

IN THE HIGH COURT OF JUSTICE

Case No. P133/10

QUEEN'S BENCH DIVISION

IN THE MATTER OF THE REPRESENTATION OF THE PEOPLE ACT 1983

AND IN THE MATTER OF A PARLIAMENTARY ELECTION FOR THE
CONSTITUENCY OF OLDHAM EAST AND SADDLEWORTH HELD ON THE 6TH
DAY OF MAY 2010

The Petition of **ROBERT ELWYN JAMES WATKINS** of 3 High Street, Delph OL3 5DJ
shows:-

1. That the Petitioner is a person who was a candidate at the above election.
2. That the election was held on the 6th day of May 2010, when the candidates were as follows:

Kashif Ali

David James Bentley

Gulzar Nazir

Alwyn Stott

Elwyn Watkins

Philip James Woolas

3. That on the 7th day of May 2010 the Acting Returning Officer declared that the number of votes received for each candidate was as follows:

Philip James Woolas	-	14,186
Elwyn Watkins	-	14,083
Kashif Ali	-	11,773
David James Bentley	-	1,720
Alwyn Stott	-	2,546



and the Acting Returning Officer returned Philip James Woolas to the Clerk of the Crown as being duly elected as Member of Parliament for the above mentioned constituency.

4. The date from which the time for lodging the petition is calculated is 7 May 2010.
5. Philip James Woolas is the First Respondent to this Petition. The Second Respondent is the Returning Officer, although no allegations are made in respect of the conduct of the Returning Officer. Mr Joseph C Fitzpatrick, the election agent for the First Respondent, is served as an interested party.
6. That the facts upon which the Petitioner relies are set out at paragraphs 7 to 11 below.
7. The Petitioner was the Liberal Democrat candidate for the above mentioned election. The First Respondent was the Labour candidate in the same election. The election agent for the First Respondent was Joseph C Fitzpatrick, whose name appeared on leaflets issued on the First Respondent's behalf.

8. **THE SADDLEWORTH AND OLDHAM EXAMINER**

8.1 On or about 1 May 2010 a one-off newspaper, called "The Saddleworth and Oldham Examiner" was printed, published and distributed in the context of the said election. A true copy of The Saddleworth and Oldham Examiner is at Annex 1. The Saddleworth and Oldham Examiner was promoted by J Fitzpatrick on behalf of the First Respondent and printed by Trinity Mirror plc of 1 Canada Square, Middle Wharf, London E14 5AP. It was distributed to an unknown number of electors in the constituency.

8.2 **Election Expenses and Donations**

- (a) On page 8 of The Saddleworth and Oldham Examiner is an article the content of which is set out below:

"Loads-a-money: The most expensive Oldham election ever?"

Local printers and distribution companies estimate that over 500,000 leaflets have been posted to voters in Oldham East and Saddleworth by Lib Dem candidate Elwyn Watkins in the last 5 months. The likely cost? A cool £200,000+ for printing and distribution.

Political rivals are accusing the Lib Dems of trying to buy the election but their candidate Elwyn Watkins is laughing all the way from the bank.

No-one knows where the money is coming from. Politicians are required by law to register donations so the public can judge if the money is properly obtained. But Watkins hasn't declared anything like £200,000 in donations.

Now the Electoral Commission has said it can't investigate until after the election.

What is known is that Elwyn Watkins is the personal assistant to Saudi Arabian billionaire, Sheikh Abdullah Ali Alhamrani.

Watkins says he travelled the world representing the Sheikh.

Political donations from overseas are illegal. Even the Ashcroft money can't match a Sheikh."

"The questions that need an answer

When Nick Clegg, Liberal Democrat Leader came to Oldham, BBC Newsnight asked him a series of questions he refused to answer. The questions still need answering.

- *Does Watkins pay tax on his earnings in Saudi Arabia or in the UK?*
- *Have all donations been declared to the Electoral Commission?*
- *Has Watkins channelled this huge amount of money via a company into the Liberal Democrats office in Oldham?*
- *Where is the fortune Watkins is spending coming from?*
- *Does any of the money come from Watkins billionaire Sheikh boss?*
- *Is the Sheikh trying to buy the election of a British MP?"*

- (b) The said article is juxtaposed with a photograph with Mr Watkins' face surrounded by wads of £50 notes, and a photograph of the comedian Harry Enfield in the persona of a character known as 'Loads-a-money', which is captioned: "*Lib Dem candidate Elwyn Watkins – money no object – but where is it coming from?"*

- (c) The true meaning of some or all of the said words and illustrations, considering the occasion of publication, the persons publishing, the person attacked, and the readers intended to be addressed, amounted to statements of fact, namely:
- (i) That the Petitioner had spent in excess of £200,000 on producing and posting leaflets in the previous five months; and/or
 - (ii) That the Petitioner had incurred election expenses in excess of £200,000 (which would be a breach of section 76 of the Representation of the People Act 1983); and/or
 - (iii) That the Petitioner had received political donations of £200,000; and/or
 - (iv) That the Petitioner had received substantial donations which he should have, but which he had not, declared to the Electoral Commission; and/or
 - (v) That the Petitioner had exceeded the amount that a candidate is allowed to spend in an election (which would be a breach of section 76 of the Representation of the People Act 1983); and/or
 - (vi) That some or all of those sums were overseas political donations from Sheikh Abdullah Ali Alhamrani (which would be a breach of section 54 of the Political Parties, Elections and Referendums Act 2000); and/or
 - (vii) That the Petitioner had channelled money through a company to the office of the Liberal Democrats in Oldham (which would, inter alia, constitute a criminal offence contrary to section 54 and/or section 61 of the Political Parties, Elections and Referendums Act 2000); and/or
 - (viii) That money which the Petitioner spent on the election campaign was from an illicit and improper source; and/or
 - (ix) That the Petitioner was spending 'a fortune' on the election campaign in collusion with Sheikh Abdallullah Ali Alhamrani, with the intention of enabling the Sheikh and/or himself to 'buy' the election with improperly obtained or unlawfully excessive funds and/or
 - (x) That by reason of the abovementioned facts and matters the Petitioner had committed one or more criminal offences.

- (d) The aforesaid statements of alleged fact:
- (i) were false;
 - (ii) were made before and/or during the election campaign;
 - (iii) were made for the purpose of affecting the return of a candidate at the election;
 - (iv) were statements of facts and matters which, if true, would have constituted improper and/or criminal misconduct on the part of the Petitioner;
 - (v) related to the Petitioner's personal character or conduct by suggesting that these were dishonourable and involved personal delinquency;
 - (vi) were promoted by the First Respondent's election agent on his behalf and were therefore to be treated as false statements made by the First Respondent or on his behalf;
 - (vii) further or alternatively were authorised or consented to by the First Respondent and/or his agent;
 - (viii) procured or materially assisted the election of the First Respondent, who beat the Petitioner by 103 votes; and
 - (ix) were statements which neither the First Respondent nor his election agent had reasonable grounds for believing, and further or alternatively which the First Respondent and/or his election agent did not believe, to be true.

8.3 Wooing the Extremist Vote

- (a) On pages 4-5 of *The Saddleworth and Oldham Examiner* is a photograph of Muslims with placards bearing the slogans "BEHEAD THOSE WHO INSULT ISLAM" and "EUROPE YOU WILL PAY YOUR 3/11 IS ON IT'S WAY !!!" [sic.] This photograph is widely available on the internet and is of extremists who demonstrated in London in early February 2006 in relation to the publication of a cartoon by *Jyllands-Posten* in Denmark in September 2005. Three people at that demonstration were subsequently convicted of soliciting murder and sentenced to six years' imprisonment each. A fourth man was convicted of acts intended or likely to stir up racial hatred and sentenced to

four years' imprisonment. The photograph was not taken in, and had no connection with, Oldham.

(b) Beneath the caption:

"Militant extremists are trying to manipulate decent Oldham Muslims to defeat Immigration Minister Woolas."

is the following article:

"Watkins accused of wooing extremist vote

Voters of Oldham East and Saddleworth are asking the question "why are the extremists urging a vote for Watkins?" In the face of Woolas' tough stance and a Conservative candidate who is against their views, the extremists are backing the Liberal Democrat. In his attempts to woo the vote he has called for Israel to be isolated from arms sales - but not Palestine."

(c) The true meaning of some or all of the said words and photograph, considering the occasion of publication, the persons publishing, the person attacked, and the readers intended to be addressed, amounted to statements of fact, namely that the Petitioner:

- (i) Was sympathetic to extremist Muslims of the kind shown in the photograph and was overtly seeking to woo their support and/or influence and/or vote by supporting their views; and/or
- (ii) Associated with such persons; and/or
- (iii) Had called for Israel to be isolated from arms sales but not Palestine in an attempt to woo the extremist vote.

(d) The aforesaid statements of alleged fact:

- (i) were false;
- (ii) were made before and/or during the election campaign;
- (iii) were made for the purpose of affecting the return of a candidate at the election;
- (iv) related to the Petitioner's personal character or conduct by suggesting that he was unscrupulous as to the means by which he sought the

support of extremist persons who advocate violence and/or associated with such persons;

- (v) were promoted by the First Respondent's election agent on his behalf and were therefore to be treated as false statements made by the First Respondent or on his behalf;
- (vi) further or alternatively were authorised or consented to by the First Respondent and/or his agent;
- (vii) procured or materially assisted the election of the First Respondent, who beat the Petitioner by 103 votes; and
- (viii) were statements which neither the First Respondent nor his election agent had reasonable grounds for believing, and further or alternatively which the First Respondent and/or his election agent did not believe, to be true.

9. THE LABOUR ROSE

9.1 On or about 5 May 2010 the "Labour Rose Oldham East and Saddleworth" ("The Rose") was promoted by J Fitzpatrick on behalf of the First Respondent and printed by Connolly and Spruce, Unit A St Johns Industrial Estate, Lees, Oldham, Lancashire QL4 3DZ. A true copy of The Rose is at Annex 2. It was distributed to an unknown number of electors in the constituency.

9.2 Wooing the Extremist Vote

- (a) On the front page of The Rose is an article, the content of which is set out below:

"Evil flourishes if good people do nothing

Extremists rant as Phil Woolas defies death threats

Extremist groups from outside Oldham East and Saddleworth have made death threats against Phil whilst extremist groups inside the constituency have threatened him with violence on our streets.

Sick competitions

One extremist website has even created a competition for the most imaginative way to kill Phil Woolas.

You would think that any serious politician would condemn such action.

But you'd be wrong.

Lib Dem pact with the devil

One of these groups has endorsed the Liberal Democrat candidate Elwyn Watkins.

It is remarkable that neither he nor any other Liberal Democrat has rejected this endorsement or condemned the group's actions.

Maybe it's because the Liberal Democrats are giving amnesty to thousands of illegal immigrants.

The moderate, hard working people of Oldham will be outraged by these fanatics bringing threats of intimidation and violence to our doorsteps."

- (b) An integral part of the article is the photograph of extremists bearing placards stating "BEHEAD THOSE WHO INSULT ISLAM" and "KILL THOSE WHO INSULT ISLAM !!!" above. Below that photograph is the statement:

"An extremist group is leafleting Asian areas. They tell people to vote for the LibDem candidate saying 'Our objective is to oust Phil Woolas, an anti-Muslim MP, from his position of power, in order to replace him with a candidate that will represent the views of the Muslims in the Oldham East and Saddleworth constituency.' www.mpacuk.org"

- (c) The photograph of extremists had no connection with Oldham or with the election. It was not taken in or near the constituency nor in the period of the election. The photograph is of extremists who demonstrated in London in early February 2006 in relation to the publication of a cartoon by *Jyllands-Posten* in Denmark in September 2005. Three people at that demonstration were subsequently convicted of soliciting murder and sentenced to six years' imprisonment each. A fourth man was convicted of acts intended or likely to stir up racial hatred and sentenced to four years' imprisonment.
- (d) A separate article on the same page of the Labour Rose, immediately adjacent to the article cited above, headlined "*Stand By Phil*" and began "*Phil has spent all his political life fighting extremists of all kinds ...*" It was accompanied by a photograph of the Petitioner, below a further headline which asked: "*Why is Elwyn Watkins refusing to condemn the extremists*".
- (e) The true meaning of some or all of the said words and photographs, considering the occasion of publication, the persons publishing, the person attacked, and the readers intended to be addressed, amounted to statements of fact namely that the Petitioner:
- (i) Was sympathetic to and would represent the views of extremist Muslims of the type shown in the photograph or those who would

bring threats of intimidation and violence to the doorsteps of the constituents of Oldham East and Saddleworth; and/or

- (ii) Was endorsed by persons of the type in the main photograph who supported the use of violence and incitement to racial hatred; and/or
 - (iii) Refused to condemn death threats made against the First Respondent.
- (f) The aforesaid statements of alleged fact:
- (i) were false;
 - (ii) were made before and/or during the election campaign;
 - (iii) were made for the purpose of affecting the return of a candidate at the election;
 - (iv) were statements of facts which related to the Petitioner's personal character or conduct by suggesting that he was unscrupulous as to the means by which he sought the support of extremist persons who advocate violence and/or murder, and/or associated with such persons;
 - (v) were promoted by the First Respondent's election agent on his behalf and were therefore to be treated as false statements made by the First Respondent or on his behalf;
 - (vi) further or alternatively were authorised or consented to by the First Respondent and/or his agent;
 - (vii) procured or materially assisted the election of the First Respondent, who beat the Petitioner by 103 votes; and
 - (viii) were statements which neither the First Respondent nor his election agent had reasonable grounds for believing, and further or alternatively which the First Respondent and/or his election agent did not believe, to be true.

9.3 The Most Expensive Oldham Election

- (a) The Rose also contained the following article:

“The most expensive Oldham election ever?”

Political rivals are accusing the Lib Dems of trying to buy the election but their candidate Elwyn Watkins is laughing all the way from the bank.

No-one knows where the money is coming from. Politicians are required by law to register donations so the public can judge if the money is properly obtained. But Watkins hasn't declared anything like £200,000 in donations. Now the Electoral Commission has said it can't investigate until after the election.

What is known is that Elwyn Watkins is the personal assistant to Saudi Arabian billionaire Sheikh Abdullah Ali Alhamrani.

Watkins says he travelled the world representing the Sheikh.

Even the Tories' Ashcroft money can't match a billionaire Saudi Sheikh.”

- (b) The article is accompanied by the photograph referred to at paragraph 8.2 above namely that of the Petitioner surrounded by wads of £50 notes and a photograph of the comedian Harry Enfield in his persona as a character known as ‘Loads-a-money’, and the caption:

“Lib Dem candidate Elwyn Watkins - money no object - but where is it coming from?”

- (c) The true meaning of some or all of the said words and illustrations, considering the occasion of publication, the persons publishing, the person attacked, and the readers intended to be addressed, amounted to statements of fact, namely:
- (i) That the Petitioner had received donations to his election campaign in excess of £200,000; and/or
 - (ii) That some or all of those sums were overseas political donations from Sheikh Abdallullah Ali Alhamrahi (which would be a breach of section 54 of the Political Parties, Elections and Referendums Act 2000); and/or