

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION**

CLAIM NO. HQ10DO1023

BETWEEN:

PARAMESWARAN SUBRAMANYAM

Claimant

- and -

NEWS GROUP NEWSPAPERS LIMITED

Defendant

CLAIM NO. HQ10DO1024

BETWEEN:

PARAMESWARAN SUBRAMANYAM

Claimant

- and -

ASSOCIATED NEWSPAPERS LIMITED

Defendant

AGREED STATEMENT IN OPEN COURT

The Claimant's Solicitor

May it please your Lordship, I appear on behalf of the Claimant in these matters.

The Claimant is a Tamil refugee from Sri Lanka. On 7th April 2009 he decided to go on a hunger strike outside the Houses of Parliament in an attempt to raise awareness of the plight of the Sri Lankan Tamils and in a bid to encourage intervention by the UK Government.

The Claimant's hunger strike had been part of a 73 day protest by the British Tamil community and its supporters against reports of civilian killings during the Sri Lankan government's offensive against the Tamil Tigers. The conflict had affected the Claimant personally as he had just received news that members of his immediate family had been killed in the fighting.

The hunger strike as a form of protest has considerable resonance for the Tamil Diaspora. Throughout his hunger strike the Claimant received substantial public support from both within the Tamil community and the public more generally. Hundreds of supporters kept vigil outside the Claimant's tent throughout his ordeal and thousands queued on a daily basis to show their respect for the Claimant's selfless action.

On 30th April 2009 the Claimant officially ended his hunger strike. The Claimant had not eaten any food for 23 days and as a consequence had to be hospitalised for 5 nights. As a consequence of his sacrifice the Tamil community in this country and throughout the world celebrated, honoured and paid tribute to the Claimant.

Almost six months later, on 9th October 2009, Associated Newspapers Limited, which is the publisher of *The Daily Mail* newspaper, published an article in the hard copy of the newspaper and on its website, *MailOnline*. The article was entitled "*Hunger Striker's £7m Big Mac*", and was followed by the captions "*Tamil who cost London a fortune in policing was sneaking in fast-food*" and the picture caption "*Tamil takeaways: 'Hunger striker' Parameswaran Subramanyam*". The article was accompanied by three photographs of the Claimant, Scotland Yard police officers and a Big Mac.

On the same day, News Group Newspapers Limited, which is the publisher of *The Sun* and its website, published an article on its website based on the article that had been published by the Daily Mail. The article was entitled "*Hunger Striker was Lovin' It*" and it

contained a large photograph of the Claimant followed by the caption "*Bogus...striker was 'eating burgers' "*".

The articles reported claims that the Claimant had been secretly eating McDonald's burgers throughout his hunger strike and that he had consequently caused the police to waste a fortune in public money. The articles stated that police surveillance teams had caught the Claimant eating the burgers on specialist monitoring equipment.

The allegations are entirely false which both Defendants now accept.

The Claimant did not consume any food at all throughout his hunger strike. The Metropolitan Police Superintendent who was in charge of the operation in Parliament Square confirmed that there was no police surveillance team using "*specialist monitoring equipment*" and that no video evidence existed.

The Claimant gained an enormous amount of respect from the Tamil community as a result of his hunger strike – he was frequently invited by the Tamil media to speak and numerous articles on Tamil websites, in addition to messages on internet forums and blogs illustrate the high esteem in which the Claimant was held; indeed he was regarded as a role model. However, as a direct result of the Defendants' publications the Claimant was ostracised by the Tamil community and its supporters who believed that the Claimant had betrayed them and that the Claimant had in fact undermined the Tamil struggle globally. The Claimant was prohibited by his community from taking part in the 'National Remembrance Day' event at the Excel Centre in London. This is a clear illustration of the contempt with which the Claimant is now held as a result of the article – previously regarded as a hero, he was told by the organizers that he would bring disgrace to the event.

The articles strike at the heart of the Claimant's integrity, undermining the single achievement for which he became known and respected.

Both Defendants have now agreed to apologise, to not repeat the allegations and to each pay a substantial sum by way of damages and costs to the Claimant.

The Solicitor on behalf of the Defendants in each Claim

My Lord, on behalf of Associated Newspapers Limited and News Group Newspapers Limited, I endorse what has been said by my friend. Associated Newspapers published the article in good faith based on information that, at the time, was understood to be reliable. Both Associated Newspapers Limited and News Group Newspapers Limited, through me, withdraw all the allegations complained of and apologise sincerely and unreservedly to the Claimant for the allegations published and for the hurt and distress that publication caused. Both Defendants are pleased to set the record straight.

The Claimant's Solicitor

My Lord, I need only ask leave that the record be withdrawn in both claims.

Claimant's Solicitors

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