

IN THE INVESTIGATORY POWERS TRIBUNAL

SECTION 65 REGULATION OF INVESTIGATORY POWERS ACT 2000

ON THE HUMAN RIGHTS CLAIM OF:

MATTHEW THOMAS PARISH

Claimant

- in the matter of -

RICHARD JOHN DALTON (1)  
THE SECRET INTELLIGENCE SERVICE (2)

Respondents

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PARTICULARS OF CLAIM  
(HUMAN RIGHTS)

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1. The Claimant is a British citizen (only) and an English solicitor, an English barrister and a New York attorney and counselor-at-law. He has practised law since 1998 and he has an unblemished disciplinary record. His formal place of residence is Geneva, Switzerland.
2. The Claimant has not (as the colloquial phrase goes) a person “bound by the Official Secrets Act”. Although his career has involved working for international organisations, and at one period he held “SC” status with HM Government, he has never (to his knowledge) undergone “developed vetting”. He has been on the roll of “Deployable Civilian Experts” for the Stabilisation Unit, but he has never been employed by any UK intelligence or security agency (or for that matter any foreign one).
3. On or around 1 February 2013, the Claimant was engaged by a client by the name of Sheikh Ahmed Al-Fahad Al-Ahmed Al-Jaber Al-Sabah (“**Sheikh Ahmed**”), a senior member of the Kuwaiti Royal Family, via the agent of Sheikh Ahmed agent the Kuwaiti citizen Hamad Al-Haroun (“**Mr Al-Haroun**”) *inter alia* to verify the contents of certain videos (“**the Videos**”)

apparently showing a gentleman by the name of Sheikh Nasser Al-Mohammed Ahmed Al-Jaber Al-Sabah ("**Sheikh Nasser**"). By reason of the connection of Sheikh Ahmed and/or Mr Al-Haroun with US intelligence services (something which was not made clear to the Claimant at the time and indeed that the Claimant came to realise only much later), the Claimant *inter alia* had the opportunity to verify the videos given to him by Sheikh Ahmed and Mr Al-Haroun with some of the United Kingdom's leading forensic experts ("**the Experts**"). Upon the Tribunal's request the Claimant will reveal who the Experts are; but it should be clear from the records of the Security Service and/or the Secret Intelligence Service who they were. The Claimant remains in contact with them.

4. Notwithstanding, it subsequently (in July 2020, to the best of the Claimant's knowledge) emerged that Sheikh Ahmed and Mr Al-Haroun had been circulating videos in Kuwait ("**the Second Videos**") showing Sheikh Nasser that were entirely different from the videos that the Claimant and the Experts had analysed back in 2013 / 2014. The Second Videos contained various outrageous and revolting content on the part of Sheikh Nasser, including homosexual activities; money laundering with Iran; connections with Israel; and plans for a coup d'état in Kuwait. They were one and all outrageous fakes; but the Claimant knew nothing of them whatsoever until July 2020 (see below).
5. Sheikh Nasser commenced criminal proceedings in Geneva in March 2015, complaining *inter alia* of forgery of certain videos. What followed was the largest and most expensive criminal investigation in Geneva legal history, including over 40 hearings in the Geneva Prosecutor's Office to which the Claimant was summoned; one search warrant executed against the Claimant's residential premises in Geneva and two search warrants against his office (no warrant executed actually found any incriminating evidence).
6. When the Claimant refused to confess to the Geneva Prosecutor Mr Grodecki as he demanded, Mr Grodecki informally invited anyone in Geneva who might have the remotest grounds for a criminal complaint against the Claimant to file one, including claims as specious as criminal defamation (not a crime in most European countries and highly arguably an offence the prosecution of which violates the Claimant's European Convention rights).
7. On the afternoon of 24 May 2018, having returned from travel abroad in Europe with his then long-term domestic partner Elena Zarytska ("**EZar**"), citizen of Ukraine and whose first language is Russian, the Claimant received by email (this was very unusual) a Prosecutor's summons for 29 May 2018. It was transparent that the Claimant's movements around Europe had been monitored by someone and reported to Mr Grodecki.

8. The Claimant attended the hearing on the afternoon of 29 May 2018, before Mr Grodecki, at which two Russian persons that had been his former clients gave testimony that the Claimant had criminally defamed them by reporting them to the British Security Service and to the United States Office of Foreign Assets Control (“**OFAC**”). Mr Grodecki ordered the provisional incarceration pending trial of the Claimant, who was immediately transported to Champ Dollon maximum security prison in Geneva.
9. In the days that followed, the Claimant’s lawyer Mr Marc Henzelin, who has / had some relationship with US intelligence and in particular a gentleman by the name of Edward Patrick Flaherty who appears to work or have worked for both US and Swiss intelligence (Mr Henzelin informed the Claimant as he was going to prison, “you’re an intelligent man; you’ll know what to do”) and Mr Flaherty recruited EZar to work for western intelligence interests.
10. In particular, Mr Henzelin and/or Mr Flaherty informed EZar that if she wanted the Claimant to get out of prison then (a) she would have to work for their intelligence interests; and (b) she would have to persuade the Claimant to apologise for making the reports he had made to the British Security Service and to OFAC.
11. The behaviour of Mr Henzelin and Mr Flaherty in this regard was totally unethical and unlawful by any standards whatsoever. They are a disgrace to the international intelligence community.
12. As a result of the foregoing improper pressure, the Claimant did indeed apologise for things he was not genuinely sorry for doing, at a hearing (in private) before Mr Grodecki on 15 June 2018. The Claimant was released from prison shortly afterwards (having suffered a period of 22 days’ incarceration), but he suffered a total nervous breakdown as a result of his appalling experiences (Champ Dollon prison has been excoriated by the European Court of Human Rights for its conditions) and the inevitable consequent collapse of his previously successful law firm in respect of which he was the Managing Director.
13. EZar continued to be “run” by Mr Flaherty after the Claimant’s release from prison, but on or around that point the First Respondent, who had prior mild professional relationships only with the Claimant but whose cousin was a family friend of the Claimant, also started “running” EZar.
14. The Claimant’s principal legal contention at this juncture is that all of Mr Henzelin, Mr Flaherty and the First Respondent, working pursuant to a common project, are jointly and severally

liable for all the wrongs the Claimant (and indeed EZar) suffered by virtue of this common project.

15. The First Respondent is a retired British diplomat and active intelligence agent, and for a substantial period was HM Ambassador to Tehran. At all material times he was a *de facto* and/or *de jure* agent of the Second Respondent, who bore vicarious responsibility and civil liability for his actions.
16. In February 2019, following the Claimant's psychiatric, emotional and financial collapse, the Claimant and EZar moved to Belgrade, capital of the Republic of Serbia, where the Claimant owns a modest apartment held for his children (who are half English, half Bosnian Serb) because, the Claimant's business having collapsed they could no longer afford to live in Geneva, Switzerland which is very expensive.
17. Throughout this period, the First Respondent continued to "run" EZar in engaging in some of the most extraordinarily dangerous commissions, including her discussing various matters of the utmost sensitivity with members of the Russian intelligence services, her qualification for which was nothing better than that her first language was Russian and that her loyalty to western interests was assumed by virtue of her personal relationship with the Claimant.
18. Nevertheless this was deeply unwise, naive and unlawful, not least because EZar had no formal intelligence training whatsoever and was provided with none.
19. Moreover there is no evidence to suggest that anyone involved in constructing or executing this operation had any specialist expertise in appropriate regional matters, in particular in the intelligence and political cultures of Russia or Southern Ukraine (EZar is from Southern Ukraine, her family from a very volatile and dangerous part of the country by reason of the proximity of Russian armed forces in Crimea and Donbas). Had such a relevant skilled and experienced person employed their regional expertise in evaluating the risks of this operation, they would surely have understood that the prompt consequence of EZar's recruitment would be the initiation of Russian intelligence services' threats against her family, who remained in Southern Ukraine; and therefore the recruitment of EZar was highly unwise and dangerous.
20. Matters progressed ever downwards; EZar's relationship with the Claimant began to fail, because she was unable either to tell him the truth or adequately to deceive him; she was the victim of what may have been the first ever campaign of Russian "sexualised disinformation" (that is to say, placing sexually explicit materials relating to her on social media,

in particular the Russian social media website VKontakte (a Russian version of Facebook); and at some point she was recruited apparently by a Ukrainian state security / intelligence agency. On 16 May 2019, having herself suffered a total nervous breakdown and showing the Claimant voluntarily the contents of her mobile telephone that included approximately 100 Russian men's mobile numbers (the Claimant assumes that all these people were a "Russian overload" job to cause her to break down. and/or to feed her with complex and/or misleading information); and two landline numbers for the First Respondent, she fled to Ukraine.

21. The Claimant was subsequently arrested on a SIRENE warrant issued by Mr Grodecki in Munich Leo Strauss International Airport on 23 July 2019, inter alia on the charges of criminal defamation aforesaid, and he spent five and a half months in prison. Although EZar gave the Claimant every conceivable moral support during that period of incarceration, including coming to visit him three times, she could never come to terms with what she had been doing and could never bring herself to inform the Claimant in full honesty of what she had been doing; and the Claimant could never again trust her. The Claimant's relationship with EZar, which continued to be managed in some way or shape or form by the First Respondent, finally came to an end in approximately August 2020 after seven happy years.

22. The Claimant loved EZar like his own sister, and she loved him just the same.

23. As a result of the events described in the foregoing, the Claimant attempted suicide twice and suffered ever more severe mental breakdowns, with a consequent loss of revenues, salary and/or income.

24. The First Respondent ought not to have encouraged EZar to engage in intelligence activities behind the back of the Claimant or at all; by reason of his engaging in these unlawful actions, he is in large part responsible for the troubles and collapse of the Claimant's relationship with EZar and all the losses that flowed therefrom; and the Second Respondent is vicariously liable for the First Respondent's unlawful actions.

25. It is acknowledged that the actions of Mr Flaherty and Mr Henzelin are beyond the scope of this Tribunal's authority to make determinations of legal wrongdoing; nonetheless Mr Flaherty operated at numerous junctures through the medium of a sometime Australian intelligence official with British nationality called Miranda Brown; and in any event the Claimant respectfully asks this Honourable Tribunal to convey its opinions about the propriety or otherwise of the conduct of Mr Flaherty, Mr Henzelin and Ms Brown - who, the Claimant repeats, are jointly and severally liable for the actionable losses the Claimant has suffered.

26. In the circumstances of the First Respondent's "running" of EZar, which amounted to a violation of the Claimant's European Convention rights, not least his right to a family life unrestricted by improper government interferences and his right to privacy, the Claimant is entitled to damages for the loss of his family life and all other actionable losses flowing therefrom. It is repeated that the Second Respondent is vicariously liable for all unlawful acts undertaken by the First Respondent in the context of this affair, and their consequent liabilities.
27. On Wednesday 16 June 2021, Senior Master Fontaine of the Queens Bench Division of the High Court handed down a judgment in an action brought by Mr Al-Haroun *inter alia* against the Claimant and the experts for fraud and/or other wrongdoing on behalf of the Claimant and the experts, striking out said claim on the basis that there pleadings palpably revealed no cause of action.
28. The Claimant's position, reinforced by the aforementioned judgment of the Court, is that he was defrauded by Sheikh Ahmed and Mr Al-Haroun, both of whose locations are not now exactly known (Mr Al-Haroun appears to have escaped the United Kingdom pending his extradition hearing for forgery to Switzerland).
29. EZar is assumed now to be living in Southern Ukraine with her family (it must be added in conditions of poverty), although for her best interests the Claimant has refrained from communicating with her for several months. He did however send her an early draft of this document.

**AND THE CLAIMANT CLAIMS, AS AGAINST BOTH RESPONDENTS:**

- (a) Damages, for the loss of his family life, his associated nervous breakdown, his suicide attempts, psychiatric injury, and loss of revenues and/or wages and/or salary and/or profits;
- (b) A declaration to the foregoing effect, that the First Respondent has committed legal wrongs against him in respect of which the Second Respondent is vicariously or otherwise liable.
- (c) Interest upon any award of damages, at such rate as may be prescribed by statute and/or at such rate as the Court may in its discretion think fit.
- (d) Such sum as the Court may consider appropriate in respect of legal costs.

## STATEMENT OF TRUTH

I believe that the facts stated in this Particulars of Claim are true. I understand that a person who signs a Statement of Truth in respect of certain allegations of fact without an honest belief in the truth of those allegations may be liable for contempt of court, including but not limited to a period of incarceration.

SIGNED



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MATTHEW THOMAS PARISH

DATE            15 July 2021

Dr Matthew Thomas Parish

Date of birth 21 July 1975

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Harrogate

North Yorkshire

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Please send all correspondence to the mailing address or email address above.

## STATEMENT OF PERMISSION

I hereby give permission to disclose details of my claim to any relevant person.