

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**  
**THE HONOURABLE MR JUSTICE MITTING**  
**TUESDAY 4<sup>TH</sup> APRIL 2006**

**B E T W E E N :**

**MAZHER MAHMOOD**

**Applicant**

**v**

**(1) GEORGE GALLOWAY MP**  
**(2) RON McKAY**

**Respondents**

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**MINUTE OF ORDER**

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**IF YOU THE RECIPIENT OF THIS ORDER AND ANY OTHER PERSON WITH NOTICE OF THIS ORDER DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND LIABLE TO IMPRISONMENT OR TO BE FINED OR TO HAVE YOUR ASSETS SEIZED**

UPON hearing Counsel for the Applicant without notice to the Respondents

AND UPON the Applicant by his Counsel giving the undertakings set out in Schedule 1 at the end of this Order

IT IS ORDERED that:

- 1.** An injunction is hereby granted restraining until after 4pm on 5 April 2006 or further order in the meantime the Respondents and any person with notice of this order (whether by themselves or by their servants or agents or otherwise however or in the case of a company whether by its directors or officers or servants or agents or otherwise howsoever) from publishing or disclosing to any other person or allowing or causing to be published in any newspaper or to be broadcast in any sound or television broadcast or by means of any cable or satellite programme service or public computer network any photograph of the Applicant

PROVIDED THAT nothing in this Order shall of itself prevent any person publishing any photograph or image lawfully in the public domain

2. Paragraph 1 above shall apply subject to the following PROVISIO in relation to any internet service provider ("ISP"), its employees and agents:
  - (a) an ISP shall not be in breach of this injunction unless it, or any of its employees or agents:
    - (i) knew that the material had been placed on its servers or could be accessed via its service; or
    - (ii) knew that the material was to be placed on its servers, or was likely to be placed on its servers or was likely to be accessed by its service; and in either case
    - (iii) failed to take all reasonable steps to prevent the publication;
  - (b) an employee or agent of an ISP shall not be in breach of the injunction unless he or it:
    - (i) knew that the material had been placed on its servers or could be accessed via its service; or
    - (ii) knew that the material was to be placed on its servers, or was likely to be placed on its servers or was likely to be accessed via its service; and in either case
    - (iii) failed to take all reasonable steps to prevent the publication and to induce the ISP to prevent the publication;
  - (c) as ISP, employee or agent shall be considered to know anything which he or it would have known if he or it had taken reasonable steps to find out;
  - (d) "taking all reasonable steps to prevent the publication" includes the taking of all reasonable steps to remove the material from the ISP's servers or to block access to the material.
3. The proviso to paragraph 1 of this order shall not apply so as to permit the publication of material falling within paragraph 1 of this order merely on the ground that such material has at any time been published on the internet and/or outside England and Wales.
4. Copies of this order endorsed with a penal notice be served by the Applicant's solicitors on:
  - (a) such newspapers and sound or television broadcasting or cable or satellite programme services and public computer networks as they may think fit, in the case of a public computer network, by e-mail and in each other case by facsimile transmission or pre-paid first class post

addressed to the Editor in the case of a newspaper or the Senior News Editor in the case of a broadcasting or cable or satellite programme service, or person responsible for any public computer network in the case of that network; and

- (b) on such other persons as the Applicant's solicitors may think fit in each case in the first instance by the means mentioned in paragraph 4(a) above and as soon as practicable thereafter by personal service.
- 5. Any person affected by the injunction set out at paragraph 1 above is at liberty to apply upon notice in writing to the Applicant's solicitors.
- 6. Time for service of application shortened to 2 hours.
- 7. The costs of and occasioned by this application are reserved.

Dated the 4<sup>th</sup> day of April 2006.

## SCHEDULE 1

### UNDERTAKINGS GIVEN TO THE COURT BY THE APPLICANT

- (1) If the court later finds that this order has caused loss to the Respondents, and decides that the Respondents should be compensated for that loss, the Applicant will comply with any order the court may make
- (2) As soon as practicable the Applicant will issue and serve a claim form claiming appropriate relief
- (3) The Applicant will cause a witness statement to be made confirming the substance of what was said to the court by the Applicant's Counsel
- (4) The Applicant will serve upon the Respondents as soon as practicable (i) this Order (ii) copies of the above witness statement and any other documents provided to the court on the making of this order (iii) the claim form and (iv) an application notice for the continuation of this Order returnable at 2pm on 5 April 2006
- (5) Anyone notified of this Order will be given a copy of it by the Applicant's legal representatives
- (6) If this Order ceases to have effect the Applicant will immediately take all reasonable steps to inform in writing anyone to whom he has given notice of this Order, or who he has reasonable grounds for supposing may act upon this Order, that it has ceased to have effect

### NAME AND ADDRESS OF APPLICANT'S LEGAL REPRESENTATIVES

The Applicant's legal representatives are:

Farrer & Co, 66, Lincoln's Inn Fields, London WC2A 3LH

Tel No 020-7242-2022

Fax No 020-7242-9899

E-mail: [jnc@farrer.co.uk](mailto:jnc@farrer.co.uk)

Ref: RGC/JNC

Out of office hours contact numbers: 07803601353 (JNC)