

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

BEFORE MR JUSTICE EADY

B E T W E E N:

(1) GERRY MCCANN
(2) KATE MCCANN

Claimants

-and-

EXPRESS NEWSPAPERS

Defendant

Statement in Open Court on 19 March 2008

Solicitor-Advocate for the Claimant, Adam Tudor, Carter-Ruck

My Lord, in this action I appear for the Claimants, Gerry and Kate McCann.

Mr and Mrs McCann are the parents of three young children, the eldest of whom, Madeleine, was abducted from the family's holiday apartment in Praia da Luz, Portugal on 3 May 2007. As the Court will be aware, Madeleine's abduction has given rise to widespread media coverage both in this jurisdiction and worldwide.

My learned friend, Mr Bacon, appears for Express Newspapers, the Defendant in this matter, which is the publisher of the Daily Express, the Sunday Express, the Daily Star and the Daily Star Sunday. These newspapers have a combined circulation in the jurisdiction of several million copies, as well as a substantial on-line readership.

From the late summer of 2007 until February 2008, the Defendant newspapers published over one hundred articles which were seriously defamatory of Mr and Mrs McCann.

The general theme of the articles was to suggest that Mr and Mrs McCann were responsible for the death of Madeleine or that there were strong or reasonable grounds for so suspecting and that they had then disposed of her body; and that they had then conspired to cover up their actions, including by creating "diversions" to divert the police's attention away from evidence which would expose their guilt.

Many of these articles were published on the front pages of the newspapers and on their websites, accompanied by sensational headlines.

In addition to the allegations referred to above, the Daily Star published further articles (under the headlines "MADDIE MUM 'SOLD' HER" and "MADDIE 'SOLD' BY HARD-UP MCCANN'S") which sought to allege that Mr and Mrs McCann had sold their daughter in order to ease their financial burdens. A further article alleged that Mr and Mrs McCann were involved in "swinging" or wife-swapping orgies.

As the Defendant now acknowledges, all of these allegations were, and remain, entirely untrue. In particular, there is no evidence whatsoever to suggest that Mr and Mrs McCann were responsible for the death of their daughter or that they were involved in any sort of cover-up, and there was no basis for Express Newspapers to allege otherwise. Equally, the allegations that Mr and Mrs McCann may have "sold" Madeleine, and that they are involved in "swinging" or wife-swapping, were entirely baseless.

Naturally, the repeated publication of these utterly false and defamatory allegations has caused untold distress to Mr and Mrs McCann. Indeed, it is difficult to conceive of a more serious allegation than to be falsely accused of being responsible for the death of one's own daughter.

In recognition of the falsity of the allegations made against Mr and Mrs McCann, Express Newspapers has agreed to publish full apologies on the front pages and on the websites

of the Daily Express, the Sunday Express, the Daily Star and the Daily Star Sunday, and to join in the reading of this statement in open Court. Further, Express Newspapers has agreed to pay Mr and Mrs McCann substantial libel damages, all of which will be donated to the Fund established to assist with the search for Madeleine. Express Newspapers has also agreed to pay Mr and Mrs McCann's reasonable legal costs.

Counsel for the Defendant, Stephen Bacon

My Lord, on behalf of the Defendant, I confirm all that my friend has said.

Express Newspapers regrets publishing these extremely serious, yet baseless, allegations concerning Mr and Mrs McCann over a sustained period of what will already have been an enormously distressing time for them, and at a time when they have been trying to focus on finding their daughter.

As an expression of its regret, Express Newspapers has agreed to publish front-page apologies, acknowledging the falsity of the allegations and reflecting the fact that they should never have been made. Through me, Express Newspapers wholeheartedly repeats that apology before the Court today. They profoundly regret the distress which these publications will have caused to Mr and Mrs McCann. I confirm that Express Newspapers has agreed to make a substantial contribution to the Madeleine Fund, which we hope will assist in continuing the search for her.

Solicitor-Advocate for the Claimant, Adam Tudor, Carter-Ruck

My Lord, in all the circumstances, Mr and Mrs McCann's object in bringing these proceedings has been achieved.

Dated 19 March 2008