

Statement made on behalf of the Claimant
Witness: David Jack Price
Exhibits: DJP1
Date of Statement: 29 September 2005

Court of Appeal Reference: A2/2005/1093
IN THE COURT OF APPEAL (CIVIL DIVISION)
ON APPEAL FROM THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Lower Court Reference:
Claim No. HQ03X03360

ALIN TURCU

Claimant/ Appellant

- and -

NEWS GROUP NEWSPAPERS LIMITED

Defendant/ Respondent

WITNESS STATEMENT OF DAVID JACK PRICE

I, David Jack Price of 21 Fleet Street, London EC4Y 1AA WILL SAY as follows.

1. I am the solicitor for the Claimant. I make this statement in support of the Claimant's application to amend the Notice of Appeal, adduce fresh evidence and obtain an oral hearing for permission to appeal. In this statement I seek to confine myself to facts, not argument. I set out below the chronology leading to the making of this application. Nothing in this statement is or is intended to be a waiver of privilege.
2. Following the judgment I discussed the possibility of an appeal with the Claimant and he instructed me to seek permission to appeal. I refer to his first witness statement in connection with this appeal. An application was made on 17 May 2005. On 18 July 2005 I received notification from the Civil Appeals Office that Keene LJ had rejected the application on paper. Although I remained of the view that the appeal was meritorious, I advised that, since there was no change of circumstances and it could not be shown that Keene LJ had misunderstood the application, it was unlikely that a hearing would lead to permission being granted. In consequence, a hearing was not requested within the 7 day period.
3. On 2 September I received a call from Roy Greenslade, a journalist and media commentator who writes for the Guardian. I had previously discussed the

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Beckham kidnap case with him. He informed me that he had been contacted by Florim Gashi, who wished to tell the truth about the story and other work he had done for Mazher Mahmood. He said that Mr Gashi had confirmed that the story was a set-up. He said that he was intending to meet Mr Gashi the following week. I informed him of some questions to ask Mr Gashi that were relevant to the Claimant's case. I also asked him to enquire whether Mr Gashi was prepared to give a statement for the Claimant's appeal. Mr Greenslade made it clear that any use of the material that he was hoping to acquire from Mr Gashi could only be used with the editor's consent and that this would not be forthcoming in advance of any article.

4. Mr Greenslade met Mr Gashi on 6 September and reported back to me. He said Mr Gashi was willing to assist the Claimant. He also told me that he had received confirmation from the police that they were investigating Mr Gashi's allegations. I believe that the Defendant was aware by 9 September that Mr Gashi had given an interview to the Guardian. The Guardian was due to publish an article on Monday 12 September, the launch date for its new format. In the event, the article was postponed. The following day I asked the Guardian's legal department to let me know the extent to which the newspaper would be prepared to allow me to use the information supplied by Mr Gashi to Mr Greenslade. On 16 September I informed the Civil Appeals Office by letter that there was a possibility of the application for permission to appeal being renewed (copied to the Defendant's solicitors). On 19 September I was told by Mr Greenslade that the only assistance that the Guardian would offer was to provide me with Mr Gashi's telephone number. On the same day I spoke at length to Mr Gashi.
5. In the course of my conversation on 19 September, Mr Gashi told me that he owned the gun that was used to set-up Dr Pasareanu and identified Robin Hallsworth of APCOA as the person who had supplied it to him. On the same day I spoke to Christopher Wigdor of the APCOA press office, who happened to be on vacation at the time. He told me that following a recent enquiry from Mr Greenslade, he had established that in the course of an internal investigation following a News of the World article on APCOA, Mr Hallsworth had admitted supplying a replica gun to Mr Gashi. He said that on his return from vacation he

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would find out whether Gary Weston, who interviewed Mr Hallsworth, would talk to me.

6. On 21 September I met Mr Gashi with Helen Morris of my office and took a statement from him. On 22 September the Claimant instructed me to make this application. On 26 September I spoke again to Mr Wigdor, who provided me with Mr Weston's number but asked me not to contact him until 28 September. On 29 September I obtained a statement from Mr Weston. I am also seeking to trace Mr Hallsworth.
7. The evidence now provided by Mr Gashi was manifestly not available at trial. Mr Gashi was the Defendant's source for the article. He had given a statement to the police that was adverse to my client. I had no reason to believe that he would offer to give evidence that would assist my client. As far as I understood he was on a witness protection programme, ostensibly to protect him from the men he had accused, including my client. I had no way of knowing where he was. In any event, it would not have been appropriate for me to try to find him. I should add that in conducting this claim, I was very much aware of the warning given by Brooke LJ in *Musa-King v Telegraph Group Ltd* [2004] EWCA Civ 613 that solicitors acting on a conditional fee basis should litigate cases as economically as possible. But even if I had been acting with unlimited funds it would not have been appropriate for me to seek to contact Mr Gashi, certainly not without some indication that he might be prepared to give evidence that would assist my client.
8. In my original skeleton argument for permission to appeal, I referred to the worldwide coverage given to the original article and the News of the World's continuing representation to its readers that it had foiled a genuine kidnap plot, which was bolstered by the Judge's decision. I now exhibit the newspaper's coverage following the verdict including a recent article by Mr Mahmood concerning Princess Michael of Kent in which reference is again made to the case in order to enhance Mr Mahmood's reputation. I submit that the newspaper's self-congratulatory references to the case (which are likely to be repeated every time Mr Mahmood is involved in a high profile story) are relevant to my client's application. I will develop this submission further in the skeleton argument. I also exhibit an article as an example of the coverage of the trial by Romanian

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newspapers. I have not gone to the expense of obtaining a translation, but it illustrates the interest given to the case in Romania.

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


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David Jack Price

29/9/05
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Date