

High Court hearing of the Private Eye/Calvi libel
IN THE HIGH COURT OF JUSTICE QUEEN'S BENCH DIVISION
1981 G. No. 2954

between:

SIR JAMES GOLDSMITH
Plaintiff

v.

PRESSDAM LIMITED and
RICHARD INGRAMS
Defendants

STATEMENT IN OPEN COURT
'an intense campaign of personal abuse'

In this action I appear for the Plaintiff with my learned friend, Mr James Price, and my learned friends, Mr John Wilmers and Mr Desmond Browne appear for the Defendants.

On May 27, 1977, the Defendants, the Editor and publishers of Private Eye, unreservedly apologised to Sir James Goldsmith for a particularly serious libel. They admitted in open court that their allegation against Sir James Goldsmith did not contain even 'a shred of truth'. Furthermore, Counsel for Private Eye said 'it has never been the intention of Private Eye to pursue any personal or public vendetta against Sir James Goldsmith and he has their sincere assurance that they will not do so in future issues of Private Eye'. These statements were also published in a full page statement in the Evening Standard paid for by Private Eye.

Sir James accepted the sincerity of these statements. Therefore he waived his claim for damages, although the Defendants acknowledged publicly that he was entitled to very substantial damages. Private Eye paid a £30,000 contribution to his costs.

In the event, and contrary to their 'sincere assurance', Private Eye has pursued relentlessly and continuously an intense campaign of personal abuse against Sir James and his family.

Part of this campaign and typical of it, is the libel which is the subject of this action, published on August 28, 1981. In it Sir James was in effect accused of being a business associate of Mr Roberto Calvi and of bringing an associate of Mr Calvi, Mr Antonio Tonello, onto the Board of a company (Basic Resources International S .A.) of which Sir James became Chairman. This was published after Mr Calvi and Mr Tonello had been convicted and sentenced to imprisonment for serious financial offences in Italy. Private Eye thus attempted to link Sir James into the growing and continuing scandal which rocked the Italian Government. In July 1982 after these proceedings for libel in respect of the article of August 28, 1981 had been commenced by the Plaintiff, and Private Eye thereby being on notice that the story they had published was untrue, they published a further story. In that story they linked Sir James to Calvi as a business associate and friend after Calvi had been found dead in London in circumstances which have led many to believe that he was murdered.

These stories published in Private Eye are wholly untrue. The alleged association with Mr Calvi is a complete fabrication. Sir James has never met nor had any contact whatsoever with Mr Calvi. Mr Tonello joined the Board of Basic in September 1975. Sir James did not become associated with that company until January 1979. In 1975 Mr Tonello was Chairman of the large Italian banking subsidiary of the Bank of America, one of the world's largest and most reputable banks. He ceased to be a director of Basic in June 1980 prior to Sir James Goldsmith becoming Chairman of that company. The information

which showed the stories to be untrue was readily available on the public files of the Toronto and Montreal Stock Exchanges where Basic's shares were quoted and the Securities Commissions in those places. It is significant that the Defendants are known to have inspected a number of these files in Toronto. The information was also available at the place of the company's registered office in Luxembourg.

When sued, no attempt was made by Private Eye to apologise or make amends, Instead they pleaded that what they had published was true relying on allegations that they now acknowledge to be totally false.

Faced finally with the imminence of trial, on June 17 this year they paid £35,010 into court. They then on June 27 failed in an attempt to postpone the hearing of the case on the grounds of late discovery. On July 1, 1983 they published an apology in Private Eye.

They are represented today by Counsel to acknowledge that this was another grave and wholly untrue libel against Sir James and to repeat their apologies in public. In respect of the libel of August 28, 1981, Sir James has accepted the sum of £85,010 being the amount of the payment in and costs.

Counsel for the Defendants

On behalf of the Defendants I accept everything my learned friend has said, and apologise to the Plaintiff and express the Defendants' sincere regret at having unjustifiably libeled him. Prior to publishing the article, the Defendants had a search made of the documents relating to Basic available in Toronto. Unfortunately the documents which would have showed that Mr Tonello had been a director of Basic since 1975 and was no longer a director at the time of the article were overlooked. When all the relevant documents were disclosed on discovery, the Defendants made their payment into Court and published their apology.

Counsel for the Plaintiff

My Lord, I ask for an Order that the sum of £35,010 in court be paid out to the Plaintiff's solicitors and that there be leave to withdraw the record.