

Claim No: HQ18M03118

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

MEDIA & COMMUNICATIONS LIST

BEFORE: MR JUSTICE JULIAN KNOWLES

**B E T W E E N:**

**PETRO POROSHENKO**

Claimant

- and -

**BRITISH BROADCASTING CORPORATION**

Defendant

---

**JOINT STATEMENT  
IN OPEN COURT**

---

## GRAHAM ATKINS, SOLICITOR FOR THE CLAIMANT

My Lord, in this matter I appear on behalf of the Claimant, Mr Petro Poroshenko. The Claimant is the current President of Ukraine, having taken office in 2014.

The Defendant is the well known British public service broadcaster, the British Broadcasting Corporation. It reaches an enormous number of readers and viewers throughout the United Kingdom and worldwide.

On 23 May 2018 the Defendant published an Article on its website under the headline, printed in large bold font, "***Trump lawyer 'paid by Ukraine' to arrange White House talks***". The Article was accompanied by a photograph of Mr Poroshenko and the President of the United States, taken during a meeting at the White House in June 2017. The photograph shows Mr Poroshenko and President Trump shaking hands following their meeting.

The Defendant also ran a news report broadcast in similar terms to the Article as a headline news item on the BBC *News at Ten* that same day. The Broadcast was described by Huw Edwards, the presenter of the news that night, as "*an exclusive report*".

The central claim of both the Article and the Broadcast was that a meeting between Mr Poroshenko and President Trump that took place in June 2017 was arranged after a secret payment of \$400,000 was made by intermediaries acting for Mr Poroshenko to Mr Trump's personal lawyer and trusted fixer, Michael Cohen. It was claimed that in early 2017 Mr Poroshenko was desperate to get talks with Mr Trump but was being offered little more than a White House photo opportunity, and that he therefore instructed two close associates to open a back channel to President Trump. The BBC claimed that this story was based on multiple sources, none of whom was named, but who were described as persons "with direct knowledge of the process" including a "high-ranking Ukrainian intelligence officer".

The Article and the Broadcast were seriously defamatory of Mr Poroshenko, alleging as they did that he had procured or authorised a corrupt payment of \$400,000 to be made to Michael Cohen, the personal lawyer of Donald Trump, to extend a brief meeting between Mr Poroshenko and President Trump, that had already been agreed, into more substantial talks.

My Lord, put simply, this allegation and the facts on which it purported to be based are simply false. Mr Poroshenko did not authorise or procure any payment to Mr Cohen of any kind, nor was any such payment ever made to Mr Cohen or any other individuals for that purpose. Mr Poroshenko did not instruct close associates to open up any back channel with Mr Trump in order to secure substantial talks with him, far less did he do so through Mr Cohen.

Mr Poroshenko complained to the BBC within days after the story was published and broadcast, requesting that it withdraw the story and publish an apology and retraction. To his great distress the BBC rejected the complaint, asserting that the story was in the public interest and suggesting that it might defend it as true or challenge the extent of Mr Poroshenko's reputation.

Mr Poroshenko was left with no option but to issue proceedings for libel in the English High Court. The BBC then disputed that the Article and the Broadcast had made any allegation of outright corruption or serious impropriety against him. After a preliminary trial on the issue of meaning that took place on 7 February 2019, the Court found that the Article and Broadcast conveyed the allegation which I have outlined above.

On 6 March 2019, the day before it was finally due to serve its Defence to the claim, the BBC made an Offer of Amends to Mr Poroshenko, accepting that it had libelled him and offering to publish a suitable correction and apology, as well as to pay him appropriate compensation and legal costs.

Mr Poroshenko has accepted this offer, meaning that the proceedings are now at an end. He deeply regrets that it took the BBC so long to accept liability, and that it was only after the Court's ruling in February that it removed the Article from its website although he had requested its removal back in May 2018. He believes that the resulting delay will inevitably have increased the damage caused to his reputation by the publication of this allegation. It has certainly added to the distress and embarrassment that he has felt since the story was first published.

The allegation that Mr Poroshenko was guilty of serious corruption is self-evidently an extremely grave and damaging one, not only in relation to his role as President of the Ukraine but also his political and business reputation. This is especially so given the emphasis which he has chosen to place during his Presidency on the promotion of a number of anti-corruption measures in the Ukraine, for example the enactment of new legislation, the establishment of specialist bodies to conduct pre-trial investigation and prosecution of high-profile corruption crimes, and the creation of an Anti-Corruption Court. The BBC's story was clearly likely to undermine the hard work undertaken by the President during his time in office, and to cause him very considerable political embarrassment not only in Ukraine, but in the United Kingdom and across the global stage. In this connection it is relevant that inevitably, given the serious and sensational nature of the allegation (especially as it also related to the US President, Mr Trump), and the prominence given to it by the BBC, the allegation was picked up and republished in other media publications.

My Lord, Mr Poroshenko hopes that the reading of this Statement will go some way towards making it clear to the world that this allegation is untrue and to repairing the damage to his reputation. By way of the fulfilment of its Offer of Amends, the BBC have agreed to pay him a substantial sum by way of compensation, as well as his legal costs, and to publish a correction and apology.

#### **JANE PHILLIPS, COUNSEL FOR THE DEFENDANT**

My Lord, on behalf of the Defendant, I accept all that my friend has said. The BBC believed that the publications made a less serious allegation against the Claimant, but in the light of the High Court finding that the allegation was as mentioned, the BBC is happy to acknowledge that these claims about the Claimant are completely untrue, and it is here, through me, to apologise to the Claimant for any distress and embarrassment caused to him by the Article and the Broadcast.

**GRAHAM ATKINS, SOLICITOR FOR THE CLAIMANT**

It only remains for me to ask for leave to withdraw the record.

**- Ends -**