

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

CLAIM NO: HQ16M00856

B E T W E E N :

MOHAMMED KOZBAR

Claimant

and

TELEGRAPH MEDIA GROUP

Defendant

STATEMENT IN OPEN COURT

Solicitor for the Claimant

My Lord, I act for Mohammed Kozbar, the Claimant in this action.

Mr Kozbar is the Chairman of Finsbury Park Mosque; a role he has held since 2012. Under his chairmanship in 2004 the Mosque received the prestigious Visible Communities Award; the first mosque and only the third faith organisation in the country to receive such an award.

The Defendant is the publisher of *the Daily Telegraph* newspaper and the website www.telegraph.co.uk. Both media have a substantial readership circulation, particularly in London and its environs.

On 12 March 2016 the Defendant published an article in its newspaper and via its website which was entitled: "***Jeremy Corbyn and the mosque leader who blames the UK for ISIL***". The article comprised a partisan attack on Jeremy Corbyn, the methodology of which was to associate him with Mr Kozbar, whom the article went on wrongly to accuse of in effect being no better role model for the Islamic faith and leader of the mosque than his predecessor, the notorious Abu Hamza.

In the Particulars of Claim for this action the meaning attributed to the article was the Mr Kozbar has dishonestly presented himself as a moderate and reputable Muslim figure when he is in fact a supporter of violent Islamic extremism who has praised and encouraged terrorism; an allegation which Mr Kozbar categorically denies.

This grave and unjustified defamation of my client comprised by the article was aggravated by the additional assertion made in it that my client had "*declined to comment when contacted by the Telegraph*"; which created the wholly false impression that Mr Kozbar was effectively conceding the truth of the allegations against him. The Defendant had in fact never made contact with Mr Kozbar in order to provide him with the opportunity to comment.

At a Preliminary Trial of this action His Honour Patrick Moloney QC determined that the defamatory meaning of the article was that Mr Kozbar is a supporter of violent Islamist extremism who has praised and encouraged Islamist terrorism abroad, and that he is a hypocrite who has falsely claimed to have led the Mosque away from Islamist extremism when he knows he has not done so. If it departed in any substantial way from the meaning ascribed to the article by Mr Kozbar it was to assess the gravamen as being yet more serious.

Nothing could be further from the truth concerning the Mr Kozbar, who initially took his complaint to the Independent Press Standards Organisation. He reluctantly resolved his complaint when the Defendant offered to publish a brief "correction" to the effect that Mr Kozbar disputed a number of the allegations in the article. The Defendant however refused to retract the very grave allegations made in the article, leaving Mr Kozbar no option but to bring these proceedings not only to clear his name, but also those of his mosque and its thriving community.

Confronted with the finding of His Honour Patrick Moloney QC concerning the meaning of the article the Defendant has now accepted a Part 36 offer made by my client for the payment to him of a substantial sum in damages.

The Defendant had however previously stated in its response to the claim letter that my client's claim was "*rejected in full*". It had also claimed that "*any imputation conveyed by the Article which is defamatory of [my client] is substantially true*". The Defendant had also stated via its Acknowledgment of Service that it intended to defend the action in full.

If the Defendant had truly believed that to the allegations that it had made against Mr Kozbar in the article were true then it would have enjoyed a complete defence pursuant to Section 2 of the 2013 Act. However rather than defend this action, to which the Defendant did not even serve a defence, it has elected to pay a substantial sum to Mr Kozbar in damages.

The Defendant's newspaper and website still refuse to acknowledge that there is no truth in these allegations. The Defendant has also refused to join in the reading of this statement, and has denied that my client is even entitled to read a statement which vindicates him of grave and

untrue allegations that it has made against him. It has elected however not to oppose the reading of this statement.

Mr Kozbar is content to use this opportunity to point out that notwithstanding its bullish attitude prior to the issue of proceedings the Defendant has shied away from the opportunity to stand by the grave allegations that it published against him and his faith community, and has rather bought itself out of these proceedings by means of a substantial payment in damages. On that basis he is also content to let this matter rest.

My Lord, it only remains for me to request leave that the record be withdrawn.

Signed by advocate for the Claimant

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