

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

BETWEEN:

NOBLE MARARA

CLAIMANT

-AND-

TIMES NEWSPAPERS LTD

DEFENDANT

STATEMENT IN OPEN COURT

Athalie Matthews

Claimant's Solicitor

My Lord, in this action I appear for the Claimant, a Rwandan national who from 1996 until 1998 was the driver and bodyguard of the Rwandan President, Paul Kagame.

In 2000 the Claimant fled Rwanda and, in 2002, came to the UK, where he sought and was granted asylum. He now lives in Kent and works as a psychiatric nurse. He is opposed to the Rwandan regime, of which Mr Kagame remains the President.

On 12 March 2014 the Claimant was seriously libelled by The Times as a result of a headline which, The Times admits, was published entirely in error and is false. The headline read: "*Driver wanted for genocide says he*

fears for his life". As a result of the erroneous headline, the meaning of the article was that there are grounds to suspect the claimant of genocide, a defamatory meaning of the utmost seriousness.

The matters which led to publication of the article in question, and the erroneous headline, are as follows. On Tuesday 11 March 2014 the Claimant gave evidence as a witness in an extradition hearing at Westminster Magistrates Court in London in support of the defence case of Vincent Brown, one of the men whose extradition is sought by Rwanda.

The Times sent a reporter to cover the hearing that day and the reporter prepared an article for the following day's paper reporting parts of Mr Marara's witness evidence. The Times also sent a photographer to take a picture of Mr Marara in the street after he had left court.

Unfortunately, after the article had been written and submitted for publication, the headline in the hard copy edition and consequently in the i-pad edition was changed by a sub-editor who had misunderstood the article. The headline was changed from "*Extradition case witness tells of fears for his life*" to "*Driver wanted for genocide says he fears for his life*".

The erroneous headline accusing the Claimant of being a genocide suspect was published on page 21 of the hard copy and i-pad editions of The Times on Wednesday 12 March 2014. It was accompanied by the large colour photograph that had been taken of the Claimant outside court, thereby making the Claimant - who was named in the article - all the more identifiable to readers.

Unsurprisingly, the Claimant was extremely distressed by the publication of the false allegation that he is a genocide suspect in The Times, a national newspaper of record with a circulation of about 400,000 in the country in which he has sought asylum and now lives and works. The allegation was particularly upsetting and offensive given that the Claimant is a Tutsi who

fought against the genocide in the Rwandese Patriotic Army and in view of the horrific nature of the genocide. International publicity surrounding the genocide was heightened at the time of publication of the Times article on 12 March this year when Rwanda was preparing to mark the 20 year anniversary of the onset of the killings with a national display of mourning.

Following publication of the erroneous headline, the Claimant was extremely concerned that members of the public would recognise him in the street and became fearful of reprisals. He felt very afraid for his safety and the safety of his family members, lest those still seeking vengeance for the 1994 genocide should try to track him or his family down and harm them or kill them. As a consequence, he tried to stay at home as much as possible and declined social events.

On the day of publication, upon realising the error and its gravity, The Times initiated contact with the Claimant through a solicitor acting in the extradition proceedings. The next day, Thursday 13 March, a correction and apology was published at the bottom of page 29 in the Corrections & Clarifications column. The Editor of The Times also wrote to the judge in the extradition proceedings to point out the error and personally apologise for it.

The Claimant then instructed Bindmans LLP to bring a legal complaint for defamation seeking appropriate vindication and compensation from The Times, which has now agreed to pay him substantial damages, to join in the reading of this Statement, ~~to write to the Claimant's former employer to set the record straight~~ and to pay his reasonable costs.

Solicitor for the Defendant

Pamela Buge

My Lord, on behalf of the Defendant I accept everything my friend has said. The headline was published entirely in error and is wholly false. The Defendant wishes to offer its sincerest apologies to the Claimant for the damage, distress and embarrassment which this error has caused to him.

Solicitor for the Claimant

My Lord, whilst the Claimant sincerely wishes that more care had been taken with this article, his objective in bringing this complaint has been achieved and he is therefore content to let the matter rest.