

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
BUSINESS LIST (ChD)

IN THE MATTER OF MOBILE TELEPHONE VOICEMAIL INTERCEPTION LITIGATION

B E T W E E N: -

ALEX SMITH

Claimant

- and -

NEWS GROUP NEWSPAPERS LIMITED

Defendant

**CLAIMANT SPECIFIC ALLEGATIONS
SUPPLEMENTAL TO
THE RE-AMENDED GENERIC PARTICULARS OF CLAIM FOR WEETING CLAIMS
AND
THE RE-AMENDED GENERIC PARTICULARS OF CLAIM FOR PINETREE CLAIMS**

The claim meets the qualifying criteria set out in the Order of 3 April 2019.

The Parties

1. During the relevant period, from 1994 to 1999 (“**the Relevant Period**”), the Claimant (also known as Jonathan Royle) was a British magician and hypnotist. His stage names included “Alex Leroy”, “Alex Le Roy” and “Alex Alexander”.
2. The Defendant (“NGN”) is the publisher of *The Sun* and, until 2011, the *News of the World*, both of which at the relevant time enjoyed a very substantial and highly influential circulation, and even greater readership within this jurisdiction. NGN was also the owner and publisher of the website www.newsoftheworld.co.uk, and is currently the owner and publisher of www.the-sun.co.uk. At the relevant time, both of these websites also had very substantial readerships within the jurisdiction.

Summary of the Mazher Mahmood Sting

3. The Claimant was unlawfully targeted by NGN from January 1994 onwards, starting with an article published in *The Sun* which is set out in **Confidential Part D of the Schedule**, much of which was fabricated.
4. Following a “sting” operation in Greater Manchester in early April 1998, the *News of the World* ran a story, (“**the Fake Coins Article**”), dated 12 April 1998 by Mazher Mahmood, under the *headline “Kiddies’ TV Star is drug-dealing pimp – and he coins fortune with counterfeit cash”*, set out in **Confidential Part D of the Schedule**, accusing the Claimant of being a drug-dealing, gun selling, pimp of underage girls who was also a supplier of counterfeit coins.
5. One thousand allegedly fake £1 coins were bought by the Claimant at the direction of Mr Mahmood, from a person recommended to him by NGN, using £400 provided by NGN. The fake coins were delivered by the Claimant to Mr Mahmood on his instruction.
6. NGN then provided material (including what the Claimant believes were edited/doctored video and audio recordings) to the police. As a result of the sting, the publication of the Fake Coins Article and passing of false evidence to the police, the Claimant was arrested, prosecuted and convicted of handling counterfeit currency. He was sentenced to 6 months in prison.
7. As a direct result of the publication of the Fake Coins Article and his resulting prison sentence, the Claimant
 - (a) lost multiple work opportunities and insuperable harm to his career;
 - (b) had to deal with websites set up by third parties to promulgate hateful and false allegations based on the article, to the extent of the Claimant having to report them to the police;
 - (c) suffered great distress and anxiety from the prosecution and impending trial and the threats he received from associates of Mr Mahmood during this period;
 - (d) endured a traumatic term of imprisonment where he was classified as a vulnerable prisoner from day one, and was placed on “suicide watch” from the moment he entered Strangeways Prison;
 - (e) went bankrupt, which in turn further compounded his depressive condition, as well as destroyed his credit.

The Claimant's mobile and landline telephone communications

8. At all relevant times, the Claimant had a mobile telephone and a landline at his house in Rochdale. His numbers are set out in **Confidential Part A of the Schedule**.
9. The Claimant used his mobile telephone and its voicemail facility extensively, for both personal and professional purposes, and regularly left or received voicemail messages for, or from, individuals (including those referred to in **Confidential Part B of the Schedule**), including family, close friends and professional associates.
10. The Claimant relied heavily on receiving voicemails messages from his Associates and others. The telephone numbers of the Claimant's Associates during the relevant period and upon whose phones (including landlines) he left voicemail messages are, where known, set out in **Confidential Part B of the Schedule** and include individuals such as:
 - (a) **Alan Breeze**: the Claimant's publicist at time
 - (b) **Julian Gormley** (now deceased): the Claimant's best friend
 - (c) **Peter Hill** (now deceased): the Claimant's business colleague and friend
 - (d) **Yvette Albon**: the Claimant's girlfriend at the time
 - (e) **Phillip Barrett**: the Claimant's friend & entertainment agent
 - (f) **Gillian Smith**: the Claimant's former friend
 - (g) **Margaret Prior**: the Claimant's mother
 - (h) **Keith Smith**: the Claimant's father
11. The Claimant recalls that his home telephone number had an answerphone, which would enable him to pick up remotely messages left for him using a four-digit PIN code. In the late 1990s especially, the Claimant used his home phone number more than he does now, because mobile phone "coverage" was significantly less at that time and the quality of calls was better.

The Defendant's unlawful activities

12. The Claimant will contend that because of his interest in exposing Mr Mahmood, he was targeted to be set up by Mr Mahmood, his editors at the time within the News of the World and NGN.

13. The Claimant will contend that he was targeted by NGN from at least as early as 1994 for the purposes of preparing the January 1994 story about him in *The Sun*, and NGN thereby engaged in unlawful acts (such the accessing or interception of his home and mobile voicemail messages, the unlawful obtaining of his private information by private investigators and the placing of him under intrusive – and oppressive - surveillance), including the arrangements, set out below in the following paragraphs: 21 to 22 (*News of the World*, News Desk at); 23 (*News of the World* Features Desk); 24 to 25 (*The Sun*) and 26-28 (the activities of Mazher Mahmood).
14. NGN obtained private and confidential information relating to the Claimant (“the Claimant’s Information”).
15. For the avoidance of any doubt, the Claimant relies in support of his claim including the period and scope of NGN’s targeting of him upon:
 - (a) the Re-Amended Generic Particulars of Concealment and Destruction and the Re-Amended Generic Particulars of Claim – Operation Pinetree Claims; and
 - (b) on any fact or matter pleaded in any other action in the MTVIL which is relevant to the issues in this claim and, any further amendment to the Re-Amended Generic Particulars of Claim that might be made in future, and
 - (c) the Generic Disclosure provided by NGN in relation to both the activities at *The Sun* and the *News of the World*, including examples of private investigator work relating to the Claimant or those associated with him, as set out below.
16. In relation to the activities set out at paragraphs 21 to 28 below the Claimant will further rely on the role played, at both newspapers, by administrative and secretarial staff (as well as the staff in the Managing Editor’s offices) as central in the making of unlawful payments (including cash payments) and expenses claim forms seeking payments for unlawful activity, by virtue of their role in obtaining editorial approval, Managing Editor authorisation and processing the payments (whether through the Contributor System, the Accounts Payable system, the cash office or the Thomas Cook system), including those staff who are named on relevant PI payment records or other documents, and those responsible (including James Morgan, Frances Carman, Angie Mulligan and Avril Russell) for archiving hard copy documents.
17. It is further to be inferred that, as a result of targeting the Claimant, NGN obtained access to numerous other voicemail messages to and from the Claimant including

personal messages left by him for and/or received from his clients and friends, as well as work colleagues and professional associates. In the circumstances, NGN therefore had access to the following of the Claimant's Information:

- a) The fact that the Claimant had telephoned and/or left voicemail messages for particular individuals;
 - b) The time, date and duration of those calls and voicemail messages, and the content of those voicemail messages;
 - c) The fact that particular individuals had called and/or left voicemail messages for the Claimant;
 - d) The time, date and duration of those calls and voicemail messages,
 - e) The contents of these voicemail messages; and
 - f) The names and telephone number of the individuals with whom the Claimant communicated by mobile or landline telephone.
18. It is also to be inferred that, as a result of targeting the Claimant, NGN obtained through private investigators access to the ex-directory numbers of his residence and the telephone billing data (of his landline and mobile phones), and that of his Associates, and thereby obtained information (including by "turning the numbers" shown on the itemised phone bills) as to who he was in telephone communication with, and the time date and duration of those calls.
19. The Claimant also contends that NGN was able to commission the interception of landline phones by specialist private investigators, and that he was targeted in this manner.
20. The Claimant will further refer to the articles, set out at **Part C of the Schedule** below, which were published by *The Sun* and the *News of the World*, and which contained the Claimant's Information, which it is inferred were derived from or based on or sought to be corroborated by information obtained through unlawful acts including accessing his voicemails, and without which unlawful acts the Article would not have been published.

UIG Arrangements by the Defendant upon which the Claimant relies

21. **UIG by the News Department** of the *News of the World*, including:

- (a) the use of private investigators to carry out unlawful activity,
 - (b) the direct use of unlawful means such as VMI and blagging by *News of the World* News Desk employees themselves in 1998-9 and subsequently (such as Ian Edmondson, Neville Thurlbeck, Clive Goodman, Gary Thompson, Phil Taylor, Greg Miskiw, Alex Marunchak, Gary Jones and Mark Thomas) and
 - (c) the knowledge and encouragement of this activity by senior executives including Phil Hall (the Editor), Rebekah Wade (the Deputy Editor); Stuart Kuttner (the Managing Editor) and Tom Crone (the Legal Manager)
22. Pending disclosure of archived hard copy files known to be held by NGN in its Enfield Archive, the Claimant contends that NGN targeted the Claimant pursuant to the News Arrangement. The Claimant will rely in support of this contention, on the extensive use of Private Investigators, through the News Desk by Mr Mahmood, or the products of which were supplied to Mr Mahmood.
23. **UIG by the Features Department** of the *News of the World*, including:
- (a) the use - by the Features, Showbiz and TV desks' (run and/or staffed by Ally Ross, Dan Collins, Denna Allen, Gary Thompson, Phil Taylor, David Jeffs, Ray Levine, Rebekah Wade (now Brooks), Jules Stenson, Carole Watson, Paul McMullan, Matt Nixon, and Doug Wight) - of private investigators to carry out unlawful activity,
 - (b) the direct use of unlawful activities such as VMI and blagging by *News of the World* Features employees themselves (including Gary Thompson, Phil Taylor, Sean Hoare, Lee Harpin, Sean O'Brien, Polly Graham, Paul McMullan; and Dominic Mohan), and
 - (c) the knowledge and encouragement of this activity by senior executives including Phil Hall (the Editor), Rebekah Wade (the Deputy Editor), Ray Levine (Features Editor), Gary Thompson (Features executive), Stuart Kuttner (the Managing Editor), and Tom Crone (the Legal Manager).
24. **UIG Activities at *The Sun*** including:
- (a) the unlawful use of Private Investigators by, or on behalf of, the following, namely:

- (1) its Features and Showbiz desks, and its Showbiz columns, (such as Bizarre which was written or run by journalists such as Piers Morgan, Andy Coulson, Ally Ross, Rav Singh, Dominic Mohan, Victoria Newton, James Scott and Sean Hoare);
 - (2) the News Desk, which was operated or staffed by journalists such as Christopher Blythe, Glenn Goodey, Mark Wood, Sue Thompson, Graham Dudman, Richard Barun, Paul Field, Chris Pharo, John Sturgis, David Mertens, Euan Stretch, Ben O'Driscoll, James Clothier, Steve Kennedy, Simon Young, Brandon Malinsky, Will Barker and Veronica Lorraine,
 - (3) specialist users of PIs and bladders such as Tom Whitaker, Simon Hughes, Guy Patrick, Charles Rae and Nick Parker;
- (b) the direct use of UIG by many of the above including Andy Coulson, Ally Ross, Rav Singh, Dominic Mohan, Victoria Newton, James Scott, Sean Hoare, Graham Dudman, Paul Field, Chris Pharo, John Sturgis, David Mertens, Euan Stretch, Tom Whitaker, Guy Patrick, and Nick Parker; and
 - (c) the knowledge and encouragement of UIG by senior executives including successive Editors (Kelvin Mackenzie, Stuart Higgins, David Yelland, Rebekah Wade/Brooks and Dominic Mohan), Managing-Editors (Bill Newman, Christopher Roycroft-Davies, Graham Dudman, Richard Barun and Richard Caseby) and the Legal Manager Tom Crone.
25. The Claimant will further refer to the article published by *The Sun* complained of in **Part C of the Schedule**, and which contained private information about the Claimant which it is inferred was derived from, based on, or sought to be corroborated by, information obtained through unlawful acts including accessing his voicemails, and without which these Articles would not have been published but for the voicemail interception or unlawful obtaining of personal information..
26. The UIG Arrangements by the News, Features and Investigations Departments of the *News of the World* were carried out by Mr Mahmood himself or with his knowledge or encouragement, and at his direction (collectively “**the Mahmood Arrangement**”). Pending disclosure and/or the provision of further information, this Arrangement included the following:

- i) the interception of voicemails and/or the obtaining of private information through the use of private investigators undertaken, and intrusive and/or covert surveillance (“**the Mahmood Activities**”)
 - ii) the use of private investigators by Mr Mahmood for his projects and articles (“**the Mahmood PIs**”) and by other staff or contractors such as Gerry Brown, Bradley Page, Conrad Brown, Steve Grayson, Sarah Issitt, Mahmood Qureshi (“Jaws”), Christine Hart, Akbar Ali Malik, Melvyn Heraty, Paul Samrai, Ray Chapman, Sid Fillery, Alan Smith, Jonathan Rees, Glenn Vian, Gary Vian, John Boyall, Alan Smith, , Alan Breeze, Charmaine May, Florim Gashi, Artan, Dominique Morris, Tommy Bryan, Patrick Bryan, Azeem Kazi, Naresh Kumar, Les Chudzicki, John Miller, Tim Bomberg, Justin Nestola, Marwan, Lennie McClean, Cherie Dowd and Kishan Athulathmudali (aka Alex D’Souza) (“**the Mahmood Associates**”) who were - at all relevant times – both acting under the direction and control of NGN, through Mr Mahmood, and paid by NGN.
27. In addition, the Claimant will rely, among other matters, on the illegal activities undertaken by NGN in relation to his entrapment by Mr Mahmood through unlawful and/or improper methods in and around March-April 1998, as well as to NGN’s concealment of the unlawful nature of Mr Mahmood’s activities.
28. The Claimant contends that NGN (through Mr Mahmood and/or the Mahmood Associates) targeted him, with the Mahmood Activities, from at least 1998 onwards, for the purposes of: investigating, preparing and writing stories (such as the Fake Coin Article) for publication in *The News of the World* by means of the Mahmood Activities, undertaken by Mr Mahmood himself or with his knowledge or encouragement, and at his direction, including by the Mahmood PIs and the Mahmood Associates listed in paragraph 26 above;
- The Mahmood Sting on the Claimant**
29. NGN (through Mr Mahmood and the Mahmood Associates) used UIG to enable the Claimant to be successfully lured to meetings with Mr Mahmood, and, using money provided by Mr Mahmood, to supply Mr Mahmood with alleged counterfeit coins bought by the Claimant from an associate of Mr Mahmood, who was introduced to him by Mr Mahmood’s team.
30. The Claimant set out to expose the dishonesty in articles written by Mazher Mahmood at the *News of the World*, and sent an anonymous letter to Mr Mahmood appearing to

be from a third party falsely telling Mr Mahmood that the Claimant was a “big-time pimp”, while being a children’s entertainer. Soon after, the Claimant received a call from Mr Mahmood (on the mobile number provided for the Claimant by the anonymous tipster) claiming to be “Perry Khan” who stated he had heard the Claimant could “supply girls” and would like a meeting in Manchester to also discuss the possibility of the Claimant doing some lucrative television presenting work in the Middle East for his boss, a rich Middle East business man.

31. A meeting took place in a private suite on Thursday, 2 April 1998 at the Piccadilly Hotel in Manchester, during which Mr Mahmood posing as Perry Khan offered the Claimant lucrative television presenting work from his boss in the Middle East, but only if the Claimant could obtain various contraband first. The meeting was attended by the Claimant’s then publicist, Alan Breeze, and a man posing as Mr Mahmood’s bodyguard.
32. Throughout this meeting, the Claimant was plied with alcoholic drinks (which the Claimant contends were spiked with a drug to make him more suggestible and compliant), expensive cigars, and promises of fame & fortune if only he would procure for Mr Mahmood not just prostitutes, but drugs, guns and counterfeit coins.
33. The Claimant falsely boasted to being able to obtain, as well as escorts drugs, guns & counterfeit coins, despite this not having any basis in reality. He handed over three genuine £1 coins, falsely claiming them to be samples of fakes. The Claimant called a local massage parlour (where he knew someone who worked there) from the phone in Mr Mahmood’s suite and arranged for two escorts to show up later for Mr Mahmood that evening, when the Claimant had left. The Fake Coins Article claimed that Mr Mahmood “sent them packing”, but this was false. In fact, Mr Mahmood had sexual relations with these women and paid them for their sexual services.
34. The article which the Claimant had hoped would appear on Sunday 5 April 1998 in the *News of the World*, falsely accusing him of being a pimp (which the Claimant would use to expose Mr Mahmood’s fabrications) did not appear. The Claimant was put under pressure in phone calls by Mr Mahmood to attend another meeting on 9 April 1998 in a suite at the same hotel. On arrival, the Claimant was again met by the person posing as the bodyguard of “Mr Khan” who warned him, in the elevator, that it would “not be a good idea to mess his boss around”. He also told the Claimant the name of a public house in Longsight, Manchester where a man (nicknamed “Spider”) could be found. and who could supply 1,000 Counterfeit £1 coins for £400.

35. At the meeting, the Claimant was again given alcoholic drinks (which he contends were also spiked), and was pressed by Mr Mahmood about the supply of drugs & guns. The Claimant had to make excuses as to why he had not yet supplied these. When the conversation again turned to counterfeit cash, he recounted what he had been told earlier by the bodyguard, namely that he could get 1,000 counterfeit £1 coins for £400. Even if the coins he was collecting were indeed counterfeit, the Claimant believed that, as he was providing these coins to the News of the World, the coins would never reach public circulation and that therefore there was a public interest justification in going along with the scam in order to expose Mr Mahmood's tactics and lies.
36. Mr Mahmood gave the Claimant £400 (from a large stack of cash sitting in the room), to buy the 1,000 coins and told the Claimant that they (Mr Mahmood, his driver, the Claimant & the Claimant's girlfriend) would all have dinner together in the hotel restaurant to celebrate the Claimant's new career opportunities.
37. The Claimant went straight to the pub that he had been told to go to, and found "Spider", a man with a spider tattoo on his face who answered to the nickname of "Spider", who was expecting him. "Spider" asked no questions of the Claimant and gave him a thousand £1 coins for £400. The Claimant then delivered these coins to Mr Mahmood at the Piccadilly Hotel as requested that same evening, and he and his girlfriend then had dinner with Mr Mahmood and his driver.
38. The Fake Coins Article was published on Sunday 12 April 1998. The Claimant immediately went to Rochdale police station (on the same day) in order to explain what it was all about and that it was a fabrication. The police did not wish to act at that stage. However, after the police received what the Claimant believes was doctored material from NGN, the Claimant was asked to attend an interview under caution, arrested and his house was searched. He was subsequently charged with supply of counterfeit currency.
39. The Claimant had pleaded Not Guilty until the first day of his trial when he was advised, following a meeting "in chambers" between his counsel and the Judge, that Mr Mahmood was not going to be required to reveal his sources and that the Claimant's intended defence of entrapment would not work. On advice, the Claimant changed his plea to Guilty with mitigating circumstances, and he was given two concurrent sentences of six months imprisonment for the supply of counterfeit currency. The charges were (a) the supply of three counterfeit £1 coins on 2 April 1998 (where Mr Mahmood had, the Claimant believes, replaced the three genuine coins with three of

the 1,000 obtained a week later, to make it appear they were a ‘sample’) and (b) the supply of 997 further £1 coins on 9 April 1998.

Use of Unlawful Information Gathering

40. The Claimant will contend that NGN had no real evidence to suggest that he was a counterfeit currency dealer, pimp (including of underage girls), drug dealer, firearms dealer when it conceived of, and instigated, its entrapment of him. The Claimant believes that he was specifically chosen for this sting operation, and was manipulated during the “sting”, because of private information unlawfully obtained about him which suggested he was seeking to expose Mr. Mahmood.
41. The Claimant will rely on the fact that the Defendant commissioned private investigators (including those referred to in paragraphs 45 and 46 below) to unlawfully obtain his private information by landline and mobile phone hacking and other means as yet unknown pending further disclosure.
42. The Claimant will refer to the fact that Mr Mahmood had used the same techniques (of unjustified covert surveillance and entrapment, and private investigators) on previous occasions on different targets, and also continued to do so after the Claimant was targeted. The Claimant will rely on similar fact evidence, following disclosure of the relevant payment records and legal records, relating to examples - such as the actor John Alford, model, Emma Morgan and research scientist, Neil Montgomery - on whose Claimant Specific Particulars of Claim he also relies.
43. After the sting, the Defendant published the Fake Coins Article (listed in **Part C of the Schedule**, and set out in **Confidential Part D of the Schedule**).
44. The Claimant contends that this Article contained his private information and would not have been published but for the unlawful information gathering set out herein.

The Private Investigator Payments

45. The Claimant will rely on the generic disclosure, in April 2020 (in relation to LRI), and in December 2018 and July 2020 (in relation to Conrad Brown and Bradley Page), provided by the Defendant, which included the following payments:

ZC00147688

Date of Commission: 29/03/1998
Description: Project Smith/SLA Research
PI: Legal Res. & Intelligence Res. Ltd
Authoriser: Stuart Kuttner

Cost: £76

ZC00149747

Date of Commission: 12/04/1998
Description: Childrens Presenter Is Prevert
PI: Conrad Brown
Authoriser: Stuart Kuttner
Cost: £1,396
Ledger Category: 5511 - Lineage under £1000

ZC00149748

Date of Commission: 12/04/1998
Description: Presenter Is Prevert
PI: Conrad Brown
Authoriser: Stuart Kuttner
Cost: £153.60
Ledger Category: 5511 - Lineage under £1000

ZC00149749

Date of Commission: 19/04/1998
Description: Alex Smith Police
PI: Conrad Brown
Authoriser: Stuart Kuttner
Cost: £130
Ledger Category: 5511 Lineage under £1000

ZC00152574

Date of Commission: 19/04/1998
Description: TV Presenter
PI: Bradley Page
Authoriser: Stuart Kuttner
Cost: £649

ZC00155984

Date of Commission: 26/04/1998
Description: TV Presentor Watch 21/4
PI: Bradley Page
Authoriser: Stuart Kuttner
Cost: £118

ZC00155988

Date of Commission: 26/04/1998
Description: TV PRESENTER WATCH 22/4
PI: Bradley Page
Authoriser: Stuart Kuttner
Cost: £236

ZC70022450

Date of Commission: 01/02/1999
Description: Text 31/1-1/2: Alex Smith Court Appearance
PI: Conrad Brown
Authoriser: Stuart Kuttner
Cost: £240

46. The Claimant will contend that these private investigators carried out unlawful information gathering in relation to him and/or his Associates, and in particular:
- (a) **LRI** (trading under Legal Resource and Intelligence Research), run by John Boyall - who was convicted in April 2005 with Steve Whittamore of data offences. LRI, through in-house blaggers such as Glenn Mulcaire (from 1997-2001) and Andy Gadd, and through sub-contractors in the Whittamore network, carried out a series of unlawful activities including:
 - i) the accessing of private banking and other personal and company financial information;
 - ii) the accessing of voicemail messages;
 - iii) the accessing of private telecoms data, such as subscriber details, and itemised phone bills; and
 - iv) the unlawful accessing of personal computers through the deployment of malware through specialist sub-contractors,
 - (b) **Conrad Brown** was a specialist video technician who carried out:
 - i) Covert and intrusive surveillance for NGN (including which he knew or ought to have known, were assisted by the use of personal information unlawfully obtained from methods such as voice mail interception and the placing of bugs in cars and residences).
 - ii) Surreptitious editing of the covertly-recorded video and/or audio recordings in order to misrepresent what took place and what was said.
 - (c) **Bradley Page** was a specialist photographer who carried out covert and intrusive surveillance for NGN (including which he knew or ought to have known, were assisted by the use of personal information unlawfully obtained from methods such as voice mail interception and the placing of bugs in cars and residences).

Mazher Mahmood's habitual use of Private Investigators

47. The Claimant will further refer in support of his contention that Mr Mahmood extensively used private investigators who carried out unlawful activity for his sting operations, to the hard copy invoices, disclosed generically in May and June 2017 from the SAP IXOS database of invoices relating to ZA SAP payments, which reveal that he commissioned

eight different private investigators on at least 83 occasions between October 1999 and July 2005. This does not include commissions carried out by the News Desk at Mr Mahmood's request, where his role was not recorded, and excludes any such invoices which pre-dated the start of the SAP IXOS database in July 1998, which invoices were either destroyed or have not yet been disclosed from the Wapping or Enfield Archives. The Claimant will invite the Court to infer that given Mr Mahmood's prolific use of private investigators in the six-year period between 1999 and 2005, Mr Mahmood also commissioned private investigators prolifically in the period prior to 1999. Among the private investigators whose invoices name Mr Mahmood as the journalist who commissioned them are the following:

(a) **Global Intelligence Services:** This was the firm set up by Glenn Mulcaire, a convicted phone hacker, of whom the Claimant will contend Mr Mahmood was well aware. The Claimant will rely on the email {Z/545} from Mr Mulcaire (under his usual alias Paul Williams) to Ian Edmondson with redacted details of a target, which Edmondson then forwards on to Mr Mahmood on 13 October 2005. The Claimant will rely on the lack of any explanation by Mr Edmondson as to Mr Mulcaire's identity that as demonstrating that Mr Mahmood was well aware of who Mr Mulcaire was and what unlawful services he performed. The Claimant also relies upon:

- i) A Global invoice dated 14 February 2001 {Z/67} for £392 addressed to Greg Miskiw, then in charge of Investigations at News of the World, which reads 'Maz/Eastenders'.
- ii) A Global invoice dated 25 May 2001 {Z/85}, again addressed to Mr Miskiw. There are two jobs listed, one of which is 'Project: Speed (Eastenders) Surveillance & Observation (Mahmood)' for £900. On 10 June 2001, the News of the World ran a story under Mahmood's byline, alleging that the boyfriend of Eastenders actress Lucy Speed was dealing drugs. The Claimant will contend that Mr Mahmood would have known the source for his story.
- iii) Mr Mulcaire's notes show the targeting by Mr Mulcaire of Lord Brian Mackenzie and his family in March 2003 prior to the publication of an article alleging that Lord Mackenzie had paid for sex with an Algerian woman who had befriended him at the behest of Mahmood.

- (b) **Covert Surveillance & Investigations:** Mr Mahmood used this specialist surveillance firm on three occasions between October and December 1999.
 - (c) **Law & Commercial Services:** This firm, otherwise known as Southern Investigations, was used by Mr Mahmood in the sting operated against the Claimant, as referred to in set out in paragraph 42 above. Mr Mahmood continued to use this firm, including on 12 January 2000.
 - (d) **Warner:** This was the company name used by private investigator Christine Hart, who specialised in unlawfully blagging a range of data including private medical records. Mr Mahmood used this firm at least six times between December 2000 and January 2001. Ms Hart discusses some of her work with Mahmood in her book, *Searching for Daddy*, starting with Sylvester Stallone's wedding at the Dorchester Hotel in June 1997 prior to Mr Mahmood's targeting of the Claimant.
 - (e) **Starbase:** This was a firm run by Peter Lyons and "Secret Steve" (suspected by the Claimant to be Steve Hampton). Starbase who carried out, for the Defendant's newspaper, a range of unlawful practices, including reversing phone numbers to obtain subscriber information, itemised phone bills and voicemail interception. Mr Mahmood commissioned this firm on at least 35 occasions between January 2000 and October 2002, including several invoices which show clear evidence of illegality. One of the invoices contains the acronym 'CRO', a reference to a criminal records check, an act which could only be carried out by accessing the Police National Computer. This can only have been done by a police employee with access to the PNC. The Claimant will rely on this in support of the contention that Mr Mahmood lied to the Leveson Inquiry when he said that he was not aware of any payments being made to police officers or public officials.
 - (f) **ELI (Express Locate International):** This firm, which Mahmood commissioned on at least 32 occasions between August 2003 and July 2005, were expert in providing illegally obtained phone billing data. This private investigator was held by Mr Justice Mann in his judgement in *Gulati v MGN* in 2015 as a key cog in the phone hacking process at MGN newspapers.
48. Further, the Claimant will refer to the following ZC SAP records of payments made to contributors, which have been disclosed generically, that reveal that Mr Mahmood used other private investigators:

- a) In November 2017 NGN disclosed summary details of approximately 12,000 payments to private investigators and blaggers from its contributor payment system (ZC). There followed disclosure of approximately 3,000 more on 5 January 2018. These line records, in a spreadsheet, do not record the commissioning journalist (unless included in the description field) but nevertheless, these records show that Mr Mahmood commissioned private investigators and blaggers on at least two occasions between 1999 and 2010.
- b) The payment data shows that Mr Mahmood used Christine Hart for a front-page story which earned her a £1000 payment:

ZC70064776

Date of Commission:	30/11/1999
Description:	Eastenders Enqs/Mazher Eastenders (Front Pg)
PI:	Christine Hart, Warner Agency,
Authoriser:	Fiona Spink
Cost:	£1,000

- c) The following ZC payment also shows that Mr Mahmood was commissioning private investigators, like John Ross (who obtained information from the police) beyond the arrest of Clive Goodman and Glenn Mulcaire in 2006 and their sentencing in January 2007. The private investigator he tasked, John Ross, was a former policeman who worked as a 'middleman' between serving police officers and journalists, selling information on ongoing proceedings and tips on crimes and incidents involve people in the public eye. The Claimant will rely upon this commission as further proof that Mr Mahmood lied in his sworn witness statement given to the Leveson Inquiry in which he stated that he never paid police officers or public officials.

ZC70438158

Date of Commission:	05/10/2008
Description:	Footy Assist-Txt-Com
PI:	John Ross
Commissioned:	On behalf of Mahmood
Authoriser:	Neil Mcleod
Cost:	£150.00
Processor:	James Morgan

Summary of Mazher Mahmood career and conviction

49. From 1991 to 2016, Mr Mahmood was a senior employee of NGN. For the avoidance of any doubt, NGN is vicariously liable for the acts of commission and omission carried

out by Mr Mahmood and/or his associates as identified below. Mr Mahmood was the Investigations Editor of the *News of the World* until the closure of the newspaper in July 2011, and was employed afterwards by *The Sunday Times* and then, in 2012, by *The Sun on Sunday*, the replacement newspaper for the *News of the World*. Mr Mahmood specialised in entrapping individuals into committing criminal acts (and/or acts which his newspaper regarded as immoral or reprehensible), and covertly recording his targets committing those acts. During this period, NGN's practice was to publish an exclusive story (often as a front-page splash and inside double-page spread) and then provide the evidence of alleged criminality to the police in order for them to prosecute the targets. Both Mr Mahmood and NGN boasted of the number convictions for which he was responsible, and Mr Mahmood was nominated by NGN for multiple journalism awards.

50. On 21 July 2014, the trial of Tulisa Contostavlos collapsed at Southwark Crown Court. Ms Contostavlos, a well-known singer, had also been the subject of a similar sting operation, and exclusive *News of the World* article, relating to supplying drugs to Mr Mahmood and his associates at the Dorchester Hotel. The reason for the collapse of the trial was the Judge's finding that Mr Mahmood had lied to the Court in a pre-trial hearing in June 2014 when he denied that he had conspired with a material witness, (his driver Alan Smith), to deliberately suppress exculpatory evidence about Ms Contostavlos' negative attitude to drugs.
51. As a result of this, Mr Mahmood (who was at the time employed at *The Sun on Sunday*) was suspended by NGN pending an internal investigation. Whilst the finding of that investigation is unknown, pending disclosure and/or the provision of further information, the CPS and/or police dropped criminal cases being brought against other targets on the basis of Mr Mahmood's evidence.
52. On 5 October 2016, Mr Mahmood was himself found guilty at the Central Criminal Court of conspiracy to pervert the course of justice and subsequently sentenced to 15 months in prison. On the same day, NGN terminated his employment but stood by his previous work saying:

"Mazher has led scores of successful investigations during his 25-year career with the company. His work has led to the exposure of criminality and wrongdoing. It is a source of great regret that his time with the company should end in this manner. We have noted the threats made after Mazher's conviction of civil claims against this company in relation to his previous work. Should such claims be brought, they will be vigorously defended."

Mazher Mahmood's lies at the Leveson Inquiry and NGN's connivance in the fraudulent concealment of his use of Private Investigators

53. Given the prominence of his activities, and the manner in which NGN promoted his work, Mr Mahmood was also required to give extensive written and oral evidence under oath to the Leveson Inquiry, at which he was assisted by the Defendant (in the form of NGN's parent company News International) which was a Core Participant. At the Leveson Inquiry in 2011, Mr Mahmood was questioned about his use of private investigators for unlawful information gathering ("**UIG**"), and he explicitly denied using private investigators for such purposes. News International did not seek to correct Mr Mahmood's evidence on that point or others.
54. As a result of evidence that Mr Mahmood was being untruthful about his record of convictions during the Leveson Inquiry, News International carried out an investigation into the matter for reporting to the Inquiry. Pending disclosure of the investigation and the results thereof (including any report provided to the Defendant), the Claimant will contend that NGN knew that Mr Mahmood was an unreliable witness and concealed this from both the Inquiry and the Claimant.

Publications in NGN Newspapers

55. In relation to NGN's misuse of his private information through the accessing of his voicemail messages and/or the blagging or unlawful obtaining of personal information relating to the Claimant or his Associates, the Claimant will refer to both the January 1994 article which appeared in *The Sun* and the Fake Coins Article which appeared in April 1998 in the *News of the World*, and which contained information about him, which it is believed was derived from or based on or sought to be corroborated by material obtained through accessing his voicemails or the blagging or unlawful obtaining of information about him and without which the Article would not have been published, and which represents or marks an occasion when NGN journalists or those acting on their behalf were carrying out unlawful information-gathering activities in relation to the Claimant because of NGN's interest in him and/or those around him at the time. The two articles, as printed, is attached to these Particulars at **Part D of the Schedule**.
56. The Claimant reserves the right, pending the provision of full disclosure by NGN, to add to the articles set out in **Part C of the Schedule** or refer to further articles appearing in its newspapers which were derived from or based on or sought to be corroborated by material obtained through accessing his voicemails or the blagging or unlawful obtaining of personal information about him.

57. The Claimant will rely on the Re-Amended Pinetree Generic Particulars of Claim. In particular, for the avoidance of doubt, the Claimant relies on the publication of the Article (as opposed to the unlawful accessing or obtaining of the Claimant's Information) as:
- a) being the product of the misuse of his private information, which misuse was deliberately concealed from the Claimant's knowledge at the time and subsequently and/or was obtained by means of deception and/or fraud, namely call data blagging;
 - b) representing or marking occasions when NGN journalists or those acting on their behalf were carrying out unlawful information-gathering activities in relation to the Claimant because of NGN's interest in him and/or those around him at the time; and
 - c) increasing the distress and damage suffered by the unlawful interception of his voicemail messages or the obtaining of his personal information by unlawful means;

Remedies

58. By reason of the above matters, the Claimant has suffered considerable distress, as well as the loss of his dignity or standing, and his personal autonomy, as a result of the misuse of his private information by NGN. The Claimant is unable to particularise his damage further until he has ascertained the full nature and extent of the wrongful acts committed by NGN including those set out below.

Aggravation

59. Further, in support of his claim to general and/or aggravated damages, including substantial compensation for distress, the Claimant will rely on the following facts or matters:
- a) The gross violation of the Claimant's entitlement to respect for his professional, private and family life and correspondence.
 - b) The fact that the information which NGN was seeking, and which was obtained by listening to his private voicemail messages or other unlawful information gathering activities, was obviously private and confidential. By doing this, NGN would also have been privy not just to such information about the Claimant's private life but also the private lives of his Associates.
 - c) The fact that the Claimant was targeted for no purpose other than purely to sell more newspapers for NGN.

d) The matters set out in paragraphs 60 to 75 below

Executive Knowledge and Concealment

60. The Claimant will further rely by way of serious aggravation of the distress and damage which he suffered on the following facts and matters:

a) NGN knew, or ought to have known through editors, executives or senior journalists at the News of the World who were directly involved in the publication of the Article, and the provision of information about him to the police (namely, pending disclosure, Phil Hall, Rebekah Wade, Stuart Kuttner, Tom Crone, Phil Taylor, Gary Thompson and Alex Marunchak, among others – collectively the “**executives with knowledge**”), that:

(i) there was no genuine source for the allegation that the Claimant was a known drug dealer, and that the intrusive covert surveillance was entirely unjustified. The Claimant will refer to the necessity for the executives with knowledge to know the existence of a source or not before approving the entrapment and the covert surveillance (let alone publishing the product of it), and he will contend that there was no such source.

(ii) Mr Mahmood had used certain of the Mahmood private investigators to help set up the Claimant (and earlier targets of his sting operations). The Claimant will refer to the necessity for executives with knowledge to know how the story was “stood up” before approving the entrapment and the covert surveillance and before publishing the product of it. Any payments to private investigators would need to be approved and authorised. There is a record of such payments, as referred to above.

(iii) Mr Mahmood had used the same techniques (of unjustified covert surveillance and entrapment, and private investigators) on previous occasions, for the same reasons set out in paragraphs (i) and (ii) above.

61. The fact that these activities were carried out secretly with NGN going to great lengths to conceal their existence. NGN’s actions demonstrate that it was aware at the time that these activities were illegal, but nevertheless carried them out regardless. Further, the Claimant will rely on the subsequent steps taken by NGN to conceal the true nature and extent of its activities,

- (a) as referred to in the Generic Particulars of Concealment and Destruction (as well as the Re-Amended Generic Particulars of Claim), and
 - (b) when NGN refused or failed to disclose to the Claimant the documents to which he was entitled when he made a GDPR request in 2018, when it is now clear from the index to the Enfield archive, (which has been disclosed by NGN in the MTVIL) that NGN held disclosable documents relating to the Claimant.
62. NGN's repeated false public denials of liability for UIG and its denial of wrongdoing, as further referred to in the Generic Particulars of Concealment and Destruction, including in relation to the Mahmood Activities, including while they were still continuing.
63. The Claimant will further refer to, and rely on, the fact that NGN was well aware of the lack of Mr Mahmood's credibility and/or his unlawful techniques, prior to 1998. Generic disclosure in December 2020 by NGN of the documents seized by the MPS in 2011-2 from NGN's Enfield archive demonstrates that NGN was in possession of police and prosecution documents identifying
- (a) Mr Mahmood as having given false evidence in an April 1994 crown court case relating to a 1992 sting leading to the collapse of the prosecution,
 - (b) the police as being reluctant as a result to prosecute further cases based on Mr Mahmood's activities, and
 - (c) suggesting the police would need to interview Mr Mahmood under caution in relation to his unlawful conduct in relation to a subsequent article of June 1994.
64. The Claimant will rely on the fact that these incidents which were withheld from the prosecution in the Claimants case, have many similarities to the Claimant's case.
65. These documents consist of the following:
- a) a letter from Philip Joseph, a solicitor at the Office of the Solicitor Department of Social Security to DCI Jim Dean of the S.E. Regional Crime Squad dated 21 April 1994 enclosing a summary (see (b) below) of the circumstances which led to the prosecution's decision to discontinue the case against Alfred Sheppard and Paul Norman.

Dear DCI Dean,

Re: Regina -v- Alfred SHEPPARD and Paul NORMAN

I write with reference to the above matter which reached its unsatisfactory conclusion at Inner London Crown Court on 20 April - the prosecution having to offer no evidence in order to protect the identity of an informant. I have enclosed for your information a copy of a minute sent to a senior Department of Social Security investigator which outlines the circumstances leading up to the prosecution's decision to discontinue the matter.

I am sure you will agree that the outcome of this very strong case is regrettable, however, it should not detract from the excellent efforts of the Police Officers in this matter. The case was investigated and pursued most professionally and I would like to take this opportunity to thank all the Officers involved. Especial thanks should be reserved for DC Hawkins who acted as the officer in the case and provided invaluable assistance to this office.

Should you have any comments or queries over this case please do not hesitate in contacting me on the above number.

- b) a memo from Martyn Hopper (a solicitor for the prosecution in R v Sheppard and Norman) on 20 April 1994 to Laurie Shore of BA(OF) and copied to Robert Aitken (SolB2), which sets out reasoning for the decision to offer no evidence in this case, based on the fact that Mr Mahmood, one of the main witnesses for the prosecution, had given misleading evidence, which in turn led the prosecution to mislead the accused and his defence representatives.

You may be aware that the above prosecution collapsed at Inner London Crown Court yesterday. I have spoken to counsel in detail about this matter and I am satisfied that, in the circumstances, the decision to offer no evidence in the case was the correct one:

One of the main witnesses for the prosecution was a Mr Mahmood of the News of the World newspaper who had, during the course of his investigations, relied upon information supplied to him by an informant. During the course of these proceedings it had become clear that a defence of duress would be raised and, when the case came to court on 18.4.94 the defence sought disclosure of the identity of Mahmood's informant as they felt that it was likely that the informant was the same person whom, they alleged, had threatened their client.

Mr Mahmood had produced to the prosecution photographs of his informant which had not been disclosed to the defence. When asked, at court, Mahmood indicated that he was unwilling to identify his informant by name but confirmed that it was not the person whom the defence had in mind. Counsel therefore informed the defence that, whilst the prosecution could not disclose the name or identity of the informant Mahmood had confirmed that it was not the person they had in mind. Counsel also approached the judge in chambers to explain the prosecution's position. The judge indicated that he

was happy and would not compel Mahmood or other witnesses to disclose the names of informants.

On 19.4.94 police informed our counsel that they had discovered that Mahmood's informant, as depicted in the photographs, was in fact the same person referred to by the defence and also a police informant who was assisting them with a number of other matters of great importance. We therefore found ourselves in the unfortunate position of having, innocently misled the defence. Counsel therefore, again approached the judge in chambers. The judge indicated that he was minded to order the prosecution to disclose the informant's true identity in the light of the misleading statement that had previously been made to them. Further consultations with the police revealed that, they would not be happy for the informant's identity to be revealed as this would jeopardise a number of other important investigations.

In the light of the above counsel, quite rightly, concluded that the prosecution was under a duty not to disclose the informant's name because such disclosure would be contrary to the public interest. It would clearly, however, have put the defence at an unfair disadvantage if the trial had continued whilst they remained mis-informed as to the informant's identity. We therefore had no choice but to offer no evidence against the defendants in respect of the charge of conspiracy.

I appreciate that this will be a very disappointing result for your team, as it is for ourselves. I hope you will appreciate the reasons for the decision and that, in the circumstances, there was no other proper option available to us. I would be grateful if you would pass on SolB's thanks to all the investigators involved in this case for all their hard work.

- c) South East Regional Crime Squad Report of 25 April 1994 for Regional Co-Ordinator on discontinued/withdrawn prosecutions, from the Detective Inspector which included the following referring to the memo above.

5. BRIEF CIRCUMSTANCE OF OFFENCE:

As a result of information received from Maz MAHMOOD through an informant of his, DSS books were purchased by Mr MAHMOOD from Paul NORMAN. Later Mr MAHMOOD, who had by then informed police, met SHEPPARD and purchased 29 stolen DSS books. SHEPPARD was arrested by police who were in wait outside his premises.

6. CIRCUMSTANCES LEADING TO DISCONTINUANCE

The facts of the discontinuance are fully set out in the attached memorandum from Martin HOPPER, Solicitor for DSS but briefly the Learned Judge indicated that he was minded to order the prosecution to reveal the identity of the informant. After consultation it was concluded that the prosecution was under a duty not to disclose the informant's name.

- d) A Report from the 8 Area Drugs Branch of the Metropolitan Police from DC A Fenge dated 13 July 1994 "Re: Mazher Mahmood" addressed to Detective Chief Superintendent.

This report refers to an article written by Mazher Mahmood and published in the News of the World on Sunday 26th June 1994.

The article alleges that reporters approached a man called Alan, the owner of Baker Street Promotions and unlawfully obtained four tickets for the Wimbledon tennis tournament. He also obtained a small quantity of cocaine and the services of two prostitutes for the day at the cost of £3,000.

It would appear from the article that the reporter has participated in criminal activities without the correct authority and may even have placed himself in a situation where he may be liable to criminal prosecution.

It is now intended to interview Mr Mahmood to ascertain the precise details of the incident in order to investigate the allegation thoroughly.

However, before any such interview takes place I ask that this report together with a copy of the article be forwarded to Commander SO11 via S010 in order to ascertain whether this course of action is acceptable.

Submitted for consideration.

- e) A minute sheet containing a note dated 14 July 1994 from DI Julian Headon, relating to the Report by DC Fenge and to the article of 26 June 1994, addressed to the Detective Chief Superintendent as follows:

"I have held conversations with S010 and it would appear that the author of the newspaper article is known to them in an unfavourable context. The report is therefore forwarded for their attention in order that a decision may be made in the light of the sensitive information held at S010."

- f) The same minute sheet contains a comment of 15/7/94 from Detective Chief Superintendent William Hatful of Eight Area (Westminster) addressed to SO10 branch:

"if you possess information which may influence the action we may take in this case I would be grateful if you would release it to DC Fenge."

- g) A minute sheet containing a note from DCI N Giles of SO10 dated 18 July 1994, referring to the report (set out at paragraph 65(b) above) of the case of Sheppard and Norman being withdrawn at court involving Mr Mahmood

Commander S011 (Director of Intelligence)

SO10 have searched the data base to establish whether any record has been made of Mr MAHMOOD'S request for participation status in relation to the story printed in the News of the World on the 26th of June 1994. There is no record of any application or notification.

Attached is a report of a case being withdrawn at court involving Mr MAHMOOD which you may find of interest and will undoubtedly assist the officers on 8 Area.

- h) The same memo contains a note from Commander JD Grieve, Director of Intelligence at SO11, dated 19 July 1994.

Commander 8 Area Ops (for Area 8 DS)

The Crown Prosecution Service are to be made aware of the previous matters dealt with in the letter and instructions from the DSS involving Alfred SHEPPARD and Paul NORMAN.

Attached and indexed at 4A. This incident may come to light as a result of any court proceedings involving Mr MAHMOOD' s actions which led to the story in the News of the World on the 26th of June 1994.

No authority was granted for Mr MAHMOOD to participate in relation to the incident dealt with in the News of the World on the 26th of June 1994, should you wish to discuss the context of this decision either I or SO10 will be pleased to assist

66. Paragraphs 65(a)-(c) above refer to a *News of the World* article (see **Part E of the Schedule**), entitled "The Great pension Book Fiddle" dated 30 August 1992 by Mazher Mahmood.
67. Paragraphs 65(d)-(h) above refer to a *News of the World* article (see **Part E of the Schedule**), entitled "Wimbledon Vice Scandal" dated 26 June 1994 (front page and two inside pages) by Mazher Mahmood and David Jeffs. It is clear from the text and, in particular the photograph accompanying the article, that the protagonist of the story that the "Alan" who unlawfully supplied the tickets, the drugs and the prostitutes, is Alan Smith, Mr Mahmood's driver and part of his entourage, and who the Claimant believes may be one of the Mahmood Associates involved in the sting operation carried out against the Claimant.

Lies at Leveson Inquiry by Mazher Mahmood and NGN's failure to act

68. The Claimant will contend that Mr Mahmood knew full well that his use of private investigators was unlawful, and that this was his reason for lying to the Leveson Inquiry that he did not use private investigators at all.

69. In his first witness statement to the Inquiry, Mr Mahmood stated:

i) at [17] that in the early 1990s he worked with a firm of private detectives on 'around 20 or so stories' but stopped working with them 'in 1992 or 1993.' He stated that from the point he merely used "freelance video technician" Conrad Brown for surveillance;

ii) at [19]

"Private investigators were also used by the newspaper, but not by me, to obtain information about subjects of investigations. Again, reporters did not have direct dealings with them, but staff on the news desk would liaise with them. Their work included helping trace people, providing company searches and checking other public records including births, deaths and marriages when they worked as search agents."

iii) at [23]

"As detailed above, only news desk executives were involved in paying or commissioning work from private investigators including search agents. Please refer to my answer to question 11 [para 17 to 22] above for details of my contact with them."

70. In his oral evidence of 12 November 2011, Mr Mahmood went further [page 18, lines 20-24]:

"A. On private investigators -- can I just stress very clearly that I never ever commissioned a private detective to do any work for me. I never paid a private detective, contrary to the report in this morning's Independent. It's simply not true."

71. At [22] of his first written statement, Mr Mahmood stated:

"Other than what is in the public domain, I am not aware and was never told that private investigators were the source of any stories. Neither am I aware of any payments being made to police officers, mobile phone companies or any public officials in order to source stories or information."

72. The Claimant will rely on the fact that during the Leveson Inquiry in 2011-12, NGN's parent company (*News International*)
- (a) was a Core Participant,
 - (b) helped draft and approve Mr Mahmood's evidence,
 - (c) had complete access to Mr Mahmood's history of payments to Private investigators, and
 - (d) failed to correct the record when Mr Mahmood was questioned about his use of private investigators for unlawful information gathering, and he explicitly denied using private investigators for such purposes.

Acts of dishonesty

73. Further, the Claimant will rely, for the purposes of aggravation upon his contentions that:
- (a) NGN (through Mr Mahmood), spiked the Claimant's drinks to make him more inebriated and/or "suggestable" in order to persuade him to obtain the fake coins needed by Mr Mahmood for his story, and make comments NGN could take out context;
 - (b) NGN deceived the Claimant by paying the Claimant's agent Alan Breeze for private information in breach of trust;
 - (c) NGN suppressed the truth about what had taken place, by concealing the true account of events.

Malicious prosecution

74. The Claimant will contend that NGN was responsible for a conspiracy to maliciously prosecute the Claimant, by
- (a) providing information to the police which was unlawfully obtained, without disclosing to the police the true provenance;
 - (b) arranging for the surveillance/recording tapes of the events to be edited or expurgated to incriminate the Claimant, and then supplying the same to the police;
 - (c) concealing the truth from the police, namely that it was NGN which had bought and supplied any counterfeit coins and not the Claimant.

Breaching the Claimant's legal privilege

75. NGN undermined or subverted the Claimant's defence to the criminal charges instigated by NGN by continued unlawful information gathering directed against him after the Fake Coins Article was published, including by intercepting his privileged communications with his legal advisers.

Remedy

76. The Claimant is also concerned that because NGN did not admit these activities at the time, and he was obviously unaware of them given their deliberately covert nature, he may never know now the full nature and extent of what private information NGN unlawfully obtained and the use to which it was put (but will contend that it ultimately caused the loss of his career). As a result, it is of paramount importance to the Claimant that he is able to establish the true and full picture of what took place, and to obtain, in the absence of findings made by the Court, an admission of liability in relation the unlawful information gathering activities at the News and Features Desks of the *News of the World* and *The Sun*, and by Mazher Mahmood and his Associates, and in particular its concealment by NGN Senior Executives.

77. In order to enable the Court to assess the full extent of the damage suffered by the Claimant and to grant effective injunctive relief, the Claimant requires an order that NGN provides the information as to the full extent of its wrongdoing ("**the Wrongdoing Information**"):

- a) The identity of each and every employee or agent of NGN who participated in unlawful information gathering activities at the NGN and who were involved in its concealment.
- b) The identity of each and every employee or agent of NGN who obtained and used the Claimant's Information.
- c) The number of occasions on which the Claimant's voicemail was accessed.
- d) All of the Claimant's Information obtained pursuant unlawful information gathering activities at NGN and all the Claimant's Information obtained by NGN's journalists, and the extent to which this information was circulated to and used by NGN's journalists.
- e) the material that NGN provided to the police as set out in paragraphs 6 and 74 above

f) any files held on his case by NGN in its Enfield archive

78. Unless restrained by this Honourable Court, NGN will further access or attempt to access the Claimant's voicemail messages left for him or by him, and/or use, publish or cause to be used or published private or confidential information concerning the Claimant as identified as having been obtained by it.

AND THE CLAIMANT claims

1. An Injunction to restrain the Defendant, whether by themselves, their servants or agents, or otherwise howsoever from accessing or attempting to access the Claimant's voicemail messages left for him or by him, and from using, publishing or causing to be used or published all private information concerning the Claimant as is identified as having been obtained by them.
2. Damages (including aggravated damages) for misuse of private information.
3. Delivery up on oath of all documents (whether in hard copy or electronic form) regarding or concerning the Claimant and/or his mobile telephone number, PIN numbers and direct dial numbers and all copies in whatever form they may be kept or otherwise held by or on behalf of NGN.
4. An order that NGN, on oath, provide information as to:
 - a) The identity of each and every employee or agent of NGN who participated in the unlawful information gathering activities at the News and Features Desks of the *News of the World* and *The Sun*.
 - b) The identity of each and every employee or agent of NGN who obtained and used the Claimant's Information.
 - c) The number of occasions on which the Claimant's voicemail was accessed.
 - d) All of the Claimant's Information obtained pursuant to the unlawful information gathering activities at the News and Features Desks of the *News of the World* and *The Sun*, and all the Claimant's Information obtained by NGN's journalists, and the extent to which this information was circulated to and used by NGN's journalists.
5. A Declaration that the obtaining/accessing of the Claimant's Information as pleaded in the Particulars of Claim constituted a misuse of private information.

6. Costs, including interest on costs.
7. An Order requiring NGN's newspapers to publish an admission of, and an apology for, the wrongdoing including of its extent and concealment, the precise wording, prominence and timing of such to be specified by said Order if not agreed.
8. Such further or other relief as is just or apposite.

DAVID SHERBORNE

5RB

STATEMENT OF TRUTH

I believe that the facts stated in these Particulars of Claim are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed: 

Dated17 APRIL 2023

Served this 17 day of April 2023 by Edwards Duthie Shamash, Solicitors for the Claimant.