

GENEVA CORRECTIONAL COURT

CASE NO. P/12553/2015

SUPPLEMENTARY WITNESS STATEMENT

OF

MATTHEW THOMAS PARISH

DATED 24 AUGUST 2021

1. This is a witness statement in the above-captioned affair, supplemental to my witness statement of 21 January 2021 that was written in both English and in French and is on the Court's file.
2. I wish to clarify certain matters relating to the English expert reports and the videos they study, that have come to my attention since 21 January 2021.
3. The Court will recall that the English experts prepared three reports: a report prepared by CYFOR dated 29 April 2014; a report prepared by Afentis dated 13 May 2014; and a report prepared by Emmerson dated 22 May 2014.
4. The CYFOR Report is about six videos with the names 0.1.mp4, 0.3.mp4, 0.5.mp4, Persian.mp4, Persian 1.mp4 and Persian 2.mp4, as is listed in paragraph 5 on page 6 of the CYFOR Report. The Afentis Report is about six files listed in paragraphs 5.1.ix of Report (2) that have the same names as the files examined by CY4OR. This does not of course conclusively imply that they are exactly the same; but to the best of my memory they were exactly the same. I was only given one set of six videos by Sheikh Ahmed (via Mr Al-Haroun): the six videos sent to both CYFOR and Afentis. They were six hazy videos apparently taken

illicitly (i.e. using a hidden camera or mobile telephone), all with virtually incomprehensible audio.

5. The Court will observe that amongst the many dozens of videos on the Prosecutor's file, that I believe were received from the Kuwaiti Prosecutor's Office as a result of letters rogatory, there are included six videos with the above-mentioned six names. As my first witness statement dated 21 January 2021 explains, I did not see the videos that on the file of the Prosecutor's Office until July 2020. At that point I was horrified to discover that the videos I had seen were just a small subset of all the videos that the Geneva Prosecutor had seen.
6. Although events took place a long time ago (early 2014), to the best of my recollection the six videos I saw in early 2014 and that my firm submitted to Afentis and to CYFOR (I forget exactly who in the firm) have the same as six of the videos amongst dozens that the Prosecutor's Office has, with the same names (i.e. 0.1.mp4, 0.3.mp4, 0.5.mp4, Persian.mp4, Persian 1.mp4 and Persian 2.mp4). None of these videos are more than a few seconds long; and to repeat, they all have virtually incomprehensible audio.
7. The videos submitted to Emmerson for the preparation of their report, by contrast, were submitted by Mr Al-Haroun directly. I never saw them. According to page 5 of the report of Emerson, there are five such videos and they are entitled Amanda clr 1.mp4 through Amanda clr 5.pf4. There are five such videos with those names amongst the dozens of videos on the files of the Prosecutor's Office.
8. Aside from videos with the names 0.1.mp4, 0.3.mp4, 0.5.mp4, Persian.mp4, Persian 1.mp4 and Persian 2.mp4, I personally saw no other videos at the time (early 2014). I am fairly certain that nobody else in my firm (Holman Fenwick Willan) at the time would have seen any other videos either; or they would have brought them to my attention.

9. It follows that the videos on the Geneva Prosecutor's file, which consist of several dozen videos, are a hugely expanded set from the videos I saw in early 2014.
10. I recall at the time that my client informed me that the videos he showed me contained images of Sheikh Nasser. However I had no independent means of establishing that. With the greatest of respect to His Highness Sheikh Nasser, I did not know who he was in early 2014 and my client did not inform me. I found out myself, later, after my own researches (once the Prosecutor's investigation had begun in earnest).
11. I have since learned that video clips can be distorted by stretching them over time, blending images of a person or even of an actor with a similar appearance into those videos; and/or splicing a different soundtrack of (for example) actors speaking over the moving images.
12. At the time (early 2014), I was not aware that any of these things were possible to distort or manipulate videos.
13. I now suspect that the small set of videos provided to me were manipulated in various ways to create the larger set of videos.
14. I would like to express a number of regrets over the way I managed this case. Because the fees the client was paying were so meagre (some CHF40,000), I let my (then) inexperienced junior lawyer Mr Kozachenko do the bulk of, or even all of, the work. This is not a criticism of him or an attempt to move blame onto him. He was very junior at that stage, and perhaps not so alert to all the indications that a client may be defrauding his lawyer. Nevertheless the reason I let a junior lawyer do so much of the work on this case is because of paucity of fee income. Had I been paid better; or had I simply been wiser, then I would surely have devoted more attention to a file that subsequently turned out to be so extraordinarily problematic.

15. Had I been given an adequate budget for this matter, I am sure I would have taken a number of additional measures. Firstly, had the importance of the affair been explained to me properly by my client, I am sure I would have insisted that a tribunal of three arbitrators, not one, be formed. I am sure I would have been more alert to the identity of the arbitration counterparty, Trekell. I am sure I would have insisted that Mr Al-Haroun provide copies of the videos he sent to Emmerson, directly to me. Had he done that, then I might well have observed something potentially amiss, as those videos (as I now see from the Prosecutor's file) turned out to be so different from the videos he gave to me to send to Aftentis and to CYFOR.
16. I regret accepting instructions to undertake this work, without either adequate budget or an honest account of the political context that my client should have provided me with.
17. Hence I maintain that I have been the victim of a sophisticated fraud by Sheikh Ahmed and by Mr Al-Haroun; and I am sure that Mr Kozachenko has been the victim of such a fraud as well.
18. The net result of the gross distortions of the videos - something I did not know about - has been the gross and appalling defamation of the character of Sheikh Nasser. Sheikh Nasser has a very legitimate complaint, in my opinion.
19. I assume there is no corroborating evidence to support the defamatory allegations contained in the videos on the Prosecutor's file; or it would surely have emerged by now in the context of an extended legal process in more than one jurisdiction.
20. On 15 June 2021 the High Court in London absolved me of all accusations of deceit (i.e. fraud / forgery) or negligence, in a hostile court action pursued by Mr Al-Haroun in which he was trying to blame me and the English experts for acts of forgery. I attach a copy of the judgment, which I respectfully assert is conclusive on a res judicata basis. The decision, which contains detailed

reasons, to the best of my knowledge has not been appealed. Therefore I rely upon that document as my exoneration of legal liability.

21. Nevertheless I am extremely apologetic to Sheikh Nasser for my unwitting role in the scandalous and uncorroborated defamation of his character in both the process of authentication of the videos I was given; and in the arbitration process. The other (deceased) gentleman Jassem Al-Kharafi, may he rest in peace, I do not know anything about. However it appears that he also was defamed grievously. Defamation of the dead is particularly unpleasant. I extend to the heirs of Mr Al-Kharafi all the same apologies and regrets as I do to Sheikh Nasser in this statement.

22. In conclusion, I now understand that I was pulled into a fraudulent legal scheme devised by my client, to make it appear that a large number of defamatory videos had been verified by a legal process; when in fact I had seen only a very small proportion of those videos and the videos I had seen were not defamatory. I did not understand the political context at the time; my client was not explaining anything to me. Undoubtedly I should have been more careful. Hence I apologise once again to Sheikh Nasser and to the heirs of Jassem Al-Kharafi; and I hope that this trial process assists them in restoring their good names.

I believe that the facts stated in this witness statement are true. I understand that there are penalties under Swiss law for giving evidence that one knows to be false.

SIGNED

A handwritten signature in blue ink, appearing to be 'M. P. J.', is written above a horizontal line.

DATED 24 August 2021