

IN THE HIGH COURT OF JUSTICE

Claim No: HQ15D00253

QUEEN'S BENCH DIVISION

MEDIA AND COMMUNICATIONS LIST

BEFORE THE HONOURABLE MR JUSTICE WARBY

16 MAY 2018

B E T W E E N: -

BRUNO LACHAUX

Claimant

-and-

OATH (UK) LIMITED (formerly AOL (UK) LIMITED)

Defendant

STATEMENT IN OPEN COURT

Solicitor for the Claimant (Daniel Taylor, Taylor Hampton Solicitors)

May it please you My Lord, I appear in this action for libel for the Claimant, Mr Bruno Lachaux. My friend Giles Crown appears for the Defendant, Oath (UK) Limited. Oath (UK) Limited is the company responsible for publishing the *Huffington Post* UK website and for operating a mobile phone app associated with that website. Oath used to be called AOL (UK) Limited but it changed its name in June 2017.

The Claimant is an aerospace engineer by profession. He lives in the United Arab Emirates with his son, who is eight. Between February 2010 and August 2012, he was married to Ms Afsana Lachaux, a British citizen, who is the mother of his son.

On 20 January 2014 the *Huffington Post* UK published on its website a blog entitled "*British Victim of Domestic Abuse Faces Prison in the UAE*". The blog was written by Mr Rori Donaghy, who styled himself as the "Director at the Emirates Centre for Human Rights". This conveyed the impression that the claims being made in the blog were authoritative. Since the blog was published on the world wide web, it was made available to readers both in this country and in Dubai, where Mr Lachaux was living, and where there is a sizable British ex-pat community.

The blog contained the following allegations concerning Mr. Lachaux, each of which was gravely defamatory of him:

- (1) that while Mr Lachaux was still married to and living with his ex-wife Afsana, he subjected her to physical abuse which she bravely left him to escape, taking their baby son, with her;
- (2) that he falsely accused Afsana of kidnapping their son, a false charge which had unjustly left her facing jail in the UAE, when the truth was, as he knew, that she had justifiably taken him away with her to escape his abuse;
- (3) that he had improperly threatened Afsana at a divorce hearing in Dubai, telling her that he would 'destroy' her; and
- (4) that having tracked down Afsana after more than a year of living in hiding, Mr Lachaux snatched his son back from her without justification.

Once he had instructed London solicitors to act for him in these proceedings, Mr Lachaux complained to the Defendant in late August 2014. He said that the allegations were entirely false and that their publication by the *Huffington Post* UK, a reputable news provider, constituted a serious libel on him. He asked the Defendant to remove the blog from its website and to publish a suitable correction and apology in terms to be agreed.

The Defendant eventually took down the blog. However, it also decided to do two other things which Mr Lachaux did not find quite so constructive.

First, without consulting Mr Lachaux as he had requested, the Defendant posted a different item in the place of the offending blog which it described as an 'apology' but which in fact was nothing of the sort. This new item did not correct or retract the defamatory allegations of which the Claimant was complaining, but merely stated that the account given in the original blog of the dispute between Mr Lachaux and his ex-wife could have been presented in a more even-handed way. Regrettably, the new item also repeated in its headline the allegation that Mr Lachaux was a perpetrator of domestic abuse. Mr Lachaux understandably found this hurtful and insulting.

The second thing the Defendant did was to argue, with reference to the provisions of the new Defamation Act 2013, that the publication of the offending blog had not caused serious harm to Mr Lachaux's reputation, and also to contend that these proceedings ought to be struck out as an abuse of process.

These arguments were considered and rejected by Mr Justice Warby at a hearing in July 2015. Mr Lachaux was cross-examined by the Defendant at this hearing for several hours in an effort to discredit him, an endeavour which the Judge described as going "*beyond what was really needed*" and as "*not especially successful*". But having failed in these arguments before the Judge, the Defendant insisted on appealing. This appeal was heard by the Court of Appeal in late November 2016, and dismissed by a ruling given in September 2017.

Meanwhile, in the course of separate family court proceedings brought by Ms Afsana Lachaux against Mr Lachaux in the High Court in London, Mr Justice Mostyn was asked to consider amongst other things the truth or falsity of Ms Lachaux’s allegations that Mr Lachaux had subjected her to abuse, threats, and violence, including in particular a threat supposedly made at a court hearing in Dubai; and also her allegation that Mr Lachaux had put her in fear of him, and that she had gone into hiding with their son for this reason.

In a judgement handed down in March 2017, after hearing both Mr and Ms Lachaux give evidence and be cross-examined in court, Mr Justice Mostyn rejected all of these allegations concerning Mr Lachaux, concluding that she had not been put in fear of him, but had “*disappeared off the map with their son for 19 months*” voluntarily, and quite unjustifiably. It was after the handing down of this Judgement that the Defendant agreed, at the request of Mr Lachaux’s solicitors, to take down the replacement item from the *Huffington Post* UK website.

It was in these circumstances that the Defendant offered to make amends to Mr Lachaux. This was an offer which he gratefully accepted.

Accordingly, I am pleased to announce that the Defendant is here today by its Solicitor to join in the making of this Statement in Open Court and by this means to withdraw publicly its defamatory allegations, and to apologise to Mr Lachaux for having published them. The Defendant now accepts that all the allegations in question were entirely untrue and should never have been put into circulation. It has agreed to pay Mr Lachaux a substantial sum by way of damages to vindicate his good name and to compensate him for the distress and anxiety he has suffered in relation to this matter. It has also agreed to reimburse him in respect of his legal costs.

Solicitor for the Defendant (Giles Crown, Lewis Silkin LLP)

My Lord, the Defendant accepts that the allegations were untrue and wishes to offer its sincerest apologies to the Claimant, and to express its regret that the statements complained of were published.

Solicitor for the Claimant

On this basis, Mr Lachaux is content to let the matter rest.

Signed.....

Signed.....

Date: 15 May 2018

Date: May 2018

Name: Daniel Taylor

Name: Giles Crown

Solicitors for the Claimant

Solicitors for the Defendant

Taylor Hampton Solicitors Ltd

Lewis Silkin LLP