

# McCann vs. Bennet Libel Suit

The [McCanns](#) instruct →[Carter-Ruck](#) to instigate contempt of Court proceedings against [Tony Bennett](#).

They allege that Mr Bennett has breached an undertaking given to the High Court, on 25 November 2009, not to repeat *“allegations that the Claimants are guilty of, or are to be suspected of, causing the death of their daughter Madeline McCann; and/or of disposing of her body and/or of lying about what happened and/or of seeking to cover up what they had done.”*

1. →[Part 1](#), McCanns vs. Bennett - Contempt of Court (1)
  2. →[Part 2](#), McCanns vs. Bennett - Contempt of Court (2)
  3. →[Part 3](#), McCanns vs. Bennett - Judgment & Sentencing Remarks of Judge
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## This libel trial took place in Britian.

The [McCann-Lawyers](#) are from →[Carter-Ruck \(homepage: Our Clients\)](#):

**“Carter-Ruck's clients** are drawn from all over the world. Many are **high profile individuals**, including heads of state, heads of government and other senior politicians and diplomats, leading business people and celebrities and other prominent figures in the fields of entertainment, media and sport. **The firm also represents sovereign states**, government ministries, regulatory bodies, academic institutions, charities, multinational corporations and companies of every size. Media clients encompass the whole industry, including newspaper, magazine and book publishers, broadcasting organisations and online publishers. Carter-Ruck has been at the forefront of efforts to **pioneer creative solutions** in relation to the funding of litigation and this has enabled the firm also to represent numerous individuals who might not otherwise have been able **to obtain specialist advice and access to justice.**”

→[Wikipedia](#): “The Libel Reform Campaign cite many instances where the application of the libel laws by **Law Firms like Carter-Ruck is effectively gagging the freedom of expression and free speech** in the England and Wales leaving only the wealthy anywhere in the world able to seek justice in the UK where it would be denied in their own country. See Also Libel tourism. However, these criticisms have been challenged by leading media law academics Prof. Alastair Mullis and Dr Andrew Scott. The most recent example of Carter-Ruck acting on behalf of a client to stifle criticism was reported in the Guardian newspaper on 19 January 2011. Carter-Ruck on behalf of Midland Pig Producers issued a warning letter to the Soil Association threatening libel proceedings after the SA objected to a MPP planning application. Threatening such proceedings, which are rarely followed through, is a typical modus operandi of Carter-Ruck (and other law firms) to minimise scrutiny and adverse publicity of their clients.”

The Judge is →[Michael George Tugendhat](#):

**Sir Michael George Tugendhat**, styled The Hon. Mr Justice Tugendhat, and in legal writing as Tugendhat J, is a High Court judge in England and Wales. He is the England and Wales's senior media judge, taking over that role from Mr Justice Eady on 1 October 2010. His appointment was welcomed by some journalists who believed he held "more enlightened beliefs" than did his predecessor....Tugendhat was appointed Queen's Counsel in 1986. He became a Recorder of the Crown Court in 1994 and a deputy judge sitting in the High Court of Justice in 1995. In 2000, he became a judge sitting in the appeal courts of Jersey and Guernsey. He was appointed a High Court Judge, Queen's Bench division, in 2003. **In 2010 he was appointed to be the Judge in Charge of the Queen's Bench jury lists.** He is a fellow of the Institute of Advanced Legal Studies. He was formerly on the management committee of the Advice on Individual Rights in Europe Centre. Described by The Guardian as "*Britain's leading expert on privacy law*", Tugendhat told the Commons' select committee on Culture, Media and Sport: ***"We must never underestimate the asset we have in the free press and I am afraid a free press is bound to be one that occasionally gets it wrong either by malice or mistake."***



His brother is Baron →[Christopher Tugendhat](#): **Baron Christopher Samuel Tugendhat** is a British politician belonging to the Conservative Party, businessman, company director and chairman, journalist and author. He was knighted in 1991 and was created a life peer as Baron Tugendhat, of Widdington in the County of Essex in 1993, and is the chancellor of the University of Bath. He announced his intention to stand down on the 31st of July 2013, when he will be replaced by **His Royal Highness Prince Edward**, The Earl of Wessex. He was chairman of **Imperial College Healthcare NHS Trust**, the UK's first academic health science centre, until December 2011. See also →[The Independent](#): "*Business Class Connections: Eton? That'll do nicely, sir. The old boy network still runs the show - but alternative cultures are starting to loosen its hold.*"

## Further readings:

**25 May 2013** →[Why exactly was this particular fellow chosen to adjudicate in the McAlpine-Bercow case?](#)

**26 Sep. 2011** →[The Independent](#): "Met spent £5,000 on [Yates's](#) legal bill without authorisation....[The Yard](#) paid a total of £7,175 earlier this year to enable former assistant commissioner John Yates to **hire the law firm Carter Ruck** after a national newspaper published an article that he believed questioned his integrity with regard to the investigation of the [News of the World](#) phone-hacking scandal. Mr Yates resigned in July amid criticism of his conduct."

**19 Sep. 2010** →[The Guardian](#), **Mr Justice Tugendhat the libel judge of our dreams?**

"Let's wait and see. Mr Justice Tugendhat's rise to senior media judge will be welcomed, but it's too soon to greet him as a press hero. If only, as people have repeatedly said over the years, Mr Justice Eady didn't exist. **If only some other judge were ruling the libel roost** – say that nice Mr Justice Tugendhat, with his more enlightened views about media restrictions. Well, the dreams are coming true – in theory, at any rate. Judges' are all different, from crusty to liberal, sleepy to sharp. Their verdicts do differ hugely, as learned counsel (like the David Eady of long ago) are wont to tell their clients. But that isn't the way judges themselves want to see justice portrayed. They think consistency the better part of wisdom. Maybe Sir Michael Tugendhat will be a fine press hero in the end – but

don't hang out the flags and the wigs just yet.”

**17 Nov. 2010** → [What's The Truth Behind the Trafigura Witnesses?](#): “...Oil traders Trafigura have gone to a great deal of effort to make the story about toxic waste dumping in Ivory Coast go away – from using **law firm Carter-Ruck to initiate libel proceedings against the Guardian and BBC**, to attempting to stop questions about it being raised in the House of Commons. ...”

**01 Nov. 2009** → [Toxic Gags](#): “...The issue arose when a ship belonging to an international **oil trading company by the name of Trafigura deliberately dumped toxic waste off the Ivory Coast**. Thousands of local people were affected, a number dying in consequence of the resulting pollution. This loathsome company originally claimed that the wastes was non-toxic, knowing full well that it was. After years of stalling and legal threats it eventually agreed to pay compensation to over thirty-one thousand people. In an attempt at ‘reputation management’ Trafigura employed a firm of London solicitors by the name of **Carter-Ruck**, specialists in the law of libel. These people immediately started to throw their weight around, going to the high court to get an injunction **preventing The Guardian from further reporting on the Ivory Coast story**. But this was no ordinary injunction; this was a ‘super-injunction’, the law not being done or seen to be done, but the law in secret preventing reporting of a secret, preventing reporting of itself in action. Lost? Yes, I know; not even Kafka could make this up....”

**16 Oct. 2009** → [Carter-Ruck Attempt to Censor Parliament](#): “Following the failure of Carter-Ruck’s second ‘super injunction’ against **the Guardian**, which attempted to **prevent them from reporting Paul Farrelly MP’s question in the House of Commons** about the Minton Report, which contradicts their client Trafigura’s claims about the toxic waste dumping in Abidjan, Ivory Coast, **they’ve suggested to the Speaker that even debating said super injunction is illegal....”**

**22 Oct. 2002** → [Michael Tugendhat's comments](#) form part of the spiked-report *Restraint or Revelation? Free speech and privacy in a confessional age*.

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