

## Legal Statements

The Claimant, **Jack Warner**, is represented in these exchanges by Om Lalla, advocate attorney, Dereck Balliram, instructing attorney, and, possibly advised, by William McCormick QC.

The Defendant, **Lasana Liburd**, is represented at this time by Dave De Peiza, filing attorney, and Philip Hewlett-Lamont, advocate attorney, with advise from Michael Townley.

## 24 February 2012

(Delivered to the T&T Mirror)

We act with Mr William McCormick QC for and on behalf of Mr Jack Warner.

We are instructed that on 12 February 2012 you wrote an article captioned “Warner named in Haitian aid scandal” and “FIFA stops TTFF funding” and caused it to be published on several internet websites.

The article states interalia that close to \$4.4 million (US\$690,000) donated by FIFA and South Korea never made it to the Federation of Haitian Football...

We are instructed that our client has made all due payments to Haiti from money paid by FIFA and South Korea and has accounted for it.

The words in the said article meant and were understood to mean that our client has fraudulently stolen and or dishonestly appropriated monies that was provided by FIFA and South Korea for victims of the January 2010 earthquake. The imputations that our client took and misappropriated the monies due to Haiti is false, malicious and misleading and calculated to damage our client’s reputation.

Moreover, the allegations are defamatory and libellous and have caused and continue to cause our client serious distress and embarrassment and wilfully and maliciously imputes that our client has dishonestly taken and misappropriated monies allocated for victims of the Haiti earthquake.

Further the article has been wilfully and maliciously published and re-published several times on the internet and has attracted defamatory blogs. The articles remain on the internet together with the defamatory blogs relating to our client.

In the circumstances our client requires of you as a matter of urgency:

1. A full and unequivocal public retraction of the publication and an apology in terms to be approved by us and to be published in sufficient prominence and in both the print and electronic media and via the internet.
2. An undertaking not to repeat or republish the false allegation.
3. An undertaking to remove forthwith all blogs posted electronically in relation to the said article.
4. The payment of a substantial sum in damages to our client to demonstrate the baselessness of the allegation and compensation for the injury to his reputation and distress caused to him.
5. The payment of our client's legal costs.

We look forward to hearing from you without delay and in any event within fourteen (14) days from the date hereof. If we do not receive a satisfactory response within the said period of time, our instructions are to issue a claim form against you without further notice.

We trust that good sense will prevail and this matter will be amicably resolved.

KR Lalla and Company

By Om Lalla

**8 March 2012**

(Drafted by Michael Townley)

We act for Lasana Liburd and the Wired868 Online newspaper and we have been provided with a copy of your letter of 24 February 2012. It is not at all clear why you have addressed your letter to Mr Liburd 'c/o T&T Mirror', but it does indicate that your pre-action research has been less than adequate.

We note that your client alleges that the article that appeared on Wired868 on 12 February 2012 under the heading '*Warner named in Haitian aid scandal*' is defamatory in that the article implied that your client stole money that was destined as aid to Haiti.

We also note that you have asserted that Mr Warner has in fact made all the due payments to Haiti and has accounted for them. We note however that this is mere assertion, it is not backed by any evidence.

If it is true that your client has paid all the money that was donated for disaster relief in Haiti to the appropriate recipients we would have thought the best and most effective way that your client could repair his reputation would be by making the relevant details known to the public, to FIFA and to the South Korean Association.

If as you claim these payments have been accounted for then it should be a simple matter to make the relevant accounts available. If your client did this then he would achieve all and more that he can get through litigation.

The article that your client complains about represents a serious and robust piece of journalism that reported on an allegation of huge public concern in respect of which the author had a duty to report. The sources were properly researched, they are prima facie unimpeachable, and no criticism can be seriously made that the article lacked justification.

Furthermore your client was contacted and was given the opportunity to put his side of the story, but he declined to do so.

Our client has been in contact with FIFA and the *Sunday Times* newspaper and neither of them have received a similar letter before action, which suggests that your client has no intention of bringing defamation proceedings against these parties who were the original publishers of the allegations complained about.

All our client has done is report and comment on information that was already in the public domain. It is hard to see how your client will obtain any degree of reparation to his reputation via an action against our client if the other parties who have reported the same facts are not similarly dealt with.

If your client has evidence to show that he has properly disbursed the Haiti funds then he could have scotched this story before it was ever published but he declined to do so.

If your client delivers this evidence to us now, *Wired868* will publish it with equal prominence to the original article.

Regardless whether your client has or has not dealt with these funds in accordance with the wishes of the donors, the story that was published was true; Mr Warner has been named in an aid scandal relating to Haiti, he has been named by FIFA, the *Sunday Times* and TTFF. FIFA have confirmed that they have stopped funding the TTFF.

These are the words complained off; and they are true.

Our clients will not take any of the steps requested by you in numbered paragraphs 1 – 5 of your letter, but as stated above Mr Liburd will ensure that a full article is published on *Wired868* putting forward your client's evidence that he has properly accounted for the aid money if you will now deliver it to us.

If your client does issue a Claim Form as you have threatened our clients will vigorously defend the proceedings and their right to report on facts that are clearly in the public interest, in this case were already in the public domain, and are true.

Dave De Peiza,  
Attorney at Law

**18 April 2012**

The circumstances of the claim:

On divers (sic) occasions since about February 2012 you have published and/or posted statements in writing which you intended to be reported on the website, [www.twitter.com](http://www.twitter.com) ("the website"). For the purposes of this letter we set out publications which are typical of those which will be relied upon in court proceedings.

We are instructed that on or about February 2012, the website reported and/or contained a blog that on or about February, 2012, you wrote and caused to be published in bold caption the following defamatory words; "EX-FIFA VP POCKETED HATI FINANCIAL AID MONEY."

(Please note that Wired868 neither used full caps nor misspelt Haiti.)

We are instructed that you wrote and caused to be published the said defamatory words in relation to the Intended Claimant intending or realising that they would be republished by the website which was at all material times accessible to millions of users of the internet.

The allegations made by you against the Intended Claimant are defamatory, false and malicious and constitute a serious slur upon his reputation. The said statements in their natural and ordinary meaning meant and were understood to mean that the Intended Claimant received large sums of money which he had misappropriated and was on that account an unethical, dishonest, corrupt and disreputable person.

Further, the said statements were made falsely and maliciously by you and were clearly inspired by improper motives, namely the desire to malign the good name and impeccable reputation of the Intended Claimant in relation to his political office. The publication of these allegations has caused and continues to cause the Intended Claimant considerable mental agony, embarrassment and immeasurable injury to his personal and professional capacity both locally and internationally.

The seriousness of the defamatory words is compounded by the fact that it purports to shed light on fraudulent appropriation of monies by the Intended Claimant in relation to monies which were donated to the earthquake stricken country of Haiti.

It is apparent that the words published are done with the dominant motive of discrediting the Intended Claimant's credibility in the political party locally as well as his reputation of good standing internationally in the sport of football.

We are instructed to request that you provide to us in writing an undertaking that you will not repeat publish (sic) or cause to be published the said or any similar words defamatory of the Intended Claimant.

In the circumstances, the Intended Claimant requires from you as a matter of urgency a full and unequivocal retraction and apology in terms to be approved by his Attorneys-at-Law which are to be published on your website, [www.wired868.com](http://www.wired868.com) and the website [www.twitter.com](http://www.twitter.com).

The Intended Claimant is entitled to and will be seeking substantial compensation for the injury to his reputation and feelings, including an award of aggravated and exemplary damages, as to which I invite your proposals. The Intended Claimant will also require payment from you of all legal costs he has incurred in this matter.

We look forward to hearing from you without delay and in any event within twenty-one (21) days of the date of this letter. If we have not received a satisfactory reply within the said period of time, our instructions are to issue a claim form against you without further delay.

KR Lalla and Company

By Dereck Balliram

## **10 May 2012**

Your letter date 18 April 2012 has only recently come to the attention of my client, Mr Liburd.

In response thereto, you are referred to my letter to you dated 8 March 2012 in reply to yours to my client dated 24 February 2012 and which adequately dealt with your client's complaints then and now.

Mr Liburd's position remains the same as indicated previously except that he reiterates that prior to writing the article, he contacted your client for his side of the story, but he declined.

Further, the TTFF has said that the money went into an account under your client's control and has not been traced since. Also, when your client eventually put forward a defence to FIFA, Wired868 gave prominent coverage to it, although it was a convoluted defence which to date remains unproven. The said defence, however, remains on Wired868's website and every story that refers to the Haiti scandal always mentions your client's denial.

In the circumstances, my client will vigorously defend any claim your client may bring against him relative to these matters.

Be so advised.

Dave De Peiza,

Attorney at Law

## **22 May 2012**

Dereck Balliram files a Claim Form and Statement of Case in the High Court of Justice.

The Claimant (Jack Warner) claims against the Defendant (Lasana Liburd): “Damages (...) including aggravated, exemplary and vindictory damages, for libel... An injunction restraining the Defendant (...) from further publishing or causing to be published the said words or any similar words defamatory of the Claimant; interest; costs; such further or other relief that this Honourable Court deems fit.”

## **25 July 2012**

Philip Hewlett-Lamont, advocate attorney, and Dave De Peiza, filing attorney, files a Defence which states that Lasana Liburd had the protection of qualified privilege and “had a moral and/or social duty to publish the words complained of and the public at large had a corresponding legitimate interest in receiving the information.”

Also: “The Defendant does not admit the implication that the national and international reputation therein alleged is a wholesome one. The Defendant avers that the said reputation of the Claimant has been sullied by virtue of the matters hereinafter pleaded, and also by reason of his association with the alleged Bin Hammam affair, and by the part he played in the UK’s 2018 World Cup bid. Documentation relevant to these matters is hereto annexed in one bundle...”