

STATEMENT IN OPEN COURT**Suresh v Samad and ors**

Claimant's counsel: My Lord, in this action I appear for the Claimant, Mr Selvaratnam Suresh, who is the Honorary chairman, a trustee, and a co-founder of the Oriental Fine Arts Academy of London (known as OFAAL), which is a registered charity and examination board offering education, examinations and qualifications in South Asian Fine Arts. The Claimant Mr Selvaratnam Suresh is also a former trustee and Hon Chairman of West London Tamil School.

[Mr/Ms] appears for the Defendants. The First Defendant, Mr Abdul Samad, is a parent of a pupil at West London Tamil School. The Second Defendant, Mr Amirthalingam Nagarajah, is also a parent of a pupil at West London Tamil School and the Secretary of West London Tamil School. The Third Defendant, Mr Kajananan Sathananthan, is a former student of West London Tamil School and the President of the School's former students' association.

On 20th September 2014, the Defendants attended a protest against OFAAL held outside Dormers Wells High School (at which OFAAL was holding classes). During the protest, the First and Second Defendants, who were participating in the protest, were interviewed by the Third Defendant. Videos of these interviews were recorded through the use of a mobile phone. The First Defendant gave an interview in English and the Second Defendant gave an interview in Tamil.

Later on the same day, the entire interviews were published on YouTube. The Third Defendant republished the videos on Facebook. Both publications were accessible to all users of the internet and several thousand people watched each of the videos.

During the interviews the Defendants made a number of false and highly defamatory statements against the Claimant, accusing him, among other things, of:

- (1) defrauding OFAAL of some £23,807.84 of the charity's money by writing a cheque to a non-existent, dissolved company;
- (2) defrauding OFAAL of some £480,000 of the charity's money, spending it on himself;
- (3) refusing to answer legitimate questions about his misconduct; and
- (4) engaging in nepotism, by appointing cronies, to help him avoid scrutiny.

These statements were completely untrue, and following an application for summary judgment by the Claimant, Mr Justice Warby held, on 19 January 2017, that the Defendants had no real prospect of successfully proving the truth of the allegations, and awarded the costs of the application to the Claimant. The Defendant's other defences of public interest and honest comment were also found by Mr Justice Warby to have no real prospects of success. These allegations were also made to the

Metropolitan Police Service, who investigated the matter and found no evidence to support them.

Publication of these false and defamatory allegations to thousands of viewers caused very serious harm to the Claimant's reputation, and caused him extremely severe distress, hurt and embarrassment. It has caused the Claimant and his family extreme stress and anxiety, for over three years until resolution of these proceedings. The Claimant is pleased to have finally repaired his reputation and vindicated his good name through these proceedings.

All three defendants now accept that these allegations are untrue, and that the videos were defamatory of the Claimant. The defendants recognise the considerable damage publication of the videos caused to the claimant's reputation.

In recognition of this, the defendants have agreed to retract the allegations and apologise to the Claimant, pay the Claimant's legal costs and make a donation of £1000 each to a charity of the Claimant's choice (Tamil Aid, Charity No. 1108660).

The defendants are here today to withdraw the imputations unreservedly and to apologise publicly to the claimant.

Defendants Counsel: I wish to associate myself on behalf of the Defendants with all that has been said by the Counsel for the Claimant and repeat that the Defendants withdraw the allegations and apologise to the Claimant for having published the videos.

SIGNED —

ABDUL SAMAD



16/10/2017