



JUDICIARY OF
ENGLAND AND WALES

10 March 2017

PRESS SUMMARY

Hourani v Thomson & Others
[2017] EWHC 432 (QB)
Mr Justice Warby

1. The judgment is given after the trial over 10 days of claims for libel and harassment brought by the claimant, Issam Hourani, against five defendants.
2. The claimant is a British citizen of Lebanese origin. The claim arises from a campaign of street protest, online publication, and sticker distribution conducted in 2014. The campaign targeted three individuals who were alleged to be murderers, responsible for the torture, drugging, beating and sexual assault of a young woman, Anastasiya Novikova, and her subsequent death, in Beirut, in 2004. The claimant was one of the three targets of the campaign. The others were his brother, Devincci Hourani, and his brother-in-law, the late Rakhat Aliyev.
3. The campaign included a street demonstration in June 2014 outside the claimant's London home ("the June Event") and another street demonstration in London in November of the same year ("the November Event"). Those events were extensively reported on websites and social media. Stickers referring to Ms Novikova's death were distributed near the claimant's London home.
4. The campaign was organised and directed by the fifth defendant on the instructions of one or more clients, whose identity has not been disclosed. The first and second defendants played parts in the campaign, and in particular in bringing about the June and November Events. The fourth defendant, a US company, was used by the fifth defendant for the purposes of the campaign. The third defendant is the fifth defendant's fiancée.
5. The main issues as to liability were (1) whether and if so to what extent the acts complained of involved publication within this jurisdiction; (2) the existence and extent of each defendant's responsibility for those acts which did involve publication; (3) the defamatory meanings of the publications complained of; (4) whether those publications were harmful enough to the claimant's reputation to be actionable in libel; (5) whether the roles of any, and if so which of the defendants, involved a course of conduct which amounted to harassment, and which that defendant knew or ought to have known amounted to harassment, of Mr Hourani; and (6) the merits of the affirmative defences relied on by the defendants.

6. The affirmative defences relied on were: (a) the defence of publication on a matter of public interest, put forward by the first and second defendants in answer to the libel claims against them; (b) defences relied on by all the defendants in answer to the harassment claim: that any course of conduct in which they did engage did not amount to harassment because it was (i) pursued for the purpose of preventing or detecting crime and/or (ii) in the particular circumstances, reasonable.
7. The defendants' case in support of their defences to harassment had three main aspects to it. First it was said that the campaign involved the exercise of rights of protest and freedom of expression. Secondly, it was said that the fifth defendant reasonably believed certain things about what happened to Ms Novikova, and the claimant's role in those events, and believed that it was in the public interest and reasonable for those things to be brought to the attention of the public. Thirdly, it was said that the things the fifth defendant believed, or most of them, were in fact true. Those things were that Ms Novikova was tortured, drugged, beaten and sexually assaulted by Aliyev and others in a Beirut apartment; that the claimant knew of and facilitated these acts; and that he was "thereby an accomplice to Ms Novikova's murder and/or would have been responsible for her murder under the US felony murder rule."
8. The Court finds in the claimant's favour against the first, second, fourth and fifth defendants. The main conclusions are these. There was substantial publication within this jurisdiction, for which each of those defendants bore at least some responsibility. The fourth and fifth defendants were responsible for all of it. The first defendant was responsible for the June Event and consequent publication. The second defendant was responsible for both Events, the consequent online publication, and the sticker distribution. Each of these defendants engaged in a course of conduct which amounted to harassment, as he or it knew or should have known. The public interest defence to libel fails. So do the two defences to the harassment claim.
9. The course of conduct was not pursued for the purpose of preventing or detecting crime. Nor was it reasonable in all the circumstances. The truth of the allegations against the claimant has not been established. The allegations of murder are untenable. The court accepted that the fifth defendant believed many of the things he said he believed. But the defence did not establish that he held those beliefs reasonably or that what was said and done by him and at his instigation was reasonable in all the circumstances. On the contrary, the Court finds that the campaign which the fifth defendant directed was a highly unreasonable one, which requires a remedy.
10. The judgment awards damages of £80,000, of which £50,000 is for libel and £30,000 for harassment. The fourth defendant is liable for the whole of that sum. The liability of the other three defendants is more limited, according to their respective roles and conduct. The claim against the third defendant is dismissed.
11. A claim for disclosure of the identity of the fifth defendant's client(s) remains to be determined.

References in square brackets are to paragraphs in the judgment

NOTE: This summary is provided to help in understanding the Court's decision. It does not form part of the reasons for the decision. The full judgment of the Court is the only authoritative document. Judgments are public documents and are available at: www.bailii.org.uk