

BETWEEN

HIS HIGHNESS PRINCE MOULAY HICHAM BEN ABDALLAH AL ALAOUI OF MOROCCO

Claimant

and

ELAPH PUBLISHING LIMITED

Defendant

STATEMENT IN OPEN COURT

CLAIMANT'S COUNSEL

1. My Lord, I appear for the Claimant, His Highness Prince Moulay Hicham Ben Abdallah Al Alaoui of Morocco, in his claim for libel and breach of the Data Protection Act 1998 against the Defendant, Elaph Publishing Limited. The Defendant is a London-based company which publishes an online newspaper about Arabic affairs from its website, www.elaph.com. Elaph describes itself as "the leading around the clock Arabic news portal" and as having "a global audience of 1.3 million users per month ... and a monthly average of nearly 9 million page views.
2. The Claimant is a member of the Moroccan royal family. He is a graduate of Princeton and Stanford Universities, and is currently pursuing his Doctorate of Philosophy at the University of Oxford. He has been involved in numerous global humanitarian and social initiatives, including the United Nations peacekeeping mission in Kosovo, the Carter Center's work monitoring elections and the MENA Advisory Committee for Human Rights Watch. He presides over the Hicham Alaoui Foundation, which supports social science research in the Arab world, and has had his writings published in numerous publications around the world.
3. On 8 October 2014 the Defendant published on its website an article about the Claimant which was seriously defamatory of him and false in almost every respect. Entitled '**Using former boxer Zakaria Moumni in a premeditated plot: Moulay Hicham schemes to entrap Mounir Al-Majidi**', the article claimed that the Claimant was endlessly plotting, scheming and weaving machinations in order to damage his country Morocco and its monarch, Mohammad VI, his own cousin, thereby showing himself to be devious, underhand and disloyal.
4. The article went on to allege that the most recent example of this was a secret plot he had orchestrated to sabotage the image of the King, whereby in the course of a pre-arranged meeting in Paris in June 2014, he had induced a man named Zakaria Moumni:

(a) to make allegations against the King's close aide Mounir Majidi that he, Mr Majidi, had threatened to kill Mr Moumni;

(b) to publicise those allegations at every turn; and

(c) to bring a criminal complaint against Mr Majidi on the basis of such allegations so that Mr Majidi would be arrested in France.

5. The article further alleged that the Prince had instructed Mr Moumni to lie to cover up this latest plot by claiming, falsely, that the meeting had been coincidental.
6. Finally, the article alleged that the Prince had orchestrated a similar plot against Abdellatif Hamouchi, the head of Morocco's anti-espionage agency, which had resulted in Mr Hamouchi being called in for questioning by the French judicial authorities, and that the Claimant was therefore responsible for the resulting negative impact on French-Moroccan relations.
7. My Lord, these allegations were completely without foundation and should never have been published. Whilst it is correct that the Prince met Mr Moumni briefly in a bar in Paris at the hotel where Mr Moumni worked, the encounter was entirely coincidental and took place while the Prince was staying at the hotel with his wife. There was no conversation of the kind alleged in the article, and in particular no plot to entrap Mr Majidi, no incitement of Mr Moumni to make allegations or bring a criminal complaint against Mr Majidi, and no instruction to Mr Moumni to lie about the meeting. Finally, it was completely untrue to allege that the Prince had orchestrated a similar plot against Abdellatif Hamouchi, the head of Morocco's anti-espionage agency.
8. The Prince was shocked and appalled at the publication of this article, and by the Defendant's failure to contact him in advance before publishing it. Not only was it false in almost every respect, but these allegations were extremely damaging to his deserved reputation as a moderate advocate for gradual democratic reform in Morocco. Transparency is an essential part of that reputation. The article's suggestion that he would plot such destructive acts against the King, in the most devious, clandestine and cynical way, is the very anathema of how the Prince truly behaves.
9. The impact of the article was particularly great because it appeared on the website of the Defendant, which holds itself out as an independent and credible news publisher with an educated international readership, as distinct from some of the other less reputable, state-controlled or influenced websites that cover Arabic affairs. Readers were therefore more likely to take the allegations made in such an article seriously.
10. The Prince had very real concerns, not only for the serious harm being caused to his reputation, but also for his physical safety and security. He feared the effect that these false allegations might have within certain sections of the community with strongly-held and volatile feelings about Moroccan affairs.
11. Via his lawyers the Prince immediately wrote to complain about the article and to demand its removal, as well as an apology and other remedies. The Defendant did remove the article from the website on 9 October 2014. Unfortunately, by that time it had already been published to Elaph readers in the UK and across the world – although it was the Defendant's

case that it was read by only a small fraction of its total claimed readership - and the story had been picked up and republished by other websites. The Defendant failed, however to provide any apology and correction and the Prince therefore felt he had little option but to pursue vindication via these proceedings.

12. It is a striking feature of this litigation that the Defendant does not suggest now and has never, since the Prince's initial complaint, suggested that any of the allegations complained of in the article were true, or that it has any other substantive defence to his claims. However, until recently it refused to offer any unqualified public acknowledgment that they were false, to apologise for them, or to undertake not to republish them. To the Prince's enormous frustration, it has taken over 3 years to resolve the matter. This was caused by interlocutory arguments about the claim.
13. It was not until on the eve of a Court hearing in October 2017 the Defendant made an Offer of Amends, conceding at last that the article was false and defamatory in the meanings I have set out above, and offering to make an apology and pay compensation and legal costs. The Prince was content to accept that offer. The Defendant has now also agreed to pay the Prince substantial compensation.
14. More recently still, the Defendant has finally offered him redress under the Data Protection Act: in particular it has agreed to correct the inaccurate personal data that related to him, to erase that personal data, not to republish the article in the future, and to pay damages and the Prince's costs of that claim.
15. On this basis, and subject to the outstanding question of assessing costs, the Prince can finally draw a line under this litigation. He is grateful that the Statement in Open Court procedure allows him to obtain the public vindication to which the Defendant accepts he is entitled. This is particularly so in the light of the fact that the litigation has attracted some commentary which is regrettably inaccurate and ill-informed.
16. The Defendant was invited to be here today to join in with the making of this statement, in order to state publicly and unequivocally, as it already has privately, that it accepts that the defamatory allegations it published about the Prince were entirely false, and to recognise and apologise to the Prince for all of the harm and distress it has caused him. It is a matter of considerable dismay and regret to the Prince that it has refused to do so. It therefore only remains for me to ask for leave to withdraw the record.