

IN THE HIGH COURT OF JUSTICE

IHQ 07/0049

QUEEN'S BENCH DIVISION

Before the Honourable Mr Justice King

26 February 2007



B E T W E E N:

CAMPAIGN AGAINST ARMS TRADE

(an unincorporated association, claiming by its authorised officer, ANN FELTHAM)

Applicant

and

BAE SYSTEMS PLC

Respondent

ORDER FOR AN INJUNCTION

PENAL NOTICE

**IF THE DIRECTORS OR OFFICERS OF THE RESPONDENT DISOBEY THIS ORDER THEY
MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR
HAVE THEIR ASSETS SEIZED**

**ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH
HELPS OR PERMITS THE RESPONDENT TO BREACH THE TERMS OF THIS ORDER MAY
ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR
HAVE THEIR ASSETS SEIZED**

THIS ORDER

1. This is an Order for an Injunction made against BAE Systems Plc dated 26 February 2007 by Mr Justice King on the application of Campaign Against Arms Trade ("CAAT"). The Judge read the witness statements listed in Schedule A and accepted the undertaking set out in Schedule B at the end of this Order.
2. This Order was made at a hearing with notice to the Respondent.

INJUNCTION

3. The Respondent shall by 4.30pm on Monday 12 March 2007:
 - 3.1. Provide full and complete copies of the following documents to the Applicant, in so far as they are within the control of the Respondent:
 - (1) Copies of the email sent from Ann Feltham to the CAAT Steering Committee on 29 December 2006 ("the 29 December email").
 - (2) Any document containing:
 - (i) part or all of the 29 December email; and/or
 - (ii) routing and addressing information for (a) the 29 December email; and/or any document containing part or all of the 29 December email; and/or
 - (iii) any information showing how the email came to be received by the Respondents; and/or
 - (iv) any information tending to identify the person or persons who have seen any of the documents or information referred to in sub-paragraphs (i)-(iii) above.
 - 3.2. Where a document that would otherwise fall to be disclosed under paragraph 3.1 has been deleted, the Respondent shall take all reasonable steps to reconstruct

such documents using a qualified computer professional, under the direction of Allen & Overy LLP.

4. The Respondent shall write to the Applicant's solicitors, Leigh Day & Co, setting out the steps that have been taken to comply with this order by 4.30pm on Monday 12 March 2007.
5. The responsible officer of the Respondent shall by 4.30pm on Monday 12 March 2007 swear an affidavit and serve it on the Applicant's solicitors giving a full explanation as to how the 29 December email came to be received by the Respondent, identifying all persons (so far as the Respondent is aware) who have had sight of the email or who have been made aware of its content or who were involved in the Respondent acquiring possession or control of the 29 December email.
6. Any material protected by legal professional privilege is excluded from paragraphs 3-5 of this Order.

CONTINUATION OF PREVIOUS ORDER

7. The order of Mr Justice Underhill dated 24 January 2007 shall continue in effect until 4.30pm on Tuesday 10 April 2007.

LIBERTY TO APPLY

8. Liberty to apply.

COSTS

9. The Respondent's application that the Applicant pay its costs of the application be dismissed.
10. The Applicant's application for the costs of the application and of the hearing before Mr Justice Underhill be reserved.

INTERPRETATION OF THIS ORDER

11. A Respondent which is not an individual which is ordered not to do something must not do it itself or by its directors, officers, partners, employees or agents or in any other way.

PARTIES OTHER THAN THE CLAIMANT AND DEFENDANTS

12. It is a contempt of court for any person notified of this order knowingly to assist in or permit a breach of this order. Any person doing so may be imprisoned, fined or have their assets seized.

COMMUNICATIONS WITH THE COURT

13. All communications to the court about this order should be sent to Room WG08, Royal Courts of Justice, Strand, London WC2A 2LL quoting the case number. The telephone number is 020 7947 6009. The offices are open between 10 a.m. and 4.30 p.m. Monday to Friday.

SCHEDULE A

WITNESS STATEMENTS

The Applicant relied on the witness statements of Ann Feltham dated 22 January and 1 February 2007.

SCHEDULE B

UNDERTAKING GIVEN TO THE COURT BY THE APPLICANT

If the court later finds that this order has caused loss to the Respondent, and decides that the Respondent should be compensated for that loss, the Claimants will comply with any order the court may make, subject to a total limit of £10,000.

NAME AND ADDRESS OF CLAIMANT'S LEGAL REPRESENTATIVES

The Claimants' solicitors are Messrs. Leigh Day & Co., Priory House, 25 St John's Lane, London EC1M 4LB, DX 53326 Clerkenwell Ref: RS/JB/CAAT, Tel: 020 7650 1200, Fax: 020 7650 1294, email: jbeagent@leighday.co.uk, Out of hours tel: 07811 203793