

The Leveson Inquiry

Witness Statement for Part 1 Module 2

WITNESS STATEMENT OF MAGNUS BOYD

I, Magnus Boyd, a Solicitor and Partner of PSB Law LLP, 4 Stratford Place, London, W1C 1AT, will say as follows:

1. I make this statement to assist the Inquiry in relation to Part 1 Module 2 which deals with the relationship between the press and the police and the conduct of each. Where the contents of this statement are within my own knowledge they are true and where the contents are not within my own knowledge I indicate the source of my belief and believe them to be true. I attach as Exhibit MB1 a bundle of relevant documents to which the page references in this statement refer.
2. In 2009 I represented a Tamil hunger-striker called Parameswaran Subramanyam in a libel claim against *The Daily Mail* in respect of an article dated 9 October 2009 entitled: "*Hunger Striker's £7m Big Mac*" ('the Article'). The Article was published in hard copy and on-line. The on-line version is exhibited at pages 1 to 3 of MB1. The Article falsely accused Mr Subramanyam of secretly eating burgers whilst purporting to be on a 23 day hunger strike outside the Houses of Parliament in April 2009 to protest about the civil war in Sri Lanka and to appeal to the UK Government to intervene. The Article, which in its original hard copy form also carried a photograph of Scotland Yard, stated that the source of the allegation was the police and contained the following words:

"Scotland Yard surveillance teams using specialist monitoring equipment had watched in disbelief as he tucked into clandestine deliveries.[emphasis added]"

“A police insider said: ‘In view of the overtime bill this has got to be the most expensive Bic Mac ever.’

“Scotland Yard made no official comment but senior sources said police decided against dragging the bogus hunger striker out of his tent for fear it would start a riot.

“One source said: ‘This was such a sensitive operation that it was felt officers could inflame the situation if we brought the strike and demonstration to a premature end..’”

3. Whilst the allegation of eating burgers while supposedly being on hunger strike was bad enough, the claim that Scotland Yard had video evidence of Mr Subramanyam doing so seriously aggravated the damage caused to him by the Article given that the ordinary reasonable reader respects Scotland Yard and thus would have assumed the allegations to be credible. The reference to police sources lent veracity and credence to the allegations, especially as the Article did not refer to any other sources. The Article caused Mr Subramanyam to be considered a liar and a fraud in the Tamil community, to receive death threats and to feel suicidal.

4. Following publication of the Article, Michelle Riondel, the solicitor then instructed by Mr Subramanyam, spoke to the Metropolitan Police Superintendent who was in charge of the operation who confirmed that:
 - there was no police surveillance team assigned to watch him;
 - there was no use of *‘specialist monitoring equipment’*;
 - the police had no *‘evidence’* of the allegations made in the Article;
 - he was not aware of any police decision *‘against dragging the bogus hunger striker out of his tent’* or *‘that it was felt officers*

could inflame the situation if [they] brought the hunger strike and demonstration to a premature end'

5. *The Daily Mail* subsequently accepted that the allegations were completely false and settled Mr Subramanyam's claim on terms including the payment of £47, 500 compensation and publication of the apology exhibited at page 4 of MBI acknowledging the falsity of the allegations.

6. Neither I nor my client know how the statements in the Article quoted above at paragraph 2 found their way into the Article. As a matter of logic there are only two possibilities which are either that:
 - i. a police source simply made up these allegations and communicated them to *The Daily Mail*; or

 - ii. *The Daily Mail* made up the police sources.

If i) happened then *The Daily Mail* must have been so confident in its police source so as not to consider it necessary to request the footage in order to verify it. Had *The Daily Mail* done so, it would have become clear that none existed.

If ii) happened (and the newspaper invented police sources for an article being published to the nation at large both in hard copy and on-line) then that would seem to indicate that the newspaper was sufficiently confident in the strength of its relationship with the police not to fear repercussions from the police for falsely presenting them as the source and/or that the newspaper thought that Mr Subramanyam would not have the means and wherewithal to sue.

7. In view of the matters confirmed by the Superintendent referred to at paragraph 4 above, it would be interesting to hear from Stephen Wright, the journalist whose by-line appears on the story, as to whether he can shed any light on how police sources came to be referred to in the Article.

8. Whatever the case, in order to avoid the kind of distress and damage that was caused to my client, editors must take special care to verify source material, or to check whether the alleged source material in fact exists, before publishing extremely serious allegations purporting to be based on police sources and purporting to be supported by police evidence.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Dated the 22 day of February 2012.

[Signature box]

Magnus Boyd