns were libelled by an article by Barbara Nottage in which she said the abduction could not have happened in the claimed time slot of 3-4 minutes

When? January 2010.

Result: Half of the article removed.

Lawyer used: Carter Ruck.

McCanns v Madeleine Foundation

15. Who took action? The McCanns.

Against whom? The Madeleine Foundation.

Why? Claims that a leaflet about Goncalo Amaral was libellous

When? February 2010.

Result: Distribution of the leaflet suspended for four months.

Lawyer used: Carter Ruck.

Marcos Arago Correia v Madeleine Foundation

16. Who took action? Marcos Arago Correia, Portuguese lawyers used by the McCanns in conjunction with metodo 3 andf who brought criminal prosectutiosgaaon Goncalo Amaral.

Against whom? The Madeleine Foundation.

Why: Claimed he had been defined by an article on The Madeleine Foundation

When? April 2010

Result: Correia took no further action after Madeleine Foundation replied defending content of its article.

Lawyer used: Himself.

McCanns & Jon Corner v McCann Exposure & Wordpress

17. Who took action? The McCanns and Jon Corner.

Against whom? Owners of the 'McCann Exposure' blog and hosters WordPress

Why? Claims the blog breached copyright and was libellous

When? 2 June 2011

Result: Copyright photos removed and some changes made to the blog's content.

Lawyer used: Carter Ruck.

Brian Kennedy v McCann Exposure & Wordpress

18. Who took action? Brian Kennedy

Against whom? Owners of the 'McCann Exposure' blog and hosters WordPress

Why? Claims the blog libelled him When? 3 June 2011

Result: Some changes made to the blog's content.

Lawyer used: Carter Ruck.

McCanns v Paulo Sargento, Hernâni Carvalho and Manuel Luis Goucha and TVI

19. Who took action? The McCanns.

Against whom? Three Portuguese citizens: Paulo Sargento, Hernâni Carvalho and Manuel Luis Goucha and Portuguese TV station TVI.

Why? Claims they libelled the McCanns in a TV discussion

When? 15 June 2011

Result: Action only just begun.

Lawyer used: Isobel Duarte.

Ref: Quote from article: “Three personalities of the small screen in Portugal began to be interviewed yesterday, Wednesday, after they were declared ‘*arguidos*’ - suspects, in a complaint of criminal libel. The complaint cites the contribution of the three ‘*arguidos*’ during the broadcast of a talk-show where details of the Portuguese police investigation of Madeleine McCann were discussed”.

McCanns v Pat Brown, Criminal Profiler

20. Who took action? The McCanns

Against whom? Pat Brown, self-styled 'Criminal profiler' in the U.S.A.

Why? Claims her new e-book, 'Profiling the Disappearance of Madeleine McCann', libelled them

When? mid-July 2011

Result: Amazon have stopped listing her book, claiming that the McCanns have alleged that her book is defamatory and that, as they haven't the resources to say whether a book is libellous or not, they're removing it from sale. Pat Brown is suing for 'tortious interference with business' because the McCanns caused her book to be withdrawn from sale on Amazon.

Lawyer used: Carter Ruck.

Edward Smethurst (McCanns' Co-ordinating lawyer) v Tony Bennett

21. Who took action? Edward Smethurst

Against whom? Tony Bennett

Why? Claims that three threads on 'Complete Mystery of Madeleine McCann' libelled him, especially references to comments made by some of his 'Facebook friends'.

When? Libel writ in the High Court issued 9 August 2011

Result: Smethurst obtained a secrecy order on 9 August 2011 from Master Eyre, forbidding disclosure of Court documents to third parties. Detailed Particulars of Claim have not yet been filed by Smethurst. The claim is for damages 'not exceeding £100,000'. Preliminary hearing on 7 December 2011

Lawyer used: Isabel Hudson at Carter-Ruck.

McCanns v Tony Bennett

22. Who took action? The McCanns

Against whom? Tony Bennett

Why? They claim that Tony Bennett has breached his undertaking not to accuse the McCanns of any involvement in the disappearance of their daughter and is therefore guilty of contempt of court. They have said they will shortly issue contempt proceedings. They also demanded the remove of around 50 articles and postings by him.

When? Letter written 12 August 2011.

Result: Contempt proceedings served on Tony Bennett when a large cardboard box was delivered to him by limousine on 1 December 2011. . The articles and postings to which the McCanns objected have been removed.

Lawyer used: Isabel Hudson at Carter-Ruck.

Brian Kennedy v Tony Bennett

23. Who took action? Brian Kennedy

Against whom? Tony Bennett

Why? Claims that ten articles on The Madeleine Foundation website libelled him.

When? Libel letter sent 2 September 2011

Result: Matter settled as follows: (1) Tony Benentt apologised for libelling Brian Kennedy. Tony Bennett agreed to withdraw, and not re-publish, a number of articles about Brian Kennedy on the Madeleine Foundation website. Brian Kennedy asked for costs but Tony Bennett successfully refused to pay them. No other payment was made by Tony Benentt to settle this action.

Lawyers used: Adam Tudor and Isabel Hudson at Carter-Ruck.

Steve May (Business associate of the McCanns' 'co-ordinating lawyer', Edward Smethurst) v Jill Havern

24. Who took action? Steve May

Against whom? Jill Havern

Why? Claims that a thread on the 'Complete Mystery of Madeleine McCann forum' were libellous of him.

When? Libel letter sent October 2011

Result: Jill Havern removed the thread in question but did not reply to the letter. There was no further action.

Lawyers used: Isabel Hudson at Carter-Ruck.

OTHER LEGAL ACTIONS

In September 2009, Bindmans LLP, Solicitors for Henri E____, who worked or still works for the security services, requested several websites including Joana Morais' blog and The Madeleine Foundation website us to remove what they alleged to be 'confidential information' in observance of a Category 5 'D

Notice'. He had been named in an article by Mark Hollingsworth in the Evening Standard newspaper. Most websites/blogs complied with the request by removing his name from their sites.

In 2010 the McCanns' lawyer Isabel Duarte made a complaint that Gonçalo Amaral had 'giving false statements about his financial affairs (assets and income) to the Social Security Department in order to obtain legal support. On 15 April the Public Ministry in Portimão rejected her complaint on behalf of the McCanns. The Public Ministry said there was no evidence that Gonçalo Amaral had committed any crime. Afterwards [in Correio da Manhã, April 16, 2011, page 14, paper edition: <http://joana-morais.blogspot.com/2011/04/maddie-case-mccanns-lose-another-legal.html> , Gonçalo Amaral was quoted as saying: "This is another defeat for the McCann couple. It is another setback in their attempts to destroy me by legal action". [Thanks to 'candyfloss' for the extra information].

Compiled by T Bennett, 17 June 2011



Tony Bennett

Researcher/Moderator

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