**IN THE HIGH COURT OF JUSTICE Claim No: HQ16X01748**

**QUEEN’S BENCH DIVISION**

**MEDIA AND COMMUNICATIONS LIST**

**BETWEEN**

**(1) MR ROBERTO CARLOS DA SILVA ROCHA**

**Claimant**

**and**

**(1) WESTDEUTSCHER RUNDFUNK KOLN (ANSTALT DES OFFENTLICHEN RECHTS)**

**(2) ASSOCIATED NEWSPAPERS LTD**

**Defendants**

**STATEMENT IN OPEN COURT**

**Claimant’s Solicitor – Andy Lee**

1. My Lord, in this libel action I appear for the Claimant, who is known simply as Roberto Carlos. My friend Matthew Dando appears for Associated Newspapers Ltd, the Second Defendant in these proceedings and the publisher of the widely read Mail on Sunday newspaper and the very popular website with a vast readership known as “MailOnline”.
2. Mr Carlos, who is Brazilian by birth and a citizen of both Brazil and Spain, is a retired internationally-renowned footballer. He started playing for the Brazilian national team in 1992 and went on to accumulate 125 caps for his country. He has played in three World Cups for Brazil, including in 2002 when Brazil was the winning team. In 1998 and 2002 he was named in the FIFA World Cup All-Star Team.
3. Mr Carlos made over 500 appearances as a club player for Real Madrid, and was part of the winning team in four domestic league titles and three European Cups. He was rightly described in the Mail on Sunday and in Mail Online, in the articles the subject of this libel claim, as a footballing “legend”.
4. Mr Carlos currently works as an international director of Real Madrid, acting as the club’s ambassador to UEFA and Asia/Oceania. Mr Carlos works closely with a number of Real Madrid’s foundations and attends numerous charity events around the world.
5. On 11 June 2017 the Second Defendant published an article by Nick Harris in the sports section of the *Mail on Sunday* with the headline ***Brazil legend Roberto Carlos in drugs storm*** which reported on a television documentary broadcast by the First Defendant*.* The article, which was accompanied by a photograph of Mr Carlos, said that he had been dragged into a doping controversy attributing to the television documentary that Mr Carlos had been named as one of two Brazilian international footballers alleged to have taken banned performance-enhancing drugs around the 2002 World Cup in Japan and South Korea, a tournament that Brazil won. It was said that Mr Carlos had been administered the drugs by a Brazilian doctor, whom the article named. It was also said that Mr Carlos had declined to make any comment upon this very serious allegation. The publication of the article in the *Mail on Sunday* was accompanied by an article in similar terms published on *MailOnline*.
6. Following complaint by Mr Carlos on 5 July 2017 and after some initial resistance on its part, the Second Defendant acceded on 4 August 2017 to his request that the article on *MailOnline* be taken down. However it was not until after Mr Carlos had been forced to commence these proceedings and serve them upon the Second Defendant that the Second Defendant conceded that what they had published in both the print edition of the *Mail on Sunday* and online had carried the extremely serious defamatory meaning of which Mr Carlos had been complaining from the outset, namely, that the Claimant had used banned performance enhancing drugs during his distinguished football career, including in 2002 around the time when he won the World Cup as part of the Brazilian national team.
7. It is hard to imagine a more serious allegation against any professional sportsman, let alone a sportsman of the international distinction and renown of Mr Carlos. It is, moreover, an allegation against him that is completely false and unfounded. It is not true that Mr Carlos used banned drugs to cheat as the Second Defendant now acknowledges without reservation. For his part Mr Carlos does not know and has never met the Brazilian doctor who was named in the articles as having supposedly administered performance-enhancing drugs to him.
8. This highly damaging and untrue allegation has caused very serious harm to the reputation of Mr Carlos and, naturally, has caused him very deep distress and embarrassment.
9. Following service of these proceedings on the Second Defendant, on 15 February 2018, rather than serving a defence to the claim, the Second Defendant made an unqualified offer of amends, acknowledging that the articles it published had borne the highly defamatory meaning to which I have already referred and offering to publish a correction and apology and to pay compensation and his reasonably incurred legal costs to Mr Carlos. Mr Carlos has gratefully accepted this offer.
10. The Second Defendant is represented in Court today to make public its withdrawal of its false and highly defamatory allegation about Mr Carlos and to apologise unreservedly to him for the very serious damage and distress caused to him by their articles. In view of the willingness of the Second Defendant to make an unqualified public retraction and apology, and the fact that the Second Defendant has agreed to pay him, by way of damages to vindicate his good name, substantial compensation and his legal costs, Mr Carlos is prepared to pursue these legal proceedings no further as against the Second Defendant.

**Second Defendant’s Solicitor – Matthew Dando**

1. On behalf of the Second Defendant, Associated Newspapers Limited, I wish to associate myself with everything my friend has said. My clients accept that the allegation Mr Carlos took performance enhancing drugs was untrue and they wish to offer him their apologies for the embarrassment and distress which the articles have caused him or his reputation.

**Claimant’s Solicitor - Andy Lee**

With that, Mr Carlos is content to let the matter rest as against the Second Defendant.

**19 July 2018**