

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
MEDIA & COMMUNICATIONS LIST**

B E T W E E N

THE DUKE OF SUSSEX

Claimant

and

**ASSOCIATED NEWSPAPERS
LIMITED**

Defendant

STATEMENT IN OPEN COURT

THE CLAIMANT'S SOLICITOR

1. My Lord I appear in this action on behalf of the Claimant, The Duke of Sussex.
2. The Defendant is the publisher of the Mail on Sunday newspaper and of the website MailOnline.
3. On 25 October 2020 the Mail on Sunday published the article *Top general accuses Harry of turning his back on the Marines* and the MailOnline published an almost identical article called *Top general accuses Prince*

Harry of turning his back on the Royal Marines after stepping down from ceremonial role as part of Megxit deal.

4. Each article reported that The Duke of Sussex had turned his back on the Royal Marines, had snubbed the British Armed Forces and ignored correspondence from Lord Dannatt, a former Chief of the General Staff.
5. My Lord/Lady, all of these allegations are false, as the Mail on Sunday and the MailOnline have now accepted, albeit after considerable damage was already done.
6. The truth is that The Duke of Sussex has made repeated and concerted efforts to continue to support the Royal Marines and other members of the Armed Forces and their families over the past year, even though he was required to step back from his formal military roles in the 'year of transition' during which he must take a reduced role as a member of the Royal Family. It is also untrue that The Duke ignored correspondence from Lord Dannatt. This could have been explained to the Defendant had The Duke been given a fair opportunity to put forward his version of events prior to publication.
7. The Duke is proud to have served in the British Armed Forces for ten years in Her Majesty's name, including on the frontlines during two tours of duty in Afghanistan. He has maintained active links with those forces ever since and will continue to do so in the future. A significant number of the charities and organisations which he supports or created help military personnel and their families. These include The Invictus Games, which he founded, his patronage of Walking with The Wounded, and HeadFit, which he co-founded to support military mental fitness. Thanks to his spearheading and partnership with the Ministry of Defence over the

last three years, mental fitness will become mandatory across UK Defence from April 2021.

8. The Duke's commitment to the men and women who have put their lives on the line, to those who have made the ultimate sacrifice for their country, and to military families, is steadfast and unquestionable. For this reason, the baseless, false and defamatory stories published in the Mail on Sunday and on the website MailOnline constituted not only a personal attack upon The Duke's character but also wrongly brought into question his service to this country. Furthermore the publication of such allegations will unfairly tarnish and diminish the organisations with which The Duke is associated and thereby hinder the valuable work they do.
9. The Defendant was immediately put on notice of the falsity and egregious nature of its allegations but the article remained up and highly visible for an additional 33 days. Not until 3 December 2020 did it choose to make a settlement offer to The Duke. It offered to publish apologies in the Mail on Sunday and on MailOnline, to pay him substantial damages and his costs, and to undertake to him not to repeat the false allegations made in the articles complained of. By this date the Defendant had finally withdrawn the MailOnline article from publication.
10. On 24 December 2020 The Duke accepted the Defendant's settlement offer, including the wording of the apology, which was to be published in the Defendant's Corrections and Clarifications column. The Duke did so despite his view that the content and prominence of the proposed apology would not be commensurate with the original story and subsequent harm caused, so as not to unnecessarily protract the litigation.
11. The article published by the Mail on Sunday which defamed The Duke was published on a right-hand page, which attracts more attention than a

left-hand page. It would have attracted a substantial number of readers because of its inherent prominence but also because the rest of the page was taken up with an article about The Duchess of Sussex. The articles about The Duke and Duchess of Sussex took up the whole page. The headline concerning The Duke was prominent and delivered a stark message: “Top General accuses Harry of turning back on Marines”. In fact, the General referred to so prominently in the headline and the article is not currently serving, having retired nearly 35 years ago, and would not have had any knowledge of these matters. In stark contrast, the apology had no such prominence. It was published at the bottom of page 2 of the Mail on Sunday, a left-hand page, on 27 December 2020 under the generic heading “Corrections & Clarifications”. There was no headline.

12. The same is true of the apology published on MailOnline. It was also published on 27 December 2020. Whereas the original online article complained of was published with great prominence, the apology had no headline and was included in a generic “Corrections & Clarifications” section. As a result the apology was unlikely to have received the same level of attention as the article. This is demonstrated by the fact that the apology was only shared 9 times and received no comments whereas the article complained of was shared over 1,000 times and 3,000 readers added comments to it. Furthermore, although the Defendant published the apology via the MailOnline phone and tablet “apps” for a period of 24 hours, the apology is no longer being published on the app. This is a significant omission given that approximately 62% of the MailOnline’s readers (and therefore an estimated 62% of those who read the article complained of) access it via these apps.
13. The wording of the apology was the same for the Mail on Sunday and the MailOnline. One of the reasons why The Duke has had to make a statement in open court is because the Defendant used wording which

significantly underplayed the seriousness of the accusations made against him. It did not expressly acknowledge that the allegations were false.

14. Furthermore, the apology incorrectly stated that the Defendant had made a donation to the Invictus Games Foundation. Although the Defendant had, when making its settlement proposal, offered to directly donate The Duke's damages, The Duke wanted to bequest any damages received to Invictus Games Foundation himself so he could feel something good had come out of the situation. Consequently he personally is donating the damages from this case to the Invictus Games Foundation. Although the wording was agreed, the apology does not, therefore, accurately represent what happened in that respect.
15. My Lord, with the reading of this statement, this libel claim may now be considered closed.