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2 IN THE HIGH COURT OF JUSTICE Petition No. M/350/14
3 QUEEN'S BENCH DIVISION
4 THE ELECTION COURT
5 IN THE MATTER OF THE REPRESENTATION OF THE PEOPLE ACT 1983
6 AND IN THE MATTER OF A MAYORAL ELECTION IN THE LONDON BOROUGH
7 OF TOWER HAMLETS HELD ON 22 MAY 2014

8
9 Royal Courts of Justice
10 Strand,
11 London, WC2A 2LL

12
13 Friday 13th March 2015

14
15 Before:
16 MR. COMMISSIONER MAWREY Q.C.

17
18 - - - - -

19 BETWEEN:

20 ANDREW ERLAM
21 AZMAL HUSSAIN
22 DEBBIE SIMONE
23 ANGELA MOFFAT
24 Petitioners

25 -and-

MOHAMMED LUTFUR RAHMAN
First Respondent

-and-

JOHN S. WILLIAMS
Second Respondent

- - - - -

(Transcription of the stenographic and shorthand notes by
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1 DISCUSSION

2 MR. PENNY: My Lord, can I just deal with a couple of
3 miscellaneous matters, before I call the first witness, and
4 hand up some documents. First of all, this is an e-mail from
5 Mr. Thomas, dealing with the inquiries which were made so far
6 as the postal ballot at 19 Thorne House for the gentleman.
7 You will recall that Mr. Miah's evidence was that he
8 understood that his wife had sent the ballots back; and you
9 will find the answer to those inquiries contained in there.

10 THE COMMISSIONER: Can I just read that? (Same handed) (Pause for
11 reading) Yes. Thank you.

12 MR. PENNY: Can I hand up a bundle of entries -- well, some of
13 them are entries on Mr. Rahman's blog and one is an article in
14 the Huffington Post. My learned friend has these. It is
15 proposed to insert them in your Lordship's bundle W, at
16 page 2208. Can I draw your Lordship's attention to page 2212,
17 in particular. This is 15th October 2013, and this is an
18 article appearing in the Huffington Post, which, as
19 your Lordship will be aware, is an online newspaper
20 publication.

21 THE COMMISSIONER: Yes.

22 MR. PENNY: The topic (if I can call it that) is reaction, or lack
23 thereof, to the Sunday Politics statement. (Pause)

24 THE COMMISSIONER: Which bundle is it going into?

25 MR. PENNY: W, my Lord, right at the end. I have not quite worked

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4 APPEARANCES

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6 MR. FRANCIS HOAR and MS. KATHERINE HALLETT appeared on behalf of
7 the Petitioners.
8 MR. D. PENNY Q.C. and MR. M. BAILEY (instructed by K & L Gates)
9 appeared on behalf of the First Respondent.

10
11 MR. TIMOTHY STRAKER Q.C. and MS. DILPREET DHANOA (instructed by
12 Sharpe Pritchard) appeared on behalf of the Second Respondent.

13
14 - - - - -
15 P R O C E E D I N G S
16 (DAY 29)
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18 - - - - -

19
20 (Transcript prepared without access to a full set of case
21 documents)

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1 DISCUSSION

2 out where to put all the documentation that was produced
3 yesterday by Mr. Miah. It may be that at the end of W is, in
4 fact, the answer, or in a new bundle. But may I deal with
5 that during the course of the day?

6 THE COMMISSIONER: Yes.

7 MR. PENNY: My Lord, my first witness today is a man called
8 Sufi Ahmed, at your Lordship's page 85 of bundle R. This
9 witness requires an interpreter.

10 THE COMMISSIONER: Thank you.

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<p>1 SUFI</p> <p>2 SHAMIM AHMED SUFI, SWORN</p> <p>3 EXAMINED BY MR. PENNY</p> <p>4 (Through an interpreter)</p> <p>5 MR. PENNY: May we have your full name, please?</p> <p>6 A. My full name is Shamim Ahmed Sufi.</p> <p>7 Q. Are you also known as Sufi Ahmed?</p> <p>8 A. People call me Sufi, but my full name is Shamim Ahmed Sufi.</p> <p>9 Q. Thank you. Would you take the red bundle with the "R" on it,</p> <p>10 please. Mr. Interpreter, would you be kind enough to turn to</p> <p>11 page 85. Mr. Ahmed, do you recognise that as your witness</p> <p>12 statement?</p> <p>13 A. Yes, I do.</p> <p>14 Q. If we turn to page 86 ----</p> <p>15 MR. HOAR: My Lord, before we go on, there is no Bengali version</p> <p>16 of this.</p> <p>17 THE COMMISSIONER: I think that is a point you can make in a</p> <p>18 moment.</p> <p>19 MR. HOAR: But I wonder if it is appropriate that this witness can</p> <p>20 just adopt a witness statement with no Bengali interpretation,</p> <p>21 no declaration that it has been -- I was made to examine in</p> <p>22 chief witnesses in these circumstances.</p> <p>23 MR. PENNY: My Lord, I am happy, if your Lordship wants, for the</p> <p>24 interpreter to adopt the procedure we have previously and the</p> <p>25 interpreter to go outside with the witness, interpret it to</p>	<p>1 DISCUSSION</p> <p>2 THE COMMISSIONER: Who are here?</p> <p>3 MR. HOAR: Two are here, and outside.</p> <p>4 THE COMMISSIONER: Right. Your three this afternoon, I take it,</p> <p>5 are not long?</p> <p>6 MR. PENNY: Well, they are the Leon Silver, Tom O'Brien and</p> <p>7 Baroness Uddin.</p> <p>8 THE COMMISSIONER: Do I have statements from them?</p> <p>9 MR. PENNY: You do have a statement from Baroness Uddin. You may</p> <p>10 not have had one from Leon Silver and Tom O'Brien, but I can</p> <p>11 hand them in just now, if your Lordship wants to see them.</p> <p>12 THE COMMISSIONER: And of course you require leave to call them.</p> <p>13 MR. PENNY: Yes, I do.</p> <p>14 MR. HOAR: If it is the case that my learned friend does not</p> <p>15 object to Mr. Biggs being recalled, then I will not object to</p> <p>16 Baroness Uddin and the other two.</p> <p>17 MR. PENNY: I have never objected to Mr. Biggs being recalled,</p> <p>18 because I accept that I did not put the articles to him, and</p> <p>19 I accept that, ideally, I should have.</p> <p>20 THE COMMISSIONER: I am a bit alarmed at all these witnesses</p> <p>21 coming at two o'clock on the final day.</p> <p>22 MR. PENNY: In the case of one of them, he is on a flight from</p> <p>23 New York.</p> <p>24 THE COMMISSIONER: I appreciate that.</p> <p>25 MR. PENNY: The other one is a Catholic priest, who I think is</p>
[Page 4057]	[Page 4059]
<p>1 SUFI</p> <p>2 him, and get him to make any corrections, rather than waste</p> <p>3 time. I know my learned friend has other witnesses that he</p> <p>4 wants to call, and I am content to cross-examine them.</p> <p>5 THE COMMISSIONER: I think that is probably a sensible idea.</p> <p>6 Mr. Interpreter, could you take this gentleman outside,</p> <p>7 read the statement to him, see if he wants to correct it, and</p> <p>8 then we will deal with his evidence later. Sorry to put you</p> <p>9 to the trouble, Mr. Interpreter, but it seems sensible.</p> <p>10 MR. HOAR: We have probably doubled up, but we also have an</p> <p>11 interpreter. There we are. I do have another witness.</p> <p>12 MR. PENNY: Mr. Interpreter, the position is that you interpret</p> <p>13 that into a language that the witness understands, into</p> <p>14 Bengali, and make sure he is content with the accuracy of it.</p> <p>15 All right?</p> <p>16 THE INTERPRETER: Yes.</p> <p>17 MR. PENNY: Can you just take pages 85 and 86 from that bundle,</p> <p>18 just those two. Thank you very much.</p> <p>19 THE INTERPRETER: Can I go outside?</p> <p>20 MR. PENNY: Yes, please. Thank you.</p> <p>21 (The witness stood down)</p> <p>22 MR. PENNY: My Lord, Mr. Ahmed is the only live witness I have</p> <p>23 this morning. I have three witnesses this afternoon. But my</p> <p>24 learned friend, I think, has three, possibly four, that he</p> <p>25 wants to call this morning.</p>	<p>1 DISCUSSION</p> <p>2 giving Mass at the moment. But they will not be long,</p> <p>3 I should not have thought.</p> <p>4 THE COMMISSIONER: Is Mr. Biggs going to be here this afternoon?</p> <p>5 MR. HOAR: He can come at 2.30. Lady Uddin can come at 2.00,</p> <p>6 I think. It would make sense for her to give evidence --</p> <p>7 well, I do not know. It does not really matter.</p> <p>8 THE COMMISSIONER: But you are happy for her to give evidence if</p> <p>9 Mr. Biggs can riposte to it?</p> <p>10 MR. HOAR: The way it was constructed was the other way round, but</p> <p>11 I do not think it matters, my Lord. She is available at 2.00.</p> <p>12 He is only available at 2.30. So, it makes sense for her to</p> <p>13 give evidence first.</p> <p>14 THE COMMISSIONER: Very well. But, you know, I am not going sit</p> <p>15 till midnight.</p> <p>16 MR. HOAR: No.</p> <p>17 THE COMMISSIONER: All this should have been thought of a long</p> <p>18 time ago. I appreciate we have witnesses coming from</p> <p>19 New York. On the other hand, you know, this is the last day</p> <p>20 of a six-week trial.</p> <p>21 MR. PENNY: May I explain the circumstances so far as</p> <p>22 Baroness Uddin is concerned?</p> <p>23 THE COMMISSIONER: Yes.</p> <p>24 MR. PENNY: Mr. Biggs made a third witness statement in which he</p> <p>25 disputed the -- well, he suggested that the quotes attributed</p>

[2] (Pages 4056 to 4059)

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1 DISCUSSION
 2 to Baroness Uddin in one of the newspaper articles which I had
 3 put to other witnesses had not, in fact, been said by
 4 Baroness Uddin, but were the contents of the hoax fax; and
 5 that was the matter which we investigated. She confirms he is
 6 right about that, but she has provided other evidence in the
 7 witness statement which I seek to put before the court, on the
 8 heart of the issue, to some extent, so far as 1995 is
 9 concerned.
 10 THE COMMISSIONER: Very well.
 11 MR. PENNY: That is why the witness statement arises during the
 12 course of this week. In fact, I think at an earlier stage
 13 I suggested to my learned friend that he check the matter with
 14 Baroness Uddin. There we are. That is how it happened.
 15 THE COMMISSIONER: Very well. Let us have your witnesses,
 16 Mr. Hoar.
 17 MR. HOAR: Yes. Faruk Ali first. He can be found in a file D at
 18 tab 26. He did make this witness statement in English and he
 19 does speak English, but he would prefer, if he may, to have
 20 the use of an interpreter.
 21 MR. PENNY: I am assuming, therefore, that there is not a Bengali
 22 version of this witness statement?
 23 MR. HOAR: No, there is not, but it was made in English.
 24 MR. PENNY: I am not going to object to his proceeding.
 25 THE COMMISSIONER: What is the reference again?

[Page 4061]

1 DISCUSSION
 2 MR. HOAR: Tab 26 in file E.
 3 THE COMMISSIONER: Thank you.
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[Page 4062]

1 FARUK ALI
 2 (The interpreter affirmed)
 3 FARUK ALI, SWORN
 4 Examined by MR. HOAR
 5 (Through the interpreter)
 6 MR. HOAR: Mr. Ali, I know you do speak English, but it would be
 7 easier, if you wish to speak through the interpreter, just to
 8 speak through the interpreter. Wait for the interpreter to
 9 interpret, speak, and he will interpret for you, if that is
 10 all right.
 11 Can I first ask if your name is Faruk Ali?
 12 A. (Spoken by the witness) Faruk Ali.
 13 Q. Can I ask you, Mr. Interpreter, to take out file D, which is
 14 one of the blue files which you will see there, I think, and
 15 turn to tab number 26, please. For the sake of preserving the
 16 file, Mr. Interpreter, if could you carefully turn just the
 17 pages that you have; hold them in both hands. Tab 26.
 18 Excluding that piece of bold block capitals, which is clearly
 19 not supposed to be part of this statement, do you recognise
 20 that as your statement?
 21 A. Yes, your Honour.
 22 Q. Now, I think you have looked at this statement before this
 23 morning, have you? Do you have any corrections to make to it?
 24 A. (Spoken by the witness) "Two week" is two months.
 25 Q. So, "two weeks" at paragraph 3, do you have a correction to

[Page 4063]

1 FARUK ALI - HOAR
 2 that?
 3 A. Yes, I would like to correct it.
 4 Q. What would you like to correct it to?
 5 A. It should be "two months".
 6 Q. Are there any other corrections that you have to the witness
 7 statement?
 8 A. No, nothing else to correct it.
 9 Q. If you turn to page 120, please, it may be -- yes, it looks
 10 like one of the broken files.
 11 THE INTERPRETER: That is empty.
 12 MR. HOAR: You are missing a page. Do you see your signature
 13 anywhere, Mr. Ali, at the end of the statement, after
 14 paragraph 70? What paragraph does your statement go up to?
 15 It should go up to 130.
 16 A. I have page 120 now.
 17 Q. Is that your signature, Mr. Ali?
 18 A. (No verbal reply)
 19 Q. Are the contents of that witness statement, save that
 20 correction, true to the best of your knowledge and belief?
 21 A. Yes.
 22 MR. HOAR: I have no further questions. There may be some more.
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[Page 4064]	[Page 4066]
<p>1 FARUK ALI</p> <p>2 CROSS-EXAMINED BY MR. PENNY</p> <p>3 MR. PENNY: You are the father of Sabina Akhtar; is that right?</p> <p>4 A. Yes, your Honour.</p> <p>5 Q. On the election day, you were acting as a polling agent for</p> <p>6 her?</p> <p>7 A. Yes, your Honour.</p> <p>8 Q. You were at the Redcoat Community Centre?</p> <p>9 A. Yes, your Honour.</p> <p>10 Q. Do you know who was driving the Labour car with flags on that</p> <p>11 day?</p> <p>12 A. It was not my car. It was a different car, your Honour.</p> <p>13 Q. Do you know who was driving it?</p> <p>14 A. A friend of mine.</p> <p>15 Q. What is he called?</p> <p>16 A. Jubetta Mohd Salim (?).</p> <p>17 Q. Did he stop that car from time to time in front of the Redcoat</p> <p>18 Community Centre, flying Labour flags?</p> <p>19 A. No.</p> <p>20 Q. Not at all?</p> <p>21 A. He came only once at Redcoat Centre and then I went to a</p> <p>22 different centre.</p> <p>23 Q. Did the car stop, flying the Labour flags, just outside the</p> <p>24 Redcoat Community Centre?</p> <p>25 A. Not in front of Redcoat Community Centre; just a bit far, in</p>	<p>1 FARUK ALI - PENNY</p> <p>2 Alibor ----</p> <p>3 A. Yes.</p> <p>4 Q. ---- you say that your daughter asked those ladies to campaign</p> <p>5 for her?</p> <p>6 A. Yes, I said that.</p> <p>7 Q. And you say that they gave your daughter their card?</p> <p>8 A. I do not know that. My daughter can tell you that.</p> <p>9 Q. Do you remember them offering their card?</p> <p>10 A. Actually, your Honour, I spoke with them as well as my</p> <p>11 daughter spoke with them.</p> <p>12 Q. Do you remember them offering their card?</p> <p>13 A. I do not know that. You can ask my daughter this question and</p> <p>14 she will answer to that.</p> <p>15 THE COMMISSIONER: In what language were you speaking to these</p> <p>16 ladies?</p> <p>17 A. In Bengali.</p> <p>18 THE COMMISSIONER: Thank you.</p> <p>19 MR. PENNY: Have you read your witness statement?</p> <p>20 A. Yes, I have.</p> <p>21 Q. Is it correct?</p> <p>22 A. It is, your Honour.</p> <p>23 Q. Can I take you, please, to paragraph 5. I am going to read to</p> <p>24 you the second sentence of that paragraph: "My daughter</p> <p>25 challenged them and asked them to campaign for her, but they</p>
[Page 4065]	[Page 4067]
<p>1 FARUK ALI - PENNY</p> <p>2 the parking area.</p> <p>3 Q. Your daughter was a candidate, together with a lady called</p> <p>4 Victoria Obaze; is that right?</p> <p>5 A. Yes, your Honour.</p> <p>6 Q. Did you see her taking film outside that polling station?</p> <p>7 A. Could you please repeat that question?</p> <p>8 Q. Did you see her using her phone to take photographs, video?</p> <p>9 A. Could you please -- whom are you referring to?</p> <p>10 Q. Victoria Obaze.</p> <p>11 A. I have not seen it, but she may have taken photographs.</p> <p>12 Q. Was her sister also there? Victoria's sister, was she also</p> <p>13 there?</p> <p>14 A. I did not know whether -- there was a lady, but I did not know</p> <p>15 whether she was her sister or not.</p> <p>16 Q. Did you see her filming the Mayor outside the Redcoat</p> <p>17 Community Centre?</p> <p>18 A. I do not remember that, your Honour. She may have taken. I</p> <p>19 am not sure.</p> <p>20 Q. The occasion two months before, on that occasion, your</p> <p>21 daughter asked the campaigners to campaign for her?</p> <p>22 A. Could you please repeat that question?</p> <p>23 Q. On the occasion two months before the election, in</p> <p>24 Hannibal Street, when you claimed that you met a group of</p> <p>25 ladies who told you that they had been told to meet there by</p>	<p>1 FARUK ALI - PENNY</p> <p>2 said, 'Only if you pay', and offered their card."</p> <p>3 A. Yes. Actually, your Honour, I asked them. They said they are</p> <p>4 campaigning for Tower Hamlets First, for money, they paid</p> <p>5 them.</p> <p>6 Q. Does your witness statement say, "My daughter challenged them</p> <p>7 and asked them to campaign for her, but they said, 'Only if</p> <p>8 you pay', and offered their card"? Sorry, no. No,</p> <p>9 Mr. Interpreter. I want to know what the witness has just</p> <p>10 said, please. I do not want a dialogue between the two of</p> <p>11 you. That is not how this process works. What has the</p> <p>12 witness just said, please?</p> <p>13 THE INTERPRETER: I just interpreted ----</p> <p>14 MR. PENNY: I am sorry, I am asking the interpreter. What has the</p> <p>15 witness just said?</p> <p>16 THE INTERPRETER: He could not complete. He said, you know,</p> <p>17 "I just said". He did not complete the sentence yet. (Pause)</p> <p>18 MR. PENNY: Who is go to have a go?</p> <p>19 A. I asked the ladies to campaign for us.</p> <p>20 Q. What was the purpose of the dialogue you have just had with</p> <p>21 the interpreter?</p> <p>22 THE INTERPRETER: There was no dialogue.</p> <p>23 MR. PENNY: The two of you have just been speaking to each for the</p> <p>24 last 60 seconds, whilst I have been standing here.</p> <p>25 THE INTERPRETER: No, no, nothing. There is no dialogue here at</p>

[4] (Pages 4064 to 4067)

[Page 4068]	[Page 4070]
<p>1 FARUK ALI - PENNY</p> <p>2 all. Whatever he said to me, I interpreted.</p> <p>3 MR. PENNY: (To the witness) Look at your witness statement,</p> <p>4 please. "They said, 'Only if you pay', and offered their</p> <p>5 card."</p> <p>6 A. I do not know whether they offered their card or not.</p> <p>7 Q. Why is that in your witness statement?</p> <p>8 A. I mention in the statement because they asked for money.</p> <p>9 Q. That is not what the witness statement says, is it? The</p> <p>10 witness statement says, "They said, 'Only if you pay', and</p> <p>11 offered their card." Is your witness statement inaccurate?</p> <p>12 THE INTERPRETER: Could you repeat the question?</p> <p>13 MR. PENNY: Is your witness statement inaccurate?</p> <p>14 A. It is correct.</p> <p>15 Q. You did not hear Alibor Choudhury say that "John Biggs is a</p> <p>16 racist", outside mosques?</p> <p>17 A. Yes, he said that.</p> <p>18 Q. You did not hear Oliur Rahman say that "John Biggs is a</p> <p>19 racist", outside mosques?</p> <p>20 A. He said that on Friday. There are a lot of people present.</p> <p>21 Q. You did not hear either Foreed or Numan saying that John Biggs</p> <p>22 was a racist, outside mosques?</p> <p>23 A. Yes, they both said outside the mosques.</p> <p>24 Q. That is not true.</p> <p>25 A. Lots of people are present. They all have heard it.</p>	<p>1 FARUK ALI</p> <p>2 RE-EXAMINED BY MR. HOAR</p> <p>3 MR. HOAR: Mr. Ali, you were asked questions about Mr. Choudhury,</p> <p>4 Alibor Choudhury, and Oliur Rahman, and the allegation that</p> <p>5 they told others that "John Biggs is a racist". Can I ask,</p> <p>6 first of all, when was the first time that you heard them say</p> <p>7 that?</p> <p>8 A. Most of the time I went to my daughter's campaign, and on many</p> <p>9 occasions I met them.</p> <p>10 Q. Yes. The question is, you have said that you attended the</p> <p>11 mosque and you heard activists saying, "If you vote Labour" --</p> <p>12 well, you heard the THF candidates, Oliur Rahman and</p> <p>13 Alibor Choudhury, saying, "John Biggs is a racist". When was</p> <p>14 the first time that you heard that?</p> <p>15 A. I heard this on many occasions, but I do not know exactly</p> <p>16 when.</p> <p>17 Q. Okay. So, approximately?</p> <p>18 A. About one and a half months ago.</p> <p>19 Q. One and a half months ago. From now or from the election?</p> <p>20 A. Prior to the election.</p> <p>21 Q. Right. What day of the week was this on?</p> <p>22 A. I believe it was in March.</p> <p>23 Q. What day of the week was this said; what day of the week?</p> <p>24 A. Most of the time I met them on Friday, and once I met them on</p> <p>25 Saturday.</p>
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<p>1 FARUK ALI - PENNY</p> <p>2 Q. And there were not 80 Tower Hamlets First activists outside</p> <p>3 Smithy Street polling station at 8 p.m. on election day?</p> <p>4 A. Yes, I was (sic).</p> <p>5 MR. PENNY: Thank you.</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 FARUK ALI - HOAR</p> <p>2 Q. Mostly Friday, just once on Saturday?</p> <p>3 A. Yes.</p> <p>4 Q. Where were they stood when they were saying this?</p> <p>5 A. On the corner of Jubilee Street.</p> <p>6 Q. On the corner ----</p> <p>7 A. Of Jubilee Street.</p> <p>8 Q. Near which mosque?</p> <p>9 A. A bit far from the Redcoat mosque, on the corner of the park.</p> <p>10 Q. Who is Numan?</p> <p>11 A. Mr. Numan used to live in Smithfield Street for about</p> <p>12 25 years. Now he move to a different area.</p> <p>13 Q. What is his second name?</p> <p>14 A. I do not know.</p> <p>15 Q. Fine. So, you said this happened once on Saturdays, and</p> <p>16 mostly on Fridays, over a one-and-a-half month period. There</p> <p>17 are approximately six Fridays in that period. How many of</p> <p>18 those did you hear this happen?</p> <p>19 A. A number of times I heard this, but there were also other</p> <p>20 people present.</p> <p>21 Q. You also say: "THF activists told residents to vote for</p> <p>22 Lutfur, saying, in Bengali, 'Imani dayeetho', meaning 'it is a</p> <p>23 religious duty to vote for Lutfur Rahman'." How many times</p> <p>24 did that happen?</p> <p>25 A. Repeat the question, please.</p>

[5] (Pages 4068 to 4071)

[Page 4072]

[Page 4074]

1 FARUK ALI - HOAR
 2 Q. How many times did THF activists say that it is "imani
 3 dayeetho" to vote for Lutfur Rahman?
 4 A. I went to campaign for my daughter a number of times to
 5 different houses, and lots of people said it.
 6 Q. All right. What I want to know is how many times; not the
 7 exact number. Was it five times, was it 10 times, was it 30
 8 times? Approximately how many times did you hear that?
 9 A. I went to the mosque. A number of times I heard this. Maybe
 10 about 50 times, approximately.
 11 Q. All right. Always at the mosque, or also elsewhere?
 12 A. I went to a number of houses. I heard this there, as well as
 13 in the mosques, because most of the time I went to the mosque
 14 for prayer.
 15 Q. When you went to the houses, who told you that; who said
 16 "imani dayeetho" at the houses?
 17 A. Ashford House, Walton House, and a number of houses.
 18 Q. Yes, but who said it? You knocked on a house door, did you?
 19 A. Yes.
 20 Q. The resident answered the door?
 21 A. Yes.
 22 Q. And what did they say? How did the "imani dayeetho" come up
 23 in conversation?
 24 A. I campaigned for my daughter, to cast vote for her. They
 25 said, you know, Tower Hamlets First is going to offer houses.

1 FARUK ALI - HOAR
 2 that question?
 3 Q. No. I think I am going to move on. You were asked about
 4 Smithy Street polling station, and you were told there were 80
 5 THF activists actually in your statement, and you said 70.
 6 Did you count them?
 7 MR. PENNY: I think I suggested 70. If I did not, it was a slip
 8 of the tongue.
 9 MR. HOAR: It may have been. Whatever. (To the witness) Did you
 10 count them?
 11 A. Yes. Roughly about 60 to 70.
 12 Q. So, did you count them -- one, two, three, four -- or not?
 13 A. I counted once. There are lots of people. It is difficult to
 14 count them correctly.
 15 MR. HOAR: It is difficult to count. I understand. No more
 16 questions.
 17 THE COMMISSIONER: Thank you very much. You are free to go.
 18 (The witness withdrew)
 19 MR. HOAR: I suppose it makes sense to call the two witnesses that
 20 I have, perhaps.
 21 THE COMMISSIONER: Unless of course, Mr. Penny, the business
 22 having been gone through with your witness -- I leave it
 23 entirely to you.
 24 MR. PENNY: I do not want to interrupt my learned friend's rhythm.
 25 MR. HOAR: I am happy either way. I am happy to call

[Page 4073]

[Page 4075]

1 FARUK ALI - HOAR
 2 Many householders said, you know, get houses from Tower
 3 Hamlets First.
 4 Q. How did "imani dayeetho" come up in conversation, if it did?
 5 A. I asked them to vote for my daughter, for the Labour Party.
 6 Then, also, I said about John Biggs. I asked them to vote for
 7 the Labour Party.
 8 Q. Yes; and what did they say in response to that?
 9 A. Some people said, "Okay"; some people said, "We shall cast
 10 vote for Labour Party"; some people said, "John Biggs is a
 11 racist".
 12 Q. But the question I asked is, how did "imani dayeetho" come up
 13 in conversation, that phrase? I am only asking about that.
 14 All right?
 15 A. Repeat the question, please.
 16 Q. How did "imani dayeetho", the phrase, come up in conversation
 17 with voters?
 18 A. We asked them to vote for Labour Party, but they said Labour
 19 Party is like this, so and so.
 20 Q. What do you mean, "so and so"?
 21 A. "Labour Party is not good at all, Labour Party is a racist".
 22 Q. That is not what I asked, though, is it? I asked specifically
 23 how did this phrase come up in conversation, "imani dayeetho",
 24 if it did?
 25 A. I did not understand your question. Could you please rephrase

1 DISCUSSION
 2 Sabina Akhtar. She is a lady whose statement has only just
 3 been served, but I do not think that my learned friend ---
 4 THE COMMISSIONER: Mr. Interpreter, you and the witness are free
 5 to go. We will not need this interpreter again, will we?
 6 MR. HOAR: We may, actually. So, can I ask ---
 7 THE COMMISSIONER: You had better fix that with him. Is this lady
 8 the daughter of the last witness?
 9 MR. HOAR: She is.

[6] (Pages 4072 to 4075)

[Page 4076]

1
 2 MS. SABINA AKHTAR, SWORN
 3 EXAMINED BY MR. HOAR
 4 Q. Is your name Sabina Akhtar?
 5 A. Yes, it is.
 6 THE COMMISSIONER: Please keep your voice up. I am afraid the
 7 microphone does not amplify the voice, it simply operates to
 8 record for the purposes of the shorthand writers. You have to
 9 speak up, I am afraid.
 10 MR. HOAR: You have a statement in front of you, I think?
 11 A. Yes, I do.
 12 Q. Is that a statement that you made I think just yesterday?
 13 A. Yes.
 14 Q. Is that your signature on the third page?
 15 A. Yes.
 16 Q. Are the contents of that witness statement true to the best of
 17 your knowledge and belief?
 18 A. Yes, it is.
 19 MR. HOAR: I have no further questions. My learned friend will
 20 have some questions.
 21
 22
 23
 24
 25

[Page 4077]

1 SABINA AKHTAR
 2 CROSS-EXAMINED BY MR. PENNY
 3 Q. You have known that there has been an election petition on the
 4 boil for quite some time, have you not?
 5 A. Yes.
 6 Q. You have never made a witness statement before yesterday.
 7 A. I have just actually come back form holiday.
 8 Q. Sorry?
 9 A. I was away for three months, so I have come back from holiday.
 10 Q. This has been on the boil for nearly a year, has it not?
 11 A. Yes.
 12 Q. You were a losing candidate?
 13 A. Yes.
 14 Q. As was your fellow running mate Victoria?
 15 A. Yes.
 16 Q. Did you know that Victoria's sister was taking a video outside
 17 Redcoat Community Centre on election day, with her phone?
 18 A. Yes, I believe there was a video.
 19 Q. Did you see that?
 20 A. Yes, she did show it to me.
 21 Q. When did she show you that, at the time?
 22 A. No.
 23 Q. Afterwards. These ladies that you met in February 2014 from
 24 East Ham.
 25 A. Yes.

[Page 4078]

1 SABINA AKHTAR - PENNY
 2 Q. What were they called?
 3 A. The names?
 4 Q. Yes; what are their names?
 5 A. I do not recall exactly their names.
 6 Q. You saw them more than once, did you not?
 7 A. Yes.
 8 Q. Did you ask them their names?
 9 A. Well, when I am campaigning, if there is an opposite side, of
 10 course they are not going to tell me the full details, but
 11 they gave me their card if I wanted to have them for my
 12 campaign too.
 13 Q. Where is the card?
 14 A. Sorry?
 15 Q. Where is the card?
 16 A. When she gave me the card I lost it; but I kept the card to
 17 show to my agent.
 18 Q. These people were telling you that they were being paid to
 19 campaign?
 20 A. No, it is not like that. I will tell you what happened. When
 21 we were campaigning they wanted to know the address where
 22 their meeting point was. Then we were asking, okay, that is
 23 where Redcoat is straight down, because I was in (unclear)
 24 Street leafleting for my campaign and when asked I asked her,
 25 "Are you from the area?", she said, "No, we are from East

[Page 4079]

1 SABINA AKHTAR - PENNY
 2 Ham", so I said, "Okay, that is why you do not know the
 3 area?", they said yes. So I said, "Why are you here?", she
 4 said "We are just campaigning for this guy, Lutfur Rahman, we
 5 have been told to meet here next to Redcoat".
 6 Q. But then they went on and they told you they were getting hard
 7 cash for it?
 8 A. Yes, and then my dad asked her, "Are you getting paid or do
 9 you actually work for them or are you one of their
 10 supporters?" "No, we do not actually know what we are doing,
 11 we just get paid". Then my dad teased them and said, "Why do
 12 you not support a lady, you should support a lady".
 13 Q. So, they give you a card at that stage?
 14 A. No, the card was right at the end. I have not finished,
 15 right.
 16 Q. Sorry, go ahead?
 17 A. They told me and my day whilst my dad was teasing them, "Why
 18 do you not Sabina, seeing as your are a lady, you should
 19 support another woman". They said, "If your daughter pays us,
 20 we work as well", as my dad teased them, "Well, if you have
 21 not been paid yet, you are going to lose, you might as well
 22 get your money", just to get the words off them and they
 23 actually did say it, and they gave us a card with the name.
 24 That is it.
 25 THE COMMISSIONER: What did the card have on it?

[7] (Pages 4076 to 4079)

[Page 4080]

[Page 4082]

1 SABINA AKHTAR - PENNY
 2 THE WITNESS: No, she just wrote her name and her telephone. If
 3 I wanted to -- I took the name down to show Chris that these
 4 people were actually doing this.
 5 MR. PENNY: So, this was a person who was telling you in the
 6 context of an election that they were a gun for hire, they
 7 were a paid campaigner, they did not care who it was but they
 8 would knock on the doors, as long as they were having their
 9 palms covered ----
 10 THE WITNESS: They said if I paid them, they would do the same to
 11 me.
 12 Q. Where is the card?
 13 A. Sorry?
 14 Q. Where is the card?
 15 A. They just -- it is not a card, it is like a piece of paper.
 16 Q. Where is it?
 17 A. They had a piece of paper with the name and telephone number.
 18 Q. Where is it?
 19 A. I was campaigning, I was carrying over 3,000 leaflets with me
 20 that day, I just misplaced it. But I told my Chris, my agent,
 21 this has occurred and these people are getting paid for doing
 22 the campaigning. I have actually seen them afterwards as well
 23 campaigning.
 24 Q. You saw them more than once apparently?
 25 A. Yes, we saw them more than once and then on the polling day

1 SABINA AKHTAR - PENNY
 2 two people here from the Labour team?", if there was a
 3 policeman, why was the lady inside, she came out and said,
 4 "These people, if you guys do not be quiet, there is a lot of
 5 you, then we will have to call the police", she urged the
 6 people twice. If there was a police in place, so would have
 7 come out and warned the people, so she did give warnings
 8 despite that they would not listen. There was a point there
 9 was so much pushing and shoving, they had to call the police.
 10 Q. How many Labour cars were there in Redcoat in your
 11 constituency?
 12 A. There was not a car outside Redcoat.
 13 Q. How many cars were driving slowly in front of the polling
 14 station, how many?
 15 A. There was just one.
 16 Q. That was your dad?
 17 A. Yes.
 18 Q. Nobody else.
 19 A. (No verbal response)
 20 MR. PENNY: Thank you. I have nothing further.
 21
 22
 23
 24
 25

[Page 4081]

[Page 4083]

1 SABINA AKHTAR - PENNY
 2 outside as well.
 3 Q. The position is there was police officer outside Redcoat
 4 Community Centre, was there not, on polling day?
 5 A. There were police officers in and out marching but there was
 6 not one constantly.
 7 Q. There were people from both parties there, we have seen a
 8 video of it.
 9 A. Yes.
 10 Q. The Labour campaigners?
 11 A. Yes, we were told that we were only allowed two, not 50 or 25
 12 which the other side had.
 13 Q. You had a car that was driving around with Labour flags in
 14 Redcoat, did you not?
 15 A. Sorry?
 16 Q. You had a car driving around with red flags out the back,
 17 somebody in a car?
 18 A. Yes.
 19 Q. Parking outside the polling stations?
 20 A. No, not parking outside, probably just driving.
 21 Q. Just driving past slowly?
 22 A. That was my dad.
 23 Q. That was your dad, was it?
 24 A. Yes. If the police was there, then when I actually urged the
 25 police, "Why is there over 25 men outside, and we only have

1 SABINA AKHTAR
 2 RE-EXAMINED BY MR. HOAR
 3 Q. Just one matter, you say that was your dad; was there anyone
 4 else in the car?
 5 A. I do not recall, but he had people with them in and out.
 6 Q. In and out of the car?
 7 A. No, I do not think so -- just my dad driving.
 8 THE COMMISSIONER: Thank you very much. You are free to go,
 9 madam.
 10 THE WITNESS: Thank you.
 11 (The witness withdrew)
 12 MR. PENNY: I wonder if I could have two minutes to check via my
 13 solicitor if the interpreter has any corrections to the
 14 witness statement, and then we can have the gentleman back in.
 15 THE COMMISSIONER: Do you want a short break?
 16 MR. PENNY: I really do mean two minutes.
 17 THE COMMISSIONER: We will take a short mid-morning break. I will
 18 say 20 minutes past.
 19 (A short break)
 20
 21
 22
 23
 24
 25

[8] (Pages 4080 to 4083)

[Page 4084]	[Page 4086]
<p>1 SHAMIN AHMED SUFI, RECALLED</p> <p>2 EXAMINED BY MR. PENNY</p> <p>3 (Through the interpreter)</p> <p>4 THE COMMISSIONER: Yes, Mr. Penny? Have we sorted out this</p> <p>5 gentleman.</p> <p>6 MR. PENNY: Yes, we have. Thank you very much. Mr. Interpreter,</p> <p>7 we should have page 85 in front of us.</p> <p>8 THE WITNESS: Yes.</p> <p>9 Q. Have you had an opportunity to translate this witness</p> <p>10 statement back to Mr. Ahmed?</p> <p>11 A. Yes.</p> <p>12 Q. May I ask this question. Mr. Ahmed, do we have your signature</p> <p>13 on page 86?</p> <p>14 A. Yes, it is my signature.</p> <p>15 Q. Have you had the content of this statement read back to you</p> <p>16 this morning?</p> <p>17 A. Yes, it was.</p> <p>18 Q. Do you understand the contents of the statement?</p> <p>19 A. Yes, I did.</p> <p>20 Q. Is it accurate?</p> <p>21 A. Yes.</p> <p>22 Q. Are the content with it?</p> <p>23 A. Yes.</p> <p>24 MR. PENNY: Thank you. Wait there.</p> <p>25</p>	<p>1 SHAMIN AHMED SUFI - HOAR</p> <p>2 A. Noor Uddin.</p> <p>3 Q. Who is he?</p> <p>4 A. He is a businessman.</p> <p>5 Q. What did he say?</p> <p>6 A. He told me about that one that one person named Kabir was</p> <p>7 shouting at him. Still I do not know him who was Kabir.</p> <p>8 Q. He said that you are shouting at Kabir Ahmed, did he?</p> <p>9 A. Yes, he said so.</p> <p>10 Q. Were you told anything else about shouting before you made the</p> <p>11 statement?</p> <p>12 A. No, no, nothing else.</p> <p>13 Q. Then you came back to England and you made this statement, did</p> <p>14 you?</p> <p>15 A. Yes, I did.</p> <p>16 Q. Do you understand the English word "allegations"?</p> <p>17 A. My son made it understood to me.</p> <p>18 Q. So, what happened, how did your son -- what did he do?</p> <p>19 A. I asked him what does it mean, what is it, then he ----</p> <p>20 Q. I understand you are saying that he wrote your statement in</p> <p>21 English and you spoke to him in Bengali; is that what you are</p> <p>22 saying?</p> <p>23 A. Yes.</p> <p>24 Q. When did you do that?</p> <p>25 A. It was a rough letter, I wrote the first statement.</p>
[Page 4085]	[Page 4087]
<p>1 SHAMIN AHMED SUFI</p> <p>2 CROSS-EXAMINED BY MR. HOAR</p> <p>3 Q. You first made a statement, did you not, on 20th September</p> <p>4 last year?</p> <p>5 A. Yes, I did.</p> <p>6 Q. That statement was signed by you. It was written in English</p> <p>7 and there was no indication that it had been interpreted back</p> <p>8 to you or that you had signed a Bengali version of it?</p> <p>9 A. My son read it to me.</p> <p>10 Q. Who is your son?</p> <p>11 A. Mohammed (unclear).</p> <p>12 Q. Your nephew is called Mohammed Kamaruzzaman?</p> <p>13 A. Yes.</p> <p>14 Q. Your nephew lives with your mother Gulab Bibi; is that</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. What was the circumstances in which you came to make a</p> <p>18 statement in September?</p> <p>19 A. I do not know nothing about this matter. I do not know even</p> <p>20 who is Kabir.</p> <p>21 Q. What were the circumstances in which you came to make this</p> <p>22 statement in September?</p> <p>23 A. Okay, I came back from Bangladesh at the time, someone from</p> <p>24 London called Noor called me.</p> <p>25 Q. What is his name?</p>	<p>1 SHAMIN AHMED SUFI - HOAR</p> <p>2 Q. How old is your son?</p> <p>3 A. He is 20 plus, he goes to university.</p> <p>4 Q. You said in it Kabir Ahmed did not collect your mother's vote</p> <p>5 and you did not shout at Kabir Ahmed?</p> <p>6 A. Yes, that is true.</p> <p>7 Q. Nobody has ever suggested I think -- can I have a moment, my</p> <p>8 Lord, before I ask the next question, just to ensure this</p> <p>9 question is correct. Were you shown any document before you</p> <p>10 wrote that witness statement?</p> <p>11 A. Sorry, who should have showed me?</p> <p>12 Q. I just wonder if you were shown any document before you made</p> <p>13 that witness statement.</p> <p>14 A. I did not understand.</p> <p>15 Q. Before you wrote the statement were you shown any other piece</p> <p>16 of writing about this incident?</p> <p>17 A. The first paper when I said my son in Bengali language and he</p> <p>18 translated it in English, then my son read it back to me</p> <p>19 again.</p> <p>20 Q. How did you know that it was being alleged that you had</p> <p>21 shouted at Kabir Ahmed?</p> <p>22 A. When I was in Bangladesh and when he called me at the time,</p> <p>23 then I started to know. I do not even know actually how was</p> <p>24 I included in the election petition because I was ----</p> <p>25 Q. You mentioned the election petition, I am going to take you to</p>

[9] (Pages 4084 to 4087)

[Page 4088]

[Page 4090]

1 SHAMIN AHMED SUFI - HOAR
 2 the election petition and refer to your grandmother now. Can
 3 you take out the yellow file A and turn to tab A, page 23.
 4 This is the only mention of your grandmother made by the
 5 petitioners prior to the exchange of witness statements two
 6 weeks after you made your witness statement.
 7 A. Which paragraph?
 8 Q. Sorry, paragraph 13, sub-paragraph (2), page 23.
 9 A. Yes.
 10 Q. If you look, the only part of this that was before it had been
 11 served was the bit that is in black ink, the red bit was added
 12 in December last year. So, this is what it said: "The blank
 13 postal ballot of Mr. Gulab Bibi of 409 Bentworth Court, 80
 14 Gamby Street, an elector was collected by an agent of the
 15 first respondent." That, Mr. Ahmed, is the only mention of
 16 your grandmother that was made by the petitioners before
 17 October 2014.
 18 THE INTERPRETER: Could you please put it in a short sentence
 19 before I interpret?
 20 MR. HOAR: Sorry. That sentence was the only mention of your
 21 grandmother that was made before October last year.
 22 MR. PENNY: I do not want to prevent my learned friend, but just
 23 turn over the page and look at the deleted 13(9) which was
 24 rather different in the way it was expressed in the original
 25 petition.

1 SHAMIN AHMED SUFI - HOAR
 2 which has been all been deleted. That was not deleted in
 3 August when it was served. Were you aware that the allegation
 4 was that you shouted about Kabir Ahmed, not to Kabir Ahmed?
 5 THE WITNESS: I do not even know someone called Kabir Ahmed.
 6 Q. Kabir Ahmed runs a shop, does he not?
 7 A. I do not know whether he has a shop or not, because I do not
 8 know him.
 9 Q. He runs a shop very close to your mother?
 10 A. Maybe there is a shop, but I do not know who is Kabir Ahmed.
 11 Q. The shop is called Limehouse Groceries or Express Store?
 12 A. I know that shop Limehouse. Yes, I go and do shopping there,
 13 but I do not know who Kabir Ahmed is.
 14 Q. Kabir Ahmed was at that time a councillor?
 15 A. I do not know.
 16 Q. Yet you do not know who he is?
 17 A. Yes, I do not know.
 18 Q. You do not say in your witness statement "I do not know who
 19 Kabir Ahmed is", do you?
 20 A. Because as I do not know Kabir Ahmed why would I shout at him
 21 and why there was a question ----
 22 Q. If you do not know Kabir Ahmed, how do you know whether or not
 23 you shouted at him?
 24 THE INTERPRETER: Sorry?
 25 MR. HOAR: If you do not know Kabir Ahmed, how can you tell

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[Page 4091]

1 SHAMIN AHMED SUFI - HOAR
 2 MR. HOAR: Sorry, I am going to change that. That was what I was
 3 looking for and did not find.
 4 MR. PENNY: I think my learned friend deleted it because it was a
 5 repetition. It is expressed in rather more detailed terms.
 6 MR. HOAR: I am grateful to my learned friend for pointing that
 7 out. I was looking for it just now. I am going to change the
 8 manner in which I ask these questions on that basis.
 9 THE COMMISSIONER: I assumed that the point you were making was
 10 that there was no allegation of anybody shouting at this
 11 stage.
 12 MR. HOAR: It seems there was, but not at Kabir Ahmed. I will
 13 need to put that in a different way.
 14 MR. PENNY: Specifically it was pleaded in the first set of
 15 particulars that this man had shouted in the street in front
 16 of a large number of people that Kabir Ahmed had collected her
 17 vote and, therefore, the witness statement addressed that
 18 allegation. So, the point that my learned friend was seeking
 19 to pursue ----
 20 THE COMMISSIONER: The point that he was answering an allegation
 21 that was not yet made does not appear to be correct, because
 22 the allegation had been made.
 23 MR. HOAR: That is not quite right because it is not put in that
 24 terms. Can I put it in a different way. Perhaps,
 25 Mr. Interpreter, you could turn to page 24, sub-paragraph (8)

1 SHAMIN AHMED SUFI - HOAR
 2 whether you shouted at him?
 3 THE WITNESS: I had to bring my 90 year old mother here, they are
 4 very clever, I do not know what kind of games they are
 5 playing. They used my name without my consent, they used my
 6 mother's name without my consent.
 7 Q. That is because your mother had her vote taken away by Kabir
 8 Ahmed or one of his brothers, is it not?
 9 THE INTERPRETER: I have asked him to put it in one sentence so
 10 I can interpret.
 11 THE WITNESS: My name was used without my consent, my mother's
 12 name was used without her consent. I did not go nowhere.
 13 I did not go to anyone saying that, you know, I was shouting
 14 at him or making any allegations against him.
 15 Q. The reason that we know that now is because she did not write
 16 her date of birth on her postal voting statement?
 17 A. I do not know about this.
 18 Q. Also, because you shouted outside a school accusing Kabir
 19 Ahmed of taking your mother's vote?
 20 A. It is lies. As I told you, I do not know Kabir and how would
 21 I be shouting at him?
 22 Q. Because you do know Kabir Ahmed and you know that he or his
 23 brothers have taken your mother's vote?
 24 A. Impossible, I am saying again and again I do not know Kabir
 25 Ahmed.

[10] (Pages 4088 to 4091)

[Page 4092]

1 SHAMIN AHMED SUFI - HOAR
 2 Q. You spoke to Councillor Abdul Mokit, Chanu Mokit, did you not?
 3 A. (Unclear) came in front of me and read the statement.
 4 Q. No, I am asking you a question and you answer it, please. You
 5 spoke, did you not, to Chanu Mokit?
 6 A. I go to (unclear), I take my children to (unclear) school,
 7 does Chanu come with the school with his children?
 8 Q. I did not ask you to ask me a question. I asked you to answer
 9 a question I asked. All right. Just answer it, please. Did
 10 you speak to Chanu Mokit about this ----
 11 A. No, I did not speak to him.
 12 Q. Did you say to him that Kabir had taken your mother's vote?
 13 A. I am saying again and again I did not speak to Kabir.
 14 Q. Did you then go to the Virginia school ----
 15 A. Chanu is a liar.
 16 Q. Did you then go to the Virginia school and shout, "How dare
 17 Kabir steel this" in front of 50 parents and say that you
 18 would go to the courts? Did you go to the Virginia school and
 19 shout, "How dare he steel this" in front of 50 parents
 20 approximately?
 21 A. I am saying again, again and again being Chanu in front of me,
 22 how can he make a statement like this?
 23 Q. Did you say it? Can you answer the question, rather than
 24 asking questions.
 25 A. No, I said nothing like this.

[Page 4093]

1 SHAMIN AHMED SUFI - HOAR
 2 Q. Nothing like that. Did you then receive Kabir Ahmed and his
 3 brother at your flat with an elderly gentlemen.
 4 A. Sorry?
 5 Q. After this, I suggest this is what happened, Kabir Ahmed, his
 6 brother and an elderly gentlemen went to your flat or house
 7 and Kabir Ahmed apologised to you and asked you not to take it
 8 further?
 9 A. Who is he?
 10 Q. Kabir Ahmed.
 11 A. As I told you, I do not know Kabir Ahmed, how he tell to me.
 12 Q. You spoke to Gulab Robanni outside court, did you not; you
 13 know who he is, do you not?
 14 A. No.
 15 Q. He told you it would be -- could I take instructions. That is
 16 a lie, you did speak to Gulab Robanni outside court, did you
 17 not? You have just lied, have you not?
 18 A. No, I did not speak to Gulab Robanni.
 19 Q. He told you that it would be a good idea if you said you do
 20 not know Kabir Ahmed, did he not?
 21 A. Who is Gulab Robanni.
 22 Q. You do not know who Gulab Robanni is; that is also a lie, is
 23 it not?
 24 A. I do not know who is Gulab Robanni. I have never spoken to
 25 him.

[Page 4094]

1 SHAMIN AHMED SUFI - HOAR
 2 Q. The reason you are upset is because you thought this would all
 3 go away when Kabir Ahmed spoke to you, did you not?
 4 A. Yes, I am upset because my name was used without my consent,
 5 my mother's name was used without her consent.
 6 Q. But not that your mother's vote was not taken, because it was
 7 and you know it, do not you?
 8 THE INTERPRETER: Could you please repeat that question?
 9 MR. HOAR: You are not upset that the allegation is that your
 10 mother's vote was taken, because you know it was taken, do you
 11 not? You are just upset that you have been brought into this
 12 without your consent?
 13 THE WITNESS: I did not make any protest to anything which would
 14 get someone else stolen my mum's vote. What are their
 15 interests actually to put my name and my mother's name without
 16 our consent?
 17 Q. So, Chanu Mokit is lying about all that, is he?
 18 A. Yes, and the person is lying.
 19 MR. HOAR: No more questions.
 20 MR. PENNY: No re-examination.
 21 THE COMMISSIONER: Thank you very much. Mr. Interpreter, tell him
 22 he is free to go.
 23 (The witness withdrew)
 24 MR. HOAR: My Lord, I would apply now to call rebuttal evidence
 25 contradicting his account that he did not speak to Robanni

[Page 4095]

1 DISCUSSION
 2 outside the court.
 3 THE COMMISSIONER: You had better let ----
 4 MR. PENNY: Let the witness leave the room at least.
 5 MR. HOAR: I do not think I am going to apply to recall the
 6 witness.
 7 THE COMMISSIONER: No, the witness is released. Do you have any
 8 more witnesses here this morning, Mr. Penny?
 9 MR. PENNY: I have bits and pieces to give you.
 10 THE COMMISSIONER: Mr. Hoar, do you have any live witnesses to be
 11 called this morning?
 12 MR. HOAR: One at least, one witness who will need the use of the
 13 interpreter. In respect of that witness, my learned friend
 14 does not agree to my calling him, I will need to make an
 15 application.
 16 THE COMMISSIONER: Do we have a statement from that witness?
 17 MR. HOAR: We do.
 18 MR. PENNY: Can I go on with what I was doing?
 19 THE COMMISSIONER: I was trying to find out whether we have any
 20 live witnesses between now and lunchtime.
 21 MR. PENNY: This is an argument that you are about to get into,
 22 I want ----
 23 THE COMMISSIONER: I am about to listen to.
 24 MR. PENNY: Forgive me, absolutely. You are about to hear
 25 submissions. In the meantime, can I hand this document up to

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1 DISCUSSION

2 you. This is a list of witness statements contained within

3 the first respondent's bundle and the police bundles which the

4 petitioners have agreed may be read.

5 THE COMMISSIONER: Clearly we are not going to have all these

6 statements read out.

7 MR. PENNY: No, it is to invite your Lordship to take some time to

8 read them in due course. Can I hand up one further document,

9 this is the original piece of paper which Mr. Islam signed.

10 I said there was a witness, when we were dealing with hearsay,

11 who was not able to sign his draft CPR statement and is in

12 Bangladesh and has remained there. So, that is to be added,

13 so to speak.

14 THE COMMISSIONER: Where do you suggest that be put? This is the

15 blank space in your to be read list?

16 MR. PENNY: Yes. Somewhere in bundle S anyway -- it is bundle R,

17 I think.

18 THE COMMISSIONER: At the moment I will add that.

19 MR. PENNY: That one is obviously a hearsay warning because it is

20 a hearsay statement. There is another one, which is at

21 page 81, which is the other hearsay application, R/81 is the

22 man who responds to ---

23 THE COMMISSIONER: Noman Ahmed.

24 MR. PENNY: He is the man who is the subject matter of the

25 allegation by (unclear). He is in Bangladesh. Again, a

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1 DISCUSSION

2 hearsay warning as far as that is concerned.

3 Can I hand up a statement of the witnesses that I am

4 going to call this afternoon so that your Lordship has them.

5 (Same handed) I will give you, if I may, a hardcopy of

6 Baroness Uddin's statement; I think you have the electronic

7 copy.

8 THE COMMISSIONER: Yes, but in view of the fact there was

9 controversy as to whether this lady should be called.

10 MR. HOAR: Lady Uddin we are quite happy to call now.

11 MR. PENNY: Can I point out to you, the document in respect of

12 which I withdraw my allegation, so to speak, and I apologise

13 for it, it was based upon the way the text appears in the

14 article itself. At 1999G in volume W, I am sure you will

15 recall this.

16 THE COMMISSIONER: Indeed, yes.

17 MR. PENNY: The way this all arises is Mr. Biggs made a third

18 statement, which was served on me, in which Mr. Biggs said

19 that is a quote from the hoax fax, she did not actually ever

20 say that; in other words, this is an article which failed to

21 attribute the source. Of course, I took this at face value,

22 so to speak.

23 THE COMMISSIONER: But it is now accepted it was not this lady's

24 actual words but falsely attributed to her.

25 MR. PENNY: Absolutely and she has made a witness statement to

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1 DISCUSSION

2 that effect, but obviously there are other aspects to the

3 content of her witness statement.

4 THE COMMISSIONER: Yes.

5 MR. PENNY: That is where we are at as far as my case for the time

6 being is concerned. I understand my learned friend wants to

7 raise this matter and I will let him deal with that.

8 MR. HOAR: My apologies for jumping the gun on that. I do

9 somewhere have this statement. I was looking for it, the gist

10 of allegation this witness makes, he is Siraj Uddin, who is

11 the witness who was convicted of assaulting three

12 individuals -- sorry, one and witnessed by two, he said he was

13 assaulted by those individuals. He has given evidence that

14 subsequent to this he was the subject of intimidation by one

15 at least of those individuals, if not two. The two

16 individuals he names, I know that one of them is subject to

17 the allegations, I think both of them in respect of the

18 conviction, the facts of which he disputes.

19 I submit this is relevant evidence for two reasons.

20 First, it supports his assertion that the conviction was wrong

21 and in circumstances where the petitioners are applying to

22 have that set aside. Secondly, it is evidence of intimidation

23 of witnesses to the petitioners by agents, we say they are

24 agents, of the first respondents. The reason we submit they

25 were agents or at least, if not agents, associated with the

[Page 4099]

1 DISCUSSION

2 first respondent is because they were intimidating him because

3 he had given evidence against Mr. Rahman. That is

4 additionally set aside, looking at it apart from the

5 conviction element, a relevant matter when your Lordship comes

6 to decide upon the credibility of the respondents' case as a

7 whole. We will be submitting that there are a very

8 considerable number of very concerning matters, including the

9 manner in which witness statements were taken, the lies that

10 were told by witnesses, the fact that postal voters came to

11 give evidence, one of them did give evidence, two of them were

12 not called. We will serving electoral registers on you

13 shortly about that. Then we have the Tariq Miah situation and

14 the Suman Khan situation in respect of which I have made

15 submissions already and will make more.

16 Quite apart from the relevance of it going to whether or

17 not he was attacked or he attacked others or another back in

18 2010 or when it was, 2011, it is relevant evidence for that

19 reason. For that reason I seek to call him, Siraj Uddin.

20 That is my application.

21 THE COMMISSIONER: Do I have his statement?

22 MR. HOAR: Your Lordship does not, I deliberately did not file it.

23 I have served it. I have copies somewhere.

24 MR. PENNY: Can I attempt to deal with this, my Lord, without the

25 statement, so to speak, to begin with?

[Page 4100]	[Page 4102]
<p>1 DISCUSSION</p> <p>2 THE COMMISSIONER: Yes, of course.</p> <p>3 MR. PENNY: This is the witness who was formally anonymous, your</p> <p>4 Lordship will recall.</p> <p>5 THE COMMISSIONER: I do, yes.</p> <p>6 MR. PENNY: As I understand it, I do not know, but plainly if</p> <p>7 there is any truth in the witness statement at all, it is</p> <p>8 likely this is the subject matter of a police investigation</p> <p>9 currently.</p> <p>10 THE COMMISSIONER: Is this the incident that it is alleged took</p> <p>11 place outside court?</p> <p>12 MR. PENNY: No, a different individual. This is the man who says</p> <p>13 he was wrongly convicted of common assault at Thames</p> <p>14 Magistrates.</p> <p>15 THE COMMISSIONER: I remember that certainly.</p> <p>16 MR. PENNY: These people, whoever they are, have since threatened</p> <p>17 him. He has made an allegation of something in this witness</p> <p>18 statement about abuse and harassment. It must be the subject</p> <p>19 matter of a police investigation, one assumes, if there is any</p> <p>20 truth in it. We do not have any material from that police</p> <p>21 investigation. I have absolutely no instructions about it.</p> <p>22 I do not know anything about it all, other than this witness</p> <p>23 statement.</p> <p>24 What it proves in relation to a man whose credibility</p> <p>25 your Lordship will already be in a position to assess, having</p>	<p>1 DISCUSSION</p> <p>2 that is the Metropolitan Police and not myself; on the basis</p> <p>3 that the intimidation of witnesses is a matter for the</p> <p>4 administration of justice as a whole, it is not necessarily</p> <p>5 probative of any issue in the case. I can see the argument</p> <p>6 being made, as I am sure it is made in every criminal case</p> <p>7 where there has been intimidation of witnesses, well, who</p> <p>8 would intimidate the witnesses if it was not a true bill.</p> <p>9 That I can fully understand. Normally allegations of witness</p> <p>10 intimidation occur when the witness either refuses to give</p> <p>11 evidence at all or who comes along and sings an entirely a</p> <p>12 different tune from the one he has been hitherto singing.</p> <p>13 It is a little difficult, I think, to see the relevance</p> <p>14 to the issues in the case and whether this man after giving</p> <p>15 evidence has been the subject of intimidation and threats.</p> <p>16 That is, I think, my difficulty, Mr. Hoar.</p> <p>17 MR. HOAR: I follow that.</p> <p>18 THE COMMISSIONER: As I say, for the purposes of argument, I am</p> <p>19 prepared to accept this is a true bill and he has been subject</p> <p>20 to unpleasant threats and intimidation by what I in slang call</p> <p>21 heavies.</p> <p>22 MR. HOAR: The submission I make is twofold. First, in terms of</p> <p>23 his credibility, it supports his suggestion that these</p> <p>24 individuals have been intimidating or attacking him rather</p> <p>25 than the other way round. So, that is a matter that could,</p>
[Page 4101]	[Page 4103]
<p>1 DISCUSSION</p> <p>2 heard his evidence, may be a matter of some doubt for your</p> <p>3 Lordship. In any event, this is a matter which I simply</p> <p>4 cannot cope with, in these circumstances today; because I do</p> <p>5 not know anything about it other than what he says as to its</p> <p>6 truth or any of the other material which must exist in</p> <p>7 relation to it. Because if there has been a police</p> <p>8 investigation, then one assumes it may be ongoing, there may</p> <p>9 be investigations into it ongoing. Why you would think that</p> <p>10 it has anything to do with the case or the first respondent,</p> <p>11 I am struggling to see. How it is going to help is another</p> <p>12 issue altogether.</p> <p>13 THE COMMISSIONER: That is what is troubling me here. Assume for</p> <p>14 the moment that all this is completely true and this man has</p> <p>15 been approached by heavies. Let us assume, simply for the</p> <p>16 sake of argument, putting the case as its highest, heavies who</p> <p>17 are agents of the mayor. This is after he has given evidence,</p> <p>18 he is not going to be recalled to give evidence again.</p> <p>19 Whether or not he has been subsequently threatened does not</p> <p>20 impact on the areas of his credibility arising from his</p> <p>21 account of the events leading to the conviction, because</p> <p>22 clearly they are in the past.</p> <p>23 I have taken the view so far that if and to the extent</p> <p>24 that there is evidence that witnesses have been subject of</p> <p>25 intimidation in this case, the correct agency to deal with</p>	<p>1 DISCUSSION</p> <p>2 may go to his credit. Secondly, in relation to the evidence</p> <p>3 he gives about having been attacked by these individuals, it</p> <p>4 may tend to support his allegation that that is what happened,</p> <p>5 in terms of the more general evidence, not merely so far as</p> <p>6 his credit is concerned but so far as the credit of those</p> <p>7 individuals is also concerned. Obviously that is not a matter</p> <p>8 that could have been before the Thames Magistrates court</p> <p>9 because it did not happen and it can be that evidence arises</p> <p>10 that subsequent to a trial may have some relevance to the</p> <p>11 issues; for example, intimidation is a classic example. A</p> <p>12 trial takes place, a person is convicted, it is a very</p> <p>13 speculative -- I appreciate I am making a speculative point, a</p> <p>14 hypothetical point -- the fact that that person convicted is</p> <p>15 then subject to similar sorts of behaviour may tend to suggest</p> <p>16 that conviction was wrong. That is very hypothetical. I hear</p> <p>17 my learned friend's response to that.</p> <p>18 MR. PENNY: It does not say much for my learned friend's</p> <p>19 assessment of the ability of the Magistrates court at Thames</p> <p>20 to make an assessment as to whether this man who gave evidence</p> <p>21 on that occasion was disbelieved and was convicted. My</p> <p>22 learned friend has made many ambitious submissions during the</p> <p>23 course of this case, but to seek to rehabilitate this witness,</p> <p>24 of all witnesses, must be amongst the most ambitious of them</p> <p>25 all. Certainly by reference to an alleged incident involving</p>

[13] (Pages 4100 to 4103)

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[Page 4106]

1 DISCUSSION
 2 the men who were, according to the findings of the justices at
 3 Thames Magistrates, the victims of his previous offending.
 4 THE COMMISSIONER: I have got both your points. I am not going to
 5 have this witness called. I think you must take your witness,
 6 who stands where he stands on this, Mr. Hoar. It is not by
 7 any means certain that, despite his conviction, I do not
 8 accept some at least of what he says. It is a matter for me
 9 to make my assessment of what, if any, facts are to be gained
 10 from his evidence. At the end of the day, that is my job.
 11 MR. HOAR: Absolutely.
 12 THE COMMISSIONER: On that premise ----
 13 MR. HOAR: I did indicate that I had two other points to make and
 14 two other documents. Two witness statements were provided and
 15 served by the First Respondent by two witnesses, Salim Miah
 16 and Jaman Mohammed Aktaruj(?). They claimed to have voted in
 17 polling stations, but they actually voted by post. These are
 18 their witness statements and the marked register showing that
 19 they were postal voters. (Same handed)
 20 THE COMMISSIONER: I remember the witness.
 21 MR. HOAR: They are two of three.
 22 MR. PENNY: Can I just point out ----
 23 THE COMMISSIONER: These are not ones that are in the bundle.
 24 MR. HOAR: One of them is, actually. Jaman is.
 25 MR. PENNY: ---- that I am reminding your Lordship of something

1 DISCUSSION
 2 If he going to be called, there has got to be a short
 3 statement on the file and served on Mr. Penny.
 4 MR. PENNY: I am sorry, your Lordship would, in due course, should
 5 this matter be dealt with appropriately, be inviting me to
 6 make submissions on the question of whether such evidence
 7 could be called in any event.
 8 THE COMMISSIONER: Of course, and I would have to take them.
 9 MR. PENNY: Yes.
 10 MR. HOAR: Sorry, there is another issue. I did ask a police
 11 officer, P.C. Warlow, whose statement I did actually serve
 12 yesterday but did not file, to come to court to give evidence.
 13 He was an officer who took the account that was given by
 14 Mr. Andrew Ager, who was a witness who was called in probably
 15 the second week or so of the Petitioners' case. He is sitting
 16 outside.
 17 THE COMMISSIONER: Who is, the police officer or Mr. Ager?
 18 MR. HOAR: The police officer.
 19 MR. PENNY: I am completely in the dark about this.
 20 THE COMMISSIONER: You had better enlighten Mr. Penny, Mr. Hoar,
 21 because he is obviously as much in the dark as I am. It is
 22 necessary that he should be enlightened before I am
 23 enlightened.
 24 MR. HOAR: Indeed, of course it is. Could I just have five
 25 minutes to sort that out and then call him if necessary or

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1 DISCUSSION
 2 that you already know, which is that you can take a postal
 3 vote to a polling station.
 4 THE COMMISSIONER: Yes, you can. That has always been a fact.
 5 MR. HOAR: Although unfortunately ----
 6 MR. PENNY: My learned friend is right about the polling station
 7 point. I accept that entirely.
 8 THE COMMISSIONER: What the point of doing so, I have never
 9 understood, but it is certainly something you are entitled to
 10 do. I assume it is for people who suddenly realise at the
 11 last moment that they have not filled in their postal votes.
 12 MR. HOAR: Mr. Reza went through and said he went to the booth and
 13 spoiled his form, unfortunately.
 14 THE COMMISSIONER: Yes, that is a horse of a different colour.
 15 MR. HOAR: These witnesses have not had the opportunity to say
 16 that, but there we are.
 17 THE COMMISSIONER: There we are. Now has that concluded all the
 18 business that we can do this morning? At 2 o'clock, we will
 19 hear ----
 20 MR. HOAR: There is one other issue which is simply this.
 21 Witnesses did see Mr. Robbani speak to the witness you have
 22 just heard say he did not speak to Robbani and he does not
 23 know who he is. I would like to call one of them, Khaled
 24 Ahmed.
 25 THE COMMISSIONER: I think you had better get a short statement.

1 DISCUSSION
 2 otherwise he could be read rather than wait until this
 3 afternoon?
 4 THE COMMISSIONER: That is fine, yes.
 5 MR. HOAR: It may be that we do not ask your Lordship to come back
 6 if his statement can be accepted.
 7 THE COMMISSIONER: I think I would need to come back to be told
 8 that in public in open court.
 9 MR. HOAR: Very well, as your Lordship wishes.
 10 THE COMMISSIONER: I will give you to twenty-five minutes past 12.
 11 (A short break)
 12 MR. PENNY: My Lord, I ought to ask this question as we are in
 13 public and so forth. Did your Lordship read the email
 14 correspondence that you received after court yesterday from my
 15 learned friend in relation to Mr. Aktaruzzaman?
 16 THE COMMISSIONER: No.
 17 MR. PENNY: Right. Can we deal with this at 2 o'clock then and I
 18 will speak to my learned friend about the appropriate way
 19 forward?
 20 THE COMMISSIONER: Yes. You do not want me to read it in the
 21 meantime?
 22 MR. PENNY: "No" is the short answer for the time being. We will
 23 discuss the appropriate way forward.
 24 THE COMMISSIONER: I did not simply because I did not have time.
 25 MR. PENNY: That is fine. Let us leave it there for the time

[14] (Pages 4104 to 4107)

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<p>1 DISCUSSION</p> <p>2 being and we can deal with it this afternoon.</p> <p>3 THE COMMISSIONER: What is the position with the police officer?</p> <p>4 MR. HOAR: He is gone.</p> <p>5 THE COMMISSIONER: He has gone away. Does that mean that all this</p> <p>6 morning's problems have been either resolved or postponed?</p> <p>7 MR. HOAR: Yes, mostly resolved.</p> <p>8 MR. PENNY: Resolved, I think. I think we have got theoretically</p> <p>9 this to resolve, which we will do between us, and then four</p> <p>10 witnesses this afternoon. They will be the two ----</p> <p>11 THE COMMISSIONER: The three you have given me plus Mr. Biggs</p> <p>12 recalled.</p> <p>13 MR. PENNY: Indeed. Mr. Biggs recalled will be, I can assure you,</p> <p>14 five minutes.</p> <p>15 THE COMMISSIONER: I do not imagine that anyone is going to be</p> <p>16 terribly long with Rabbi Silver or Father O'Brien.</p> <p>17 MR. HOAR: I may be a little bit of time with Baroness Uddin.</p> <p>18 THE COMMISSIONER: That is a different matter. Interestingly,</p> <p>19 some of the cuttings that we have are for other reasons in the</p> <p>20 documents here. You allude to the matter which ----</p> <p>21 MR. HOAR: I will and I have the House of Lords report which I</p> <p>22 will be putting to her.</p> <p>23 THE COMMISSIONER: There we are. Two o'clock then.</p> <p>24 (Adjourned for a short time)</p> <p>25 THE COMMISSIONER: We always get a fuller house towards the end of</p>	<p>1 O'BRIEN</p> <p>2 FATHER THOMAS O'BRIEN, SWORN</p> <p>3 EXAMINED BY MR. PENNY</p> <p>4 THE COMMISSIONER: If you would like to sit down, Father O'Brien,</p> <p>5 you may do so.</p> <p>6 THE WITNESS: Thank you.</p> <p>7 MR. PENNY: May we have your full name, please?</p> <p>8 A. Thomas O'Brien.</p> <p>9 Q. Can I pass over to you -- you may have a copy of it, actually.</p> <p>10 A. I have a copy of my statement.</p> <p>11 Q. Right. Thank you very much indeed. Is it dated 9th March</p> <p>12 2015?</p> <p>13 A. Yes.</p> <p>14 Q. Thank you very much indeed. I think you are the parish priest</p> <p>15 at Our Lady of the Assumption Catholic Church?</p> <p>16 A. I was.</p> <p>17 Q. Forgive me. You are formerly were the parish priest at Our</p> <p>18 Lady of the Assumption, in Victoria Park Square,</p> <p>19 Bethnal Green?</p> <p>20 A. Yes.</p> <p>21 Q. You made this witness statement, did you, on 9th March 2015.</p> <p>22 Do we have your signature on the declaration?</p> <p>23 A. Yes.</p> <p>24 Q. On the second page?</p> <p>25 A. Yes.</p>
[Page 4109]	[Page 4111]
<p>1 DISCUSSION</p> <p>2 the run, Mr. Penny.</p> <p>3 MR. PENNY: I think that might depend on what is on the bill.</p> <p>4 THE COMMISSIONER: I am sure you are top of the bill this</p> <p>5 afternoon, Mr. Penny.</p> <p>6 MR. PENNY: Thomas O'Brien, please. I am going to invite</p> <p>7 your Lordship to insert this at page 374.1 in bundle S.</p> <p>8 THE COMMISSIONER: That is very sensible. Sorry ----</p> <p>9 MR. PENNY: 374.1. If you go behind tab O, and then if you</p> <p>10 just -- sorry, do you have the statement?</p> <p>11 THE COMMISSIONER: I do. I was just wondering why we are going to</p> <p>12 put it under M, rather than O.</p> <p>13 MR. PENNY: If you turn beyond the O. I have turned beyond the O.</p> <p>14 THE COMMISSIONER: In that case, it should be 376.</p> <p>15 MR. PENNY: I have a 375, which is in O.</p> <p>16 THE COMMISSIONER: That is right. So, you want to put it in front</p> <p>17 of it. All right.</p> <p>18 MR. PENNY: Does O'Brien come before O'Connell in the alphabet? I</p> <p>19 am not sure.</p> <p>20 THE COMMISSIONER: We will work it out.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 O'BRIEN - PENNY</p> <p>2 Q. You make a declaration that the facts stated in the witness</p> <p>3 statement are true?</p> <p>4 A. Yes.</p> <p>5 Q. And is that correct?</p> <p>6 A. Yes.</p> <p>7 MR. PENNY: Thank. Would you wait there, please.</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

[15] (Pages 4108 to 4111)

[Page 4112]

1 O'BRIEN
 2 CROSS-EXAMINED BY MR. HOAR
 3 MR. HOAR: Father O'Brien, you attended, I think, an event at
 4 Canary Wharf on 14th January. Do you remember?
 5 A. Probably, but you would have to fill me in on what the event
 6 was.
 7 Q. I will fill you in. Three years on, Mayor Lutfur Rahman; it
 8 was a dinner for about 600 people?
 9 A. Oh, yes.
 10 Q. You did not pay for that dinner, did you?
 11 A. No.
 12 Q. Did you not see any raffle or auction at that dinner?
 13 A. No.
 14 Q. You did not speak to anyone who paid for their dinner, did
 15 you?
 16 A. No.
 17 MR. HOAR: No more questions.
 18 THE COMMISSIONER: Thank you. Any re-examination?
 19 MR. PENNY: There is no re-examination, my Lord.
 20 THE COMMISSIONER: Thank you very much. You may get back to your
 21 parish, Father.
 22 THE WITNESS: Thank you very much.
 23 (The witness withdrew)
 24 MR. PENNY: Leon Silver, please. I was going to suggest 433.1 for
 25 this.

[Page 4113]

1 O'BRIEN
 2 THE COMMISSIONER: Yes, absolutely; after Ms. Shawcroft.
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[Page 4114]

1 SILVER
 2 LEON SILVER, AFFIRMED
 3 EXAMINED BY MR. PENNY
 4 MR. PENNY: May we have your full name, please?
 5 A. Leon Silver.
 6 Q. I am going to hand over to you a copy of a witness statement
 7 which I believe you have signed on 9th March. You have been
 8 communicated with whilst you have been in New York; is that
 9 right, Mr. Silver?
 10 A. That is correct.
 11 Q. You have just returned, I think?
 12 A. Yes.
 13 Q. Thank you. You are the President of the East London Central
 14 Synagogue, which is also widely known informally as the Nelson
 15 Street Synagogue?
 16 A. That is correct, yes.
 17 Q. I think you are also on the steering committee of the Tower
 18 Hamlets Inter-Faith Forum and the Jewish representative on the
 19 Tower Hamlets Standing Advisory Council for Religious
 20 Education?
 21 A. Yes.
 22 Q. Can you just help us. The witness statement is signed
 23 9th March. It contains a declaration that you believe the
 24 facts stated in the witness statement to be true. Have you
 25 had an opportunity to check the contents of the witness

[Page 4115]

1 SILVER - PENNY
 2 statement today?
 3 A. Yes, I have.
 4 Q. And are you content with it?
 5 A. Yes. One name is spelt wrong in it, but that is all.
 6 Q. Just help us with that. Where is that?
 7 A. When I refer to Andre Breivik, with the Norwegian massacre, it
 8 is actually Anders Breivik.
 9 Q. Forgive me. Can you point out the paragraph? Oh, yes,
 10 paragraph 15?
 11 A. Yes.
 12 Q. You are dealing with Mayor Rahman's attendance at the
 13 Synagogue's annual Holocaust commemoration?
 14 A. Yes.
 15 Q. And with the Mayor Rahman's approach to anti-semitism?
 16 A. Yes.
 17 MR. PENNY: Thank you. Would you wait there, please.
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[16] (Pages 4112 to 4115)

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<p>1 SILVER</p> <p>2 CROSS-EXAMINED BY MR. HOAR</p> <p>3 MR. HOAR: Mr. Silver, you have detailed in your witness statement</p> <p>4 some of the involvement that you have had with Mayor Rahman;</p> <p>5 for example, paragraph 10 and paragraph 12. So, at</p> <p>6 paragraph 10, you talk of Mr. Rahman having been a guest</p> <p>7 speaker at the Synagogue?</p> <p>8 A. Yes.</p> <p>9 Q. At 12, that you first met Mayor Rahman when you showed him</p> <p>10 around the Synagogue; the Mayor's Fund, the launch of the</p> <p>11 Mayor's Fund at paragraph 13. It is right that you were also</p> <p>12 filmed touring the Synagogue with Mayor Rahman on the Panorama</p> <p>13 programme?</p> <p>14 A. Well, not touring, but yes, inside the Synagogue.</p> <p>15 Q. You know what I mean. You were inside the Synagogue,</p> <p>16 explaining, with Mayor Rahman, what had happened to Mr. Ware,</p> <p>17 I think?</p> <p>18 A. Yes.</p> <p>19 Q. You attended, did you not, the East Winter Gardens event in</p> <p>20 January 2014?</p> <p>21 A. East Winter Gardens event?</p> <p>22 Q. Canary Wharf, the launch dinner in 2015. If I am wrong about</p> <p>23 that, I am.</p> <p>24 A. I cannot remember.</p> <p>25 Q. And there will have been other meetings that you had with</p>	<p>1 SILVER - HOAR</p> <p>2 Q. You did not receive one?</p> <p>3 A. That was actually for a survey for expenses to have</p> <p>4 examinations of the roof, and other things that need doing.</p> <p>5 Q. But it was from the Mayor's faith grant scheme, was it not?</p> <p>6 A. Yes.</p> <p>7 Q. You have discussed with Mayor Rahman that your Synagogue has</p> <p>8 received money from this scheme, have you not?</p> <p>9 A. Yes.</p> <p>10 Q. He is well aware of it, is he not?</p> <p>11 A. As far as I know, yes.</p> <p>12 MR. HOAR: No more questions.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 SILVER - HOAR</p> <p>2 Mayor Rahman, would there not?</p> <p>3 A. Yes.</p> <p>4 Q. I think it is right that you also signed -- well, it is right.</p> <p>5 You signed, did you not, a letter to the Guardian, together</p> <p>6 with a number of other faith leaders and political leaders,</p> <p>7 about the BNP rally that was due in 2013; is that right?</p> <p>8 A. No. It was the English Defence League.</p> <p>9 Q. My apologies. It was, indeed, the English Defence League.</p> <p>10 So, you have had a relatively large amount of contact with</p> <p>11 Mayor Rahman?</p> <p>12 A. Yes.</p> <p>13 Q. You applied for a faith grant from his faith grant scheme, did</p> <p>14 you?</p> <p>15 A. Yes.</p> <p>16 Q. And you received £15,000, I think?</p> <p>17 A. No.</p> <p>18 Q. Correct me if I am wrong.</p> <p>19 A. Well ----</p> <p>20 Q. There is a document, so we can see exactly what it is. I am</p> <p>21 not concerned with the exact amount.</p> <p>22 A. Yes. We applied for a grant a second time round, which we</p> <p>23 have not received.</p> <p>24 Q. The first time round?</p> <p>25 A. The first time round ----</p>	<p>1 SILVER</p> <p>2 RE-EXAMINED BY MR. PENNY</p> <p>3 MR. PENNY: Can we just have a look at some of the issues that you</p> <p>4 have been asked about, please, Mr. Silver?</p> <p>5 A. Yes.</p> <p>6 Q. You deal, at paragraph 10, with your Sabbath morning</p> <p>7 congregation at the Nelson Street Synagogue?</p> <p>8 A. Yes.</p> <p>9 Q. You deal with the fact that the building itself is "an iconic</p> <p>10 building of great significance that should be preserved in its</p> <p>11 own right as an important part of the culture and history of</p> <p>12 the borough and of London itself".</p> <p>13 THE COMMISSIONER: You say it is the oldest purpose-built</p> <p>14 Synagogue. Is it only 90 years old?</p> <p>15 A. Yes.</p> <p>16 Q. So, there are no older Synagogues?</p> <p>17 A. Not in the Stepney Whitechapel area, no.</p> <p>18 Q. I see. There might be in other parts of the borough?</p> <p>19 A. Oh, yes. Bevis Marks, which is in the City of London, is the</p> <p>20 oldest Synagogue in Britain.</p> <p>21 Q. It is 17th Century, is it not?</p> <p>22 A. 18th. I think 1701, I think.</p> <p>23 MR. PENNY: So far as Nelson Street is concerned, that was in fact</p> <p>24 the venue where you first met Lutfur Rahman; is that right?</p> <p>25 A. Yes, that is correct.</p>

[17] (Pages 4116 to 4119)

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<p>1 SILVER - PENNY</p> <p>2 Q. You have described what you make of him, as being warm and</p> <p>3 friendly ----</p> <p>4 A. Yes.</p> <p>5 Q. ---- and him going on the roof. You were asked also about the</p> <p>6 fact that you were filmed with him in the Synagogue. Was that</p> <p>7 by Mr. Ware, in the Panorama programme?</p> <p>8 A. Yes.</p> <p>9 Q. All right. So far as ----</p> <p>10 A. Sorry, the reference here is not to that.</p> <p>11 Q. That is what I was going to clarify with you. Let me just</p> <p>12 take you through them. When you were filmed, that was for the</p> <p>13 BBC television Panorama programme, and that was in the Nelson</p> <p>14 Street Synagogue?</p> <p>15 A. That was in Nelson Street Synagogue.</p> <p>16 Q. Just so that we understand, the grant or, rather, the funds</p> <p>17 that were given in respect of professional fees by the Council</p> <p>18 for the Synagogue, what were the professional fees in respect</p> <p>19 of?</p> <p>20 A. Surveys as to what actually needs to be done; also, ground</p> <p>21 plans, the roof, the wiring; there was a closed circuit camera</p> <p>22 into the drainage that runs under the Synagogue; Japanese</p> <p>23 knotweed in the ground, and so on.</p> <p>24 Q. Okay. Was that survey done?</p> <p>25 A. Yes.</p>	<p>1 SILVER - PENNY</p> <p>2 A. That is right.</p> <p>3 Q. What was that about?</p> <p>4 A. It was about the Palestinian flag being flown outside the</p> <p>5 Town Hall.</p> <p>6 Q. Did you make your views known to him about that?</p> <p>7 A. Oh, absolutely.</p> <p>8 Q. In your dealings with him, you described him as having been</p> <p>9 professional, courteous and friendly?</p> <p>10 A. Yes.</p> <p>11 Q. And you had become fond of him?</p> <p>12 A. Yes.</p> <p>13 MR. PENNY: Thank you. I do not know if your Lordship has any</p> <p>14 questions?</p> <p>15 THE COMMISSIONER: Not at all. Thank you very much, Mr. Silver,</p> <p>16 for coming, particularly as I gather you have just got off a</p> <p>17 plane.</p> <p>18 THE WITNESS: Yes, that is right -- well, yesterday.</p> <p>19 THE COMMISSIONER: You must be still jet lagged. So, go and sleep</p> <p>20 it off.</p> <p>21 THE WITNESS: Thank you, my Lord.</p> <p>22 (The witness withdrew)</p> <p>23 MR. PENNY: The next witness, my Lord, is Pola Uddin.</p> <p>24 Your Lordship has the witness statement. I think this will</p> <p>25 become 439.1.</p>
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<p>1 SILVER - PENNY</p> <p>2 Q. But have you been successful in obtaining any funding for the</p> <p>3 work itself?</p> <p>4 A. No.</p> <p>5 Q. As far as the incident in paragraph 15 is concerned, you talk</p> <p>6 there about a man, so to speak, expressing his views to you</p> <p>7 about having anything to do with Lutfur Rahman, when you were</p> <p>8 about to give a live interview on BBC Radio?</p> <p>9 A. Yes.</p> <p>10 Q. Help us, has that got something to do with the English Defence</p> <p>11 League ----</p> <p>12 A. No.</p> <p>13 Q. ---- or is that a different issue altogether?</p> <p>14 A. A different issue altogether.</p> <p>15 Q. So, what was the issue surrounding the English Defence League?</p> <p>16 A. There were a number of meetings and organising a demonstration</p> <p>17 of inter-communal unity within Tower Hamlets, and as far as I</p> <p>18 remember, we did have one or two meetings in the Mayor's</p> <p>19 parlour -- various people, from all kinds of different groups</p> <p>20 -- but we also had meetings elsewhere.</p> <p>21 Q. Thank you. You tell us that so far as the occasion with the</p> <p>22 BBC journalist and the man who told you that you were a</p> <p>23 disgrace to the Jewish community for allowing Lutfur Rahman</p> <p>24 into a Synagogue, you had just had a meeting, in fact, with</p> <p>25 Mr. Rahman in which you had been disagreeing with him?</p>	<p>1 BARONESS UDDIN</p> <p>2 BARONESS MANZILA POLA UDDIN, SWORN</p> <p>3 EXAMINED BY MR. PENNY</p> <p>4 MR. PENNY: May we have your full name, please?</p> <p>5 A. May I sit down?</p> <p>6 Q. I should think there would be no objection to that from</p> <p>7 his Lordship. I am not the right person to ask. My Lord, the</p> <p>8 witness is asking if she may sit down.</p> <p>9 THE COMMISSIONER: I am sorry. Of course, yes. I did not hear</p> <p>10 the question. Yes, all witnesses may sit.</p> <p>11 MR. PENNY: May we have your full name, please?</p> <p>12 A. Manzila Pola Uddin.</p> <p>13 Q. Can I ask you, please, do you have a copy of a witness</p> <p>14 statement that you made on -- well, I ought to ask you, when</p> <p>15 did you sign this witness statement?</p> <p>16 A. 12th March 2015.</p> <p>17 Q. 12th March 2015, which is yesterday?</p> <p>18 A. Yesterday.</p> <p>19 Q. Right. Thank you very much indeed. You are, therefore,</p> <p>20 familiar with its contents, I assume?</p> <p>21 A. I am indeed, yes.</p> <p>22 Q. You appreciate that at the end of the witness statement, there</p> <p>23 is a declaration as to the facts stated, which is in the</p> <p>24 following terms: "I believe the facts stated in this witness</p> <p>25 statement are true"?</p>

[18] (Pages 4120 to 4123)

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<p>1 BARONESS UDDIN - PENNY</p> <p>2 A. Yes, indeed.</p> <p>3 Q. And is that the case?</p> <p>4 A. Yes.</p> <p>5 Q. Now, I want to ask you, please, about paragraph 4 of your</p> <p>6 witness statement. I am going to ask you to look at a</p> <p>7 document, please. In front of you there should be a red file,</p> <p>8 or perhaps ----</p> <p>9 A. There is a red file.</p> <p>10 Q. Perhaps in the store ways, with a "W" on it, on the spine?</p> <p>11 A. I cannot see this. My Lord, I cannot see this.</p> <p>12 THE COMMISSIONER: In the boxes.</p> <p>13 MR. PENNY: In the grey boxes. That may be W that you are</p> <p>14 actually holding.</p> <p>15 THE COMMISSIONER: There should be a red file there.</p> <p>16 A. There is a red file, my Lord.</p> <p>17 Q. There should be a red file with a "W" on the spine in the</p> <p>18 boxes to your right.</p> <p>19 A. Okay.</p> <p>20 Q. Sorry, to your left. I apologise. Ah, that is it.</p> <p>21 A. I have it.</p> <p>22 MR. PENNY: Now, would you please turn in that file to about</p> <p>23 halfway through it. If you release the catch on the front,</p> <p>24 that is it. Then if you can turn through to page 1995.</p> <p>25 A. I have it.</p>	<p>1 BARONESS UDDIN</p> <p>2 CROSS-EXAMINED BY MR. HOAR</p> <p>3 MR. HOAR: Lady Uddin, I am going to take you, firstly, before</p> <p>4 I get to your witness statement, to a report. I wonder if</p> <p>5 your Lordship has it. It is a report by the House of Lords.</p> <p>6 THE COMMISSIONER: No.</p> <p>7 MR. HOAR: There are copies, actually. My learned friend has a</p> <p>8 copy. There is a copy for the witness there. (Same handed)</p> <p>9 THE COMMISSIONER: It is from the Parliament website. Yes.</p> <p>10 MR. HOAR: I do not know whether the witness has it. I do not</p> <p>11 think she does. (Same handed)</p> <p>12 I am just going to take you, if I may, to relevant</p> <p>13 passages. The report was published as a result of and was the</p> <p>14 conclusion of an investigation into your claims for expenses;</p> <p>15 that is correct, is it not?</p> <p>16 A. My allowances, yes. Yes, it was.</p> <p>17 Q. Can I take you, firstly -- now, you will see that there are</p> <p>18 page references, which are the internet copy page references,</p> <p>19 at the top right-hand corner. Do you see that? So, page 1 of</p> <p>20 14, 3 of 14, and so on.</p> <p>21 A. Okay.</p> <p>22 Q. Could I take you, first of all, to page 3 of 14, paragraph 23.</p> <p>23 This describes the resolutions of the House of Lords with</p> <p>24 regards to allowances, as you describe them, or expenses, as</p> <p>25 they describe them. The resolution includes, "1(a) expenses</p>
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<p>1 BARONESS UDDIN - PENNY</p> <p>2 Q. All right.</p> <p>3 A. I have it, my Lord.</p> <p>4 Q. Can we see there are a number of scanned documents here? I am</p> <p>5 not going ask you about this one. I just want you to flick</p> <p>6 through to 199G, please. Have a quick look at the pages as we</p> <p>7 go through.</p> <p>8 A. 199G?</p> <p>9 THE COMMISSIONER: 1999G.</p> <p>10 MR. PENNY: I keep missing a 9 out. 1999G.</p> <p>11 THE COMMISSIONER: It is an extract from a newspaper which says</p> <p>12 "Labour row on Council staff rages". Have you got that,</p> <p>13 1999G?</p> <p>14 A. I have, my Lord.</p> <p>15 MR. PENNY: I want to ask you this. Is that the article to which</p> <p>16 you make reference in paragraph 4 of your witness statement?</p> <p>17 A. Yes, my Lord, I do.</p> <p>18 MR. PENNY: Thank you very much indeed. Would you wait there,</p> <p>19 please.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 BARONESS UDDIN - HOAR</p> <p>2 incurred for the purpose of attendance at sittings of the</p> <p>3 House at committees; (b) expenses incurred" ----</p> <p>4 A. My Lord ----</p> <p>5 Q. No.</p> <p>6 A. Mr. Hoar, may I -- I do not understand what reference you make</p> <p>7 to this and the statement that I have made, and you should</p> <p>8 have made that quite clear.</p> <p>9 Q. Baroness Uddin, you will answer my questions unless there is</p> <p>10 an objection, and I have not asked one yet. If you are not</p> <p>11 following the reference, then that is another matter. But</p> <p>12 firstly, you will answer my questions, Lady Uddin. All right?</p> <p>13 A. My Lord, then I am asking for clarification, my Lord.</p> <p>14 Q. Paragraph 23, 1(a) and (b).</p> <p>15 THE COMMISSIONER: I am afraid that Council for the petitioners is</p> <p>16 perfectly entitled to cross-examine you as to this report,</p> <p>17 Lady Uddin. He is not obliged to keep his cross-examination</p> <p>18 to within the four corners of your witness statement. I am</p> <p>19 afraid, therefore, that at the moment his questions are</p> <p>20 proper, and you will answer them.</p> <p>21 MR. HOAR: Thank you. Does it say that "expenses can be claimed,</p> <p>22 if incurred, for the purposes of attendance at sittings of the</p> <p>23 House"; does it say that?</p> <p>24 A. I have not read at this moment.</p> <p>25 Q. I am asking you to read paragraph 23, 1(a), Lady Uddin; page 3</p>

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<p>1 BARONESS UDDIN - HOAR</p> <p>2 of 14.</p> <p>3 A. 23(a), I am reading that, and I have read it.</p> <p>4 Q. Indeed. Does it say "expenses incurred in staying overnight</p> <p>5 away from their only or main residence where it is necessary</p> <p>6 to do so for that purpose"?</p> <p>7 A. It does say that.</p> <p>8 Q. Is that your understanding of the House of Lords rules so far</p> <p>9 as expenses are concerned?</p> <p>10 A. Is that your first question?</p> <p>11 Q. No. It is about my fifth one. Is that the case, Lady Uddin?</p> <p>12 A. What is the case, Mr. Hoar?</p> <p>13 Q. Is it the case that those are the rules, and do you agree that</p> <p>14 those are the rules for expenses in the House of Lords?</p> <p>15 A. My Lord, in response to Mr. Hoar's question, I would suggest</p> <p>16 that the whole matter in relation to the ----</p> <p>17 Q. Are you answering my question or not?</p> <p>18 A. I am, Mr. Hoar.</p> <p>19 Q. It does not sound like you are.</p> <p>20 A. I am, Mr. Hoar.</p> <p>21 THE COMMISSIONER: Let her answer first.</p> <p>22 THE WITNESS: You should allow me to finish.</p> <p>23 THE COMMISSIONER: Let me have her answer first. Do continue.</p> <p>24 A. I would say, and clearly Mr. Hoar has found the details from</p> <p>25 public records, and the matter of this subcommittee is a</p>	<p>1 BARONESS UDDIN - HOAR</p> <p>2 passage that I just read out accurately explain the rules for</p> <p>3 expenses in the House of Lords -- yes or no?</p> <p>4 A. My Lord, I would say that I would simply refer to my answers</p> <p>5 as stated in the report, as is available.</p> <p>6 Q. Does the ----</p> <p>7 A. And Mr. ----</p> <p>8 Q. --- passage I read out accurately explain the rules for</p> <p>9 expenses in the House of Lords, Lady Uddin -- yes or no?</p> <p>10 A. Mr. Hoar, Mr. Hoar, you shouting at me will make no difference</p> <p>11 to what I have to say, which is ----</p> <p>12 Q. I will ask it a fourth time, a fourth time then.</p> <p>13 THE COMMISSIONER: No. Wait a minute. Lady Uddin.</p> <p>14 A. Yes, my Lord.</p> <p>15 Q. I appreciate you resent this line of questioning.</p> <p>16 A. I do not, my Lord.</p> <p>17 Q. Well, you have made it very clear that you do. You are asked</p> <p>18 a very simple question. The report that we have from the</p> <p>19 House of Lords quotes verbatim the resolution of the House in</p> <p>20 relation to day and night subsistence. They have been read to</p> <p>21 you by Mr. Hoar, and he has asked you the very simple</p> <p>22 question: do you accept that they are, or were at the</p> <p>23 relevant time, the rules relating to day and night</p> <p>24 subsistence?</p> <p>25 A. My Lord, may I please again restate what I have said. Given</p>
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<p>1 BARONESS UDDIN - HOAR</p> <p>2 matter of record, and I do say that it has been something that</p> <p>3 I have already answered in the House of Lords, and this is not</p> <p>4 a matter of contest.</p> <p>5 MR. HOAR: I think his Lordship has just told you that you will</p> <p>6 answer my questions.</p> <p>7 A. My Lord, I am ----</p> <p>8 MR. PENNY: Please, please.</p> <p>9 THE WITNESS: I am answering, my Lord.</p> <p>10 MR. HOAR: You are not answering my questions.</p> <p>11 A. My Lord, I am answering, and I am making the point that ----</p> <p>12 Q. You are not ----</p> <p>13 THE COMMISSIONER: Let her finish her answer.</p> <p>14 THE WITNESS: I am making the point, my Lord, that everything in</p> <p>15 these few pages, and many other pages, is there for public</p> <p>16 record. It has been hashed and rehashed, and I have answered</p> <p>17 all the details; and I am not aware that any of these matters</p> <p>18 are of any relevance to either my statement or the matter</p> <p>19 before the court, my Lord.</p> <p>20 MR. HOAR: Have you finished?</p> <p>21 A. I have.</p> <p>22 Q. Can I now ask a question, because I am going to rehash it for</p> <p>23 you, unfortunately, and his Lordship has just indicated that</p> <p>24 I may do that. So, Lady Uddin, can you please answer the</p> <p>25 question that I asked, which was simply this: does the</p>	<p>1 BARONESS UDDIN - HOAR</p> <p>2 that Mr. Hoar and the court itself has access to these</p> <p>3 details, he will know that I answered these questions in</p> <p>4 detail, my Lord, in the reports, and I merely make reference</p> <p>5 to whatever I had said. Given that I had no knowledge that</p> <p>6 Mr. Hoar would be, or the court would be, asking these</p> <p>7 irrelevant matters here, then I would have been more prepared</p> <p>8 with all the things that I may have said in relation to these</p> <p>9 details, my Lord.</p> <p>10 Q. The only question you have been asked to date on this matter,</p> <p>11 Lady Uddin, is whether you accept that the rule as read out by</p> <p>12 Mr. Hoar is, in fact, the rule of the House of Lords. That is</p> <p>13 the only question you have been asked so far, and it is a</p> <p>14 question which we have not yet had an answer to.</p> <p>15 A. My Lord, you will know from the report that is here before</p> <p>16 you, and the court will know and Mr. Hoar will know, the whole</p> <p>17 report details what I had said or not at the time. If this is</p> <p>18 presented to me in the way of simply asking me to clarify</p> <p>19 whether this was the rule ----</p> <p>20 MR. HOAR: Are you refusing to answer his Lordship's question --</p> <p>21 because it sounds to me like you are ----</p> <p>22 A. Absolutely not, my Lord.</p> <p>23 Q. ---- to answer his Lordship's question. So, perhaps I will</p> <p>24 give you another opportunity -- number 7, I think.</p> <p>25 Lady Uddin, did the passage that I read out at page 3 of 14 of</p>

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<p>1 BARONESS UDDIN - HOAR</p> <p>2 this report, paragraph 23 of the report, accurately,</p> <p>3 accurately represent the rules for expenses in the House of</p> <p>4 Lords -- yes or no?</p> <p>5 A. It is, as stated by the rule ----</p> <p>6 Q. Thank you. So, yes. I am going to turn to paragraph 4.4,</p> <p>7 night subsistence; and you can answer my questions or not, as</p> <p>8 you wish, but you may want to answer them. Night subsistence,</p> <p>9 4.4.1: "Members whose main residence is outside Greater</p> <p>10 London may claim for expenses of overnight accommodation in</p> <p>11 London". Do you agree that that is the rule?</p> <p>12 A. Yes, my Lord.</p> <p>13 Q. "While away from their own main residence"; do you agree that</p> <p>14 that is the rule?</p> <p>15 A. My Lord, yes, I agree that that was the rule.</p> <p>16 Q. Thank you. "4.4.3. Claims for night subsistence are only</p> <p>17 permissible in respect of nights actually spent in London</p> <p>18 either immediately preceding or following attendance at a</p> <p>19 sitting or meeting described"; do you agree that that is the</p> <p>20 rule?</p> <p>21 A. Yes, my Lord.</p> <p>22 Q. Thank you.</p> <p>23 A. It was as stated in the Committee.</p> <p>24 Q. "Lady Uddin's designated main residence", page 5 of 14,</p> <p>25 paragraph 34. You designated three main residences, did you</p>	<p>1 BARONESS UDDIN - HOAR</p> <p>2 not as was presented to us, and we have challenged that</p> <p>3 in ----</p> <p>4 Q. It says ----</p> <p>5 A. ---- in the Privilege and Conduct Committee, my Lord, and that</p> <p>6 is also on public record.</p> <p>7 Q. What have they ruled about that?</p> <p>8 A. Pardon?</p> <p>9 Q. What has the Privilege and Conduct Committee ruled about that</p> <p>10 challenge, Lady Uddin?</p> <p>11 A. And we disagree, my Lord.</p> <p>12 Q. You disagree with their decision, do you not? Very well.</p> <p>13 A. Mr. Hoar -- my Lord, Mr. Hoar is well aware that we challenged</p> <p>14 that decision.</p> <p>15 Q. And they did not agree with your challenge?</p> <p>16 A. That is the right of the Conduct Committee.</p> <p>17 Q. You challenged it, and they did not agree with your challenge?</p> <p>18 A. My Lord, that is the right of the Conduct Committee.</p> <p>19 Q. So, you had claimed, for a period of six years, mileage</p> <p>20 expenses that you did not use and costs for living away from</p> <p>21 your main home, when you never lived in the property in</p> <p>22 Frinton-on-Sea, in Essex, did you not?</p> <p>23 A. Mr. Hoar, my Lord, that is not, as my statement had said ----</p> <p>24 Q. No, it is not, is it?</p> <p>25 A. I have contested this proposition consistently, my Lord, all</p>
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<p>1 BARONESS UDDIN - HOAR</p> <p>2 not, between 3rd May 2005 and 12th April 2010, did you not?</p> <p>3 A. Yes, my Lord. It is a matter for record, my Lord.</p> <p>4 Q. Yes. Up until 1st August, it was a property in Frinton-on-Sea</p> <p>5 in Essex, was it not?</p> <p>6 A. My Lord, it is as on record.</p> <p>7 Q. And in the record to which you refer, the House of Lords</p> <p>8 finding was this. Paragraph 36, third line down: "From the</p> <p>9 data held, it appears that Lady Uddin claimed night</p> <p>10 subsistence, day subsistence, office costs and the mileage</p> <p>11 allowance for weekly journeys by car and to Frinton almost</p> <p>12 every weekend when the House was sitting for the period May to</p> <p>13 July 2005". Do you agree that that is true?</p> <p>14 A. That is as stated in public record, my Lord.</p> <p>15 Q. Thank you. Paragraph 39: "In relation to the Frinton</p> <p>16 property, the police did not investigate this period", but the</p> <p>17 Sunday Times interviewed your sister-in-law, who had lived at</p> <p>18 the property since 1999. She could not recall you ever having</p> <p>19 lived at the property. Is that true, that you never lived at</p> <p>20 that property?</p> <p>21 A. My Lord, both myself and my sister-in-law subsequently</p> <p>22 contested and challenged this statement.</p> <p>23 Q. Yes. You said she had been terrified by the journalist, and</p> <p>24 so lied; that is what you said about that, is it not?</p> <p>25 A. No, I did not say that, my Lord. We both said that that was</p>	<p>1 BARONESS UDDIN - HOAR</p> <p>2 the way to the appeals.</p> <p>3 Q. And you have lost every time, have you not, Lady Uddin,</p> <p>4 because you had to repay the expenses; and this report is the</p> <p>5 result of the investigation, is it not?</p> <p>6 A. My Lord, you will be aware that the police did not pursue this</p> <p>7 case. The Crown Prosecution Service did not feel able to</p> <p>8 substantiate their cases, and the Conduct and Privilege</p> <p>9 Committee did, however, find ----</p> <p>10 Q. Against you?</p> <p>11 A. Yes.</p> <p>12 Q. Facts relating to your Maidstone property to which you claimed</p> <p>13 to move in 2005 ----</p> <p>14 THE COMMISSIONER: Well, we have the ----</p> <p>15 MR. HOAR: You do have the report. I will go through it very</p> <p>16 briefly then.</p> <p>17 THE COMMISSIONER: We have the report. I do not think you need to</p> <p>18 go through it, because we have the conclusions that the</p> <p>19 Committee came to on all these matters.</p> <p>20 MR. HOAR: I just want to ask you about one particular thing.</p> <p>21 Between 23rd August 2007 and 9th June ----</p> <p>22 A. 2000 and ----</p> <p>23 Q. Sorry. I am going to get that more accurately.</p> <p>24 A. Please.</p> <p>25 Q. Between 23rd August 2007 ----</p>

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1 BARONESS UDDIN - HOAR
 2 A. Hang on. 23rd August?
 3 Q. Yes, 2007, and 9th June 2005, in your flat in Maidstone ----
 4 A. 9th June 2005?
 5 Q. 2008.
 6 A. You said 2005.
 7 Q. I did. My apologies. I meant 2008. One year. Did you ever
 8 cook in your flat?
 9 A. My Lord, any questions related to this matter and of my
 10 occupation in 2005 onwards, in the Cheynes in Maidstone, was
 11 replied to and is for matters of public record in detail,
 12 my Lord.
 13 Q. Did you cook ----
 14 A. And I hope that you will accept, my Lord, that this is not the
 15 place for me to repeat my statements, details of which I do
 16 not have access right now.
 17 Q. Did you cook ----
 18 A. And I hope, my Lord, that you will ----
 19 Q. Did you cook ----
 20 A. ---- intervene in this matter, to ----
 21 THE COMMISSIONER: Lady Uddin, we have the report in front of us,
 22 and I have indicated to Mr. Hoar that he is not going to go
 23 into it in great detail. But harsh though it may seem, is it
 24 not right to say that in a number of specific instances, the
 25 Committee (rightly or wrongly) decided that you had not acted

1 BARONESS UDDIN - HOAR
 2 MR. PENNY: I mean, really. I am not for a moment seeking to
 3 prevent the cross-examination. Do not get me wrong. But the
 4 behaviour is unacceptable.
 5 MR. HOAR: No, it is not. The behaviour of the witness is
 6 unacceptable.
 7 MR. PENNY: It is discourteous, it is unprofessional.
 8 MR. HOAR: The witness is refusing to answer questions.
 9 MR. PENNY: No, no. It is not the way it should be done.
 10 THE COMMISSIONER: It must have been obvious to anyone deciding to
 11 call Lady Uddin that she would be open to
 12 cross-examination ----
 13 MR. PENNY: Of course.
 14 THE COMMISSIONER: ---- on the extremely damaging and adverse
 15 findings made by the House of Lords Committee.
 16 MR. PENNY: Of course.
 17 THE COMMISSIONER: Therefore, anybody tendering her as a witness
 18 must, I think, be taken to have undertaken that risk.
 19 MR. PENNY: Of course. I do not dispute that.
 20 THE COMMISSIONER: I am not particularly interested in whether
 21 Lady Uddin did or did not cook in the Maidstone property,
 22 because I have the findings of the Committee as to whether or
 23 not her claims in respect of the Maidstone property were made
 24 in good faith; and the Committee, I am afraid, took an adverse
 25 view on that.

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1 BARONESS UDDIN - HOAR
 2 in good faith?
 3 A. My Lord, that is absolutely correct that the Committee made
 4 that decision, and that is for public record, my Lord; and
 5 I am not able to contest that. I am not able to discuss any
 6 further details without looking at what was said during ----
 7 MR. HOAR: Lady Uddin ----
 8 A. ---- a long and elaborate process, my Lord. Therefore, I am
 9 not able to assist, Mr. Hoar ----
 10 Q. You are able to assist ----
 11 A. ---- in this way.
 12 Q. ---- because you remember, and I am asking you a very, very,
 13 very simple question, which is this. In that year-long
 14 period, practically a year, between 23rd August 2007 and
 15 9th June 2008, did you ever cook in your property in
 16 Maidstone?
 17 A. My Lord, Mr. Hoar, if he has looked at the details, he will
 18 know and realise that I answered those questions in detail
 19 that I had lived there during the weekend ----
 20 Q. I am asking you if you cooked there in that period. Did you
 21 cook there?
 22 A. If, my Lord, you live in a property, then of course you have
 23 to eat ----
 24 Q. Right. So, that is a "yes". Thank you. Does that mean that
 25 you washed ----

1 BARONESS UDDIN - HOAR
 2 THE WITNESS: Yes, my Lord.
 3 MR. PENNY: The point I am trying to make, my Lord -- and I am
 4 sorry, I do want to repeat it, because, obviously, this is
 5 again taking place in public -- is that this should not take
 6 place, or this should not be done in a discourteous, impolite
 7 and unprofessional manner.
 8 MR. HOAR: I totally reject that allegation, which my learned
 9 friend is far too ready to make.
 10 THE COMMISSIONER: Mr. Hoar, Mr. Hoar ----
 11 MR. HOAR: The questions I have asked have been entirely proper,
 12 and the witness has failed to answer them time and time again.
 13 THE COMMISSIONER: Mr. Hoar, given that this is cross-examination
 14 as to credit ----
 15 MR. HOAR: There is a particular reason why I want to ask these
 16 particular questions. So, I really object to my learned
 17 friend standing up and stopping me asking them and the witness
 18 refusing to answer them. She said she cooked. (To the
 19 witness) Does that mean that you washed your food? Did you
 20 wash your food when you were cooking?
 21 A. My Lord ----
 22 Q. There is a reason I ask this question, for what it is worth.
 23 A. My Lord, I have made every effort to respond to Mr. Hoar in
 24 the most polite and in the most respectful manner to
 25 your Lordship, and I have been quite clear that I have, as

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1 BARONESS UDDIN - HOAR
 2 I have said to the Conduct Committee, that I had been there,
 3 I stayed there during the weekend, often on my own, when I
 4 did, of course, and sometimes ----
 5 Q. Okay. Thank you.
 6 A. ---- sometimes I cook, sometimes I didn't. Sometimes
 7 I washed, sometimes I didn't, my Lord. Actually, those who
 8 are not very familiar, my Lord, with Maidstone, it is a very
 9 wonderful place, where many people come, to stay out, live
 10 out, go out in the evening, enjoy, and it is access to good
 11 restaurants, good ----
 12 Q. Lady Uddin, can you answer my question, please, rather than
 13 going on and digressing about Maidstone?
 14 A. I am, my Lord. I hope you will appreciate the details ----
 15 Q. So, you have agreed that you cooked, you washed your food, you
 16 washed on occasion ----
 17 A. Sometimes I did, occasionally.
 18 Q. ---- in that annual period?
 19 A. Yes.
 20 Q. Why is it then, if you look at page 8 of 14, that in the
 21 period between 23rd August 2007 and 9th June 2008, you used no
 22 water at all in that property? Why is that?
 23 A. My Lord, we challenged this, and we challenged it at the
 24 Committee, and we challenged Southern Water, and you will
 25 accept, my Lord, that there was a thorough investigation on

1 BARONESS UDDIN - HOAR
 2 to the Conduct Committee's procedure and processes.
 3 Q. Now, the Conduct Committee ----
 4 THE COMMISSIONER: Do you accept, Lady Uddin, that the Committee
 5 came to the conclusion that you had not been using Maidstone
 6 as your principal residence and that the claims that you had
 7 made in respect of that property were, therefore, wrong and
 8 should be repaid?
 9 A. Yes, my Lord. You are absolutely correct in that suggestion,
 10 and public record stipulates that. My Lord, I only want to
 11 make this one point, that, repeatedly, I implored the
 12 Committee to accept what I had said, my Lord; and without
 13 going into great deal of details of my own personal
 14 circumstances -- and I do not wish to repeat those here,
 15 either -- I want to say that it was a very extremely difficult
 16 situation and I dealt with it in the best way I could, making
 17 sure that I protected my family, and, also, in the absence of
 18 the fact, my Lord, that I was not able to challenge any
 19 witnesses or statements.
 20 MR. HOAR: Lady Uddin, at pages 7 to 14 you see accounts, your
 21 neighbours' accounts ----
 22 A. Sorry?
 23 THE COMMISSIONER: Mr. Hoar, I have indicated that I have read
 24 this report. I do not think that you need take it any further
 25 on any questions of credit. It is there for good or ill.

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1 BARONESS UDDIN - HOAR
 2 this by the police and they found it wanting, my Lord. I can
 3 say no more. I cannot elucidate, Mr. Hoar, on this point any
 4 further, my Lord, or the court, except to say that I answered
 5 those questions and I challenged what was presented to me.
 6 Q. And you failed ----
 7 A. My Lord, if I may just finish? Also, you will appreciate,
 8 my Lord, that in the Conduct Committee, I had no ability to
 9 challenge anything that was presented to me. We were not
 10 allowed to cross-examine any so-called witnesses that were
 11 presented. It was deeply difficult in that sense to actually
 12 call, as you have called me, Mr. Hoar, today ----
 13 Q. Do you challenge -- I have not called you, Lady Uddin. Do you
 14 challenge that meter reading?
 15 A. My Lord ----
 16 Q. Do you challenge the meter reading, Lady Uddin?
 17 A. My Lord, yes, we did indeed.
 18 Q. You did?
 19 A. We did indeed.
 20 Q. What happened when you challenged the meter reading?
 21 A. My Lord, they were not able to provide the record, as the
 22 water company, I believe, had gone through some transition and
 23 changed companies. It was not for us not wanting to be able
 24 to address these issues. In fact, my Lord, we wanted to
 25 challenge the witnesses, and we were not able to do that, due

1 BARONESS UDDIN - HOAR
 2 MR. HOAR: I am just going to summarise the proposition, which is
 3 this, that for approximately 10 years, every week -- or
 4 possibly month, if it is done monthly -- you put in expenses
 5 claims for travel and for housing allowances that were false
 6 and fraudulent for 10 years, did you not?
 7 A. My Lord, I have refuted that. I have challenged it. I have
 8 stood against the proposition that this was so. I have never,
 9 never, in my entire professional career, ever broken any
 10 stated rules. The rules under which the Conduct Committee
 11 subsequently pursued my conduct in the Subcommittee of Conduct
 12 and Privilege was specifically designed to deal with this. No
 13 such rules had been applicable at the time, and I believe --
 14 and to this day, my Lord, I believe that I correctly followed
 15 the rules of the House, as stated at the time.
 16 Q. In 2010, Baroness Uddin, you drove a Honda vehicle, a small
 17 Honda vehicle, into a garage, and you drove out with a BMW,
 18 two years old, worth £20,000; is that true?
 19 A. My Lord, I traded my car, which I had purchased from new,
 20 which was valued around £8,000 to £9,000, and I then had
 21 bought from a friend a car ----
 22 Q. Did you declare it as a gift on the register of Lords
 23 interests?
 24 A. My Lord, I have never, ever in my entire driving period ever
 25 received a free car from anyone. That is also a matter of

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1 BARONESS UDDIN - HOAR

2 public record, my Lord.

3 Q. Did you pay for this car then? Did you pay for the part
4 exchange? Did you pay the difference between the value of
5 your old Honda and the BMW?

6 A. I believe I was asked to pay, I believe it was about £3,500

7 ----

8 Q. Did that represent the full commercial value of the difference
9 between the £300 worth Honda and the £20,000 worth BMW?10 A. My Lord, I believed at the time and I had not checked the
11 value of the cars, simply just as I bought my Honda before.

12 I had went into a garage, I asked them what the value was.

13 I did not look it up. I said this is the value. I paid for

14 it. In a similar vein, I did the same thing to my BMW, which
15 in fact one gone wrong very soon, two and half years only and

16 I had to then exchange it again for a different car, which

17 I am currently now driving.

18 Q. Was the garage at which you did this part exchange owned by
19 Mohammed Furdhouse?

20 A. Yes, I think his partner.

21 Q. Was he the owner of Channel S?

22 A. Yes, I believe.

23 Q. Did you therefore received a gift worth over £10,000, more
24 like £15,000 from Mohammed Furdhouse, owner of Channel S,
25 which you did not declare to the House of Lords?

1 BARONESS UDDIN - HOAR

2 A. My Lord, without discourteous to your Lordship or Mr. Hoar,

3 I would request that maybe somebody who is taking notes may
4 just repeat on my behalf what I have just said to Mr. Hoar,
5 which was not and not, I repeat, my Lord, a tattered Honda.6 I have never driven tattered cars, my Lord. I have paid for
7 them duly out of my earnings. And, my Lord, I exchange one
8 car for another. I paid what was asked of me, my Lord.

9 I subsequently re-traded that car from the same garage and

10 bought another. And, indeed, I did not pay anything and

11 I thought that I was rather done by, in that sense because by
12 that time I had become much more wiser about enquiring what
13 the value of a car should be.14 Q. Can I take you to paragraph 6 of your witness statement,
15 please.

16 A. Mr. Hoar, my Lord, are we done with this?

17 THE COMMISSIONER: I would be happier if you allowed the questions

18 to be asked to you, not by you.

19 MR. HOAR: You know perfectly well you are here to answer

20 questions, not ask them, do you not?

21 THE WITNESS: Mr. Hoar, please refrain from shouting at me and I

22 hope you will respect that I am being extremely cooperative

23 with you.

24 Q. Lady Uddin, I suggest you are doing everything in your power

25 to obfuscate and not answer questions and that you have done

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1 BARONESS UDDIN - HOAR

2 A. My Lord, I have just repeated what I have said before in the

3 Conduct Committee, my Lord, I did not receive a gift from
4 anyone in the way of a car ever. Had I have done so, I would

5 have indeed gone to the House of Lords to enquire whether

6 I needed to register. You will note, I hope, my Lord, that

7 I regularly update my register and I have an extremely cordial

8 relationship with the register all throughout the period and

9 I do not think there has been ever any questions raised about

10 my conduct as far as registration is concerned.

11 Q. You are aware, are you not, that actually that was raised in a

12 Sunday Times article, whether you like it or not and whether

13 you think it was justified or not, it was raised in the Sunday

14 Times in 2010, was it not?

15 A. My Lord, you will appreciate that newspapers will

16 sensationalise things, they will connect things for their own

17 purposes; and much of which, not just in my case, but others

18 have been discredited since and I think we should all be

19 cautious how much we pay attention to what newspapers say as

20 the only truth, my Lord.

21 Q. You have just accepted everything the Sunday Times alleged,

22 have you not, that you drove into a garage with a battered old

23 Honda, you drove out with a BMW, there was considerable value

24 of the cars and you did not declare it to the House of

25 Lords ----

1 BARONESS UDDIN - HOAR

2 that since the start of you going into the witness box. That
3 is the truth, is it not?

4 A. My Lord, I do not understand how powers are divided in this

5 instance, my Lord, when I am in the witness box and you are

6 standing there shouting at me, Mr. Hoar.

7 Q. I have not shouted at you. I have put propositions and

8 questions which you have failed to answer because you are

9 uncomfortable about the truth of your lies and fraud. That is

10 the truth, is it not?

11 A. My Lord, I have always stated that I have never lied about my

12 circumstances or in the way in which I claimed my allowances

13 and I have never lied about my cars, and I am here to give

14 answers to the best of my ability. And, my Lord, I do hope

15 that you will accept that I am doing everything I can to

16 answer the questions, maybe not at this pace that you are

17 asking, Mr. Hoar, but I am doing my best.

18 Q. Paragraph 6.

19 A. Yes, Mr. Hoar I am looking at it.

20 Q. You said, second sentence: "On a number of occasions I had

21 also made it clear within the Labour Group that as a deputy

22 leader I was not included or consulted about major policy

23 issues and decisions." That is what you have said. You have

24 said that John Biggs was not a team player. You have also

25 said, in the next paragraph, that there were concerns

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<p>1 BARONESS UDDIN - HOAR</p> <p>2 expressed by other members that he had continued to work</p> <p>3 closely with senior officers in the council who had remained</p> <p>4 from the previous Liberal Democrat legacy. None of those</p> <p>5 complaints are anything more than a complaint about the manner</p> <p>6 of John Biggs, his leadership; is that right?</p> <p>7 A. Sorry, you are asking me to confirm the statement that ----</p> <p>8 Q. I have just done that. I have asked you to comment on my</p> <p>9 suggestion which is this: those two sentences do not nothing</p> <p>10 more than complain about the manner in which John Biggs</p> <p>11 discharged his leadership of the Labour Group?</p> <p>12 A. Okay.</p> <p>13 Q. Is that right or not?</p> <p>14 A. The reason I made this comment in particular was in the light</p> <p>15 of the fact that I was asked by the respondent lawyer what was</p> <p>16 my relationship with Mr. Biggs. And in which I said that it</p> <p>17 had increasingly become fraught over the period ----</p> <p>18 Q. Fraught over the period, A-U-G-H-T; yes?</p> <p>19 A. Difficult, yes.</p> <p>20 Q. Just clarifying.</p> <p>21 A. Increasingly difficult and I had said that because of my own</p> <p>22 experience and, of course, it is not -- I merely do not make</p> <p>23 that point about his manner. I was speaking specially about</p> <p>24 -- maybe I could, Mr. Hoar, my Lord, maybe I could give a</p> <p>25 couple of examples ----</p>	<p>1 BARONESS UDDIN - HOAR</p> <p>2 whether it was about restructuring of the committees, whether</p> <p>3 it is about the allocations of restructuring of staffing,</p> <p>4 whether it was about a simulation of staff, whether it was</p> <p>5 about funding of the organisation. He did not involve the</p> <p>6 wider councillors, numbers of councillors who were extremely</p> <p>7 talented and very often he worked on his own and particularly</p> <p>8 I was not often involved in some of his leading discussions.</p> <p>9 Q. Lady Uddin, does not that just prove what I have just asked,</p> <p>10 which is no more than this, that you were only concerned with</p> <p>11 the manner of John Biggs' leadership and nothing more? Can</p> <p>12 I ask about this. You say that you criticised John Biggs for</p> <p>13 working closely with senior officers in the council who had</p> <p>14 remained; is that not the job of any leader of the group in</p> <p>15 any borough council, to work closely with officers?</p> <p>16 A. My Lord, what I would say is of course I have great and high</p> <p>17 expectation of John Biggs. That is the only reason I joined</p> <p>18 him as his deputy. But I very soon came to realise -- may</p> <p>19 I carry on. So, therefore, of course, it would have been a</p> <p>20 great surprise that he refused to then work in a collective</p> <p>21 manner, I came from a background, a profession where I had to</p> <p>22 work collectively although I led my team. The idea when you</p> <p>23 are leading a team that you work collectively to achieve the</p> <p>24 objects, which collectively as a group of councillors we came</p> <p>25 to deliver.</p>
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<p>1 BARONESS UDDIN - HOAR</p> <p>2 Q. Lady Uddin, please try for a change to answer my question,</p> <p>3 which is simply this. You have heard the two sentences I have</p> <p>4 read. The question I ask is this. Are those two questions,</p> <p>5 that John Biggs was not a team player, there were concerns</p> <p>6 expressed my members he had continued to work closely with</p> <p>7 senior officers in the council who had remained, are those two</p> <p>8 sentences no more than criticisms of his manner of leadership;</p> <p>9 yes or no?</p> <p>10 A. My Lord, they are more than criticisms of his manner and</p> <p>11 leadership. It was simply about the way in which he worked as</p> <p>12 a leader. And the example which I would, with your</p> <p>13 permission, like to give is, for instance, I mean, we had just</p> <p>14 won the office, having fought an extremely difficult period,</p> <p>15 we had come on with an antiracist agenda trying to unit the</p> <p>16 community together. It seemed that the leadership would be</p> <p>17 collected, involving the wider parties and would reduce the</p> <p>18 kind of division that had been created over a long period of</p> <p>19 time ----</p> <p>20 Q. Lady Uddin, you have gone on for long enough now. Can you</p> <p>21 please answer the question that I asked. Those two sentences</p> <p>22 do not do more than criticise the manner of John Biggs'</p> <p>23 leadership; is that true or not?</p> <p>24 A. My Lord, I was making some attempt to explain that it was more</p> <p>25 than a manner, that it was about the way in which he worked,</p>	<p>1 BARONESS UDDIN - HOAR</p> <p>2 Q. Can I ask you to turn back to paragraph 5, please, the fifth</p> <p>3 line down: "During this period" -- that is 1994-5 -- he was</p> <p>4 known to make throwaway comments and provocative comments",</p> <p>5 that is what John Biggs does, he makes throwaway comments and</p> <p>6 provocative comments, that is his character, is it not; that</p> <p>7 is who he is?</p> <p>8 A. Indeed, you make a very important point. Throwaway comments,</p> <p>9 such as the Bengali mafia or throwaway comments such as the</p> <p>10 comments which had been attributed to him on numerous</p> <p>11 occasions that he was frustrated, he was angry, he was</p> <p>12 agitated, he was not willing to reflect other people's point</p> <p>13 of view, are not just throwaway comments and you throw them</p> <p>14 away and people can languish with their pain. Throwaway</p> <p>15 comments should be about -- yes, I am just saying, I am really</p> <p>16 unhappy about this, and that does not impact or linger on in</p> <p>17 people's lives, Mr. Hoar.</p> <p>18 Q. Notwithstanding that you came here to trash John Biggs'</p> <p>19 reputation, which I suggest you did, you never mentioned the</p> <p>20 Bengali mafia comment, which you have just made up, have you</p> <p>21 not?</p> <p>22 A. My Lord, I have -- not one word of what I say is made up. The</p> <p>23 term Bengali mafia was well-known and often repeated by John</p> <p>24 and others. I often used to respond in that saying that</p> <p>25 I found it really deeply offensive because they were our</p>

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1 BARONESS UDDIN - HOAR
 2 colleagues and, of course, political differences aside, we all
 3 have political differences with each other, but not to be
 4 offensive. I certainly did not come here to trash Mr. Biggs,
 5 because I chose to become his deputy. And the reason I came
 6 here, Mr. Hoar and my Lord, I was -- my name I believed had
 7 been mentioned several times in the context of the fax. And
 8 in the same article you will note, Mr. Hoar, my Lord, I said
 9 that I had been deeply concerned over a long period of time
 10 about the impact of racism within the Labour Party and the
 11 hierarchy should be examining that. I had been concerned
 12 about that, especially given that we had come in to a new
 13 office as Labour Party members trying to rid the fascism that
 14 we experienced and the people of the borough had experienced
 15 at the hand of, then the Liberal focused council.
 16 THE COMMISSIONER: Where you aware, I will be corrected if I am
 17 wrong, the only mention of your name hitherto in this case has
 18 been as the person in whose name a forged fax was sent? So,
 19 you were, as it were, the innocent victim of a forgery. That,
 20 as I understand it, is the only context in which your name has
 21 been hitherto raised in this case.
 22 MR. PENNY: My Lord, I think it is right to say that I, so to
 23 speak, relied on this document on its face as well in
 24 cross-examining other witnesses.
 25 THE COMMISSIONER: You did and you have accepted that was a

1 BARONESS UDDIN - HOAR
 2 lawyer, but they had asked me and I said yes, I am absolutely
 3 okay to do that. Absolutely knowing that I was taking a risk,
 4 that Mr. Hoar would indeed touch on the privilege and conduct
 5 report which I felt absolutely that I could answer, because it
 6 is a matter of public record.
 7 THE COMMISSIONER: Are you still a member of the Labour Party,
 8 Lady Uddin?
 9 THE WITNESS: I am, my Lord. I pay monthly subscriptions to the
 10 Labour Party, I have been since my early teens.
 11 Q. Do you hold the Party Whip in the Lords?
 12 A. I have not gone and taken the Party Whip as yet, my Lord,
 13 because I have rather enjoyed the independence after a very
 14 long time in the House of Lords. I have not sought any
 15 application.
 16 Q. Can I ask one thing I should have asked at the time. The end
 17 of the Privilege Committee report asked you to pay a sum of
 18 money back.
 19 A. I did.
 20 Q. Has that all now been repaid?
 21 A. No, I have longer to repay that, my Lord.
 22 Q. There is a mention of suspending you from service, has that
 23 been ----
 24 A. No, I returned in 2012, my Lord, and I have been a member of
 25 the Lords since.

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1 BARONESS UDDIN - HOAR
 2 mistake.
 3 MR. PENNY: Because the Baroness, who is here to trash Mr. Biggs,
 4 reputation has told that I got it wrong.
 5 THE COMMISSIONER: That is true. If the only need was to correct
 6 that, I just wondered what might be the purpose of this lady
 7 coming.
 8 MR. PENNY: I do not know if you have seen Mr. Biggs' witness
 9 statement. I was asked to make a concession, which I did not
 10 have any basis for. The witness was seen and the concession
 11 has been forthcoming.
 12 THE COMMISSIONER: It does not necessarily follow from that you
 13 have to call evidence.
 14 MR. PENNY: That is true. Evidence comes into the hands of
 15 parties in all sorts of ways, as your Lordship appreciates.
 16 THE COMMISSIONER: I fully appreciate that, yes.
 17 THE WITNESS: My Lord, may I respond to the point that you made.
 18 You are absolutely right, the respondent lawyers did ask me
 19 about that and I made it quite clear that to this day I do not
 20 know frankly who sent the fax, except of course there were a
 21 lot of allegations flying around. In addition to this, I was
 22 also asked a couple of other questions, including some
 23 comments that Mr. Biggs had subsequently made on the Politics
 24 Show, so I responded in that; so, of course, I did not
 25 deliberately come to this court or to the respondent or his

1 BARONESS UDDIN - HOAR
 2 THE COMMISSIONER: Yes, I see.
 3 MR. HOAR: After being suspended for three years and having to pay
 4 back £124,000 ----
 5 THE WITNESS: My Lord, may I correct ----
 6 Q. ---- or is the Parliamentary report wrong on that?
 7 A. My Lord, may I correct that. I was suspended between 2010 and
 8 March 2012 and I returned there in the end of April, my Lord,
 9 April 2012.
 10 Q. Can I take you back to the statement, paragraph 6, because you
 11 make those two sentences about John Biggs not being a team
 12 player and complaining that he was working with senior
 13 officers in the council. Then you said this: "It was and is
 14 my view that there was an underlying assumption that many
 15 Bengali councillors did not have the sufficient knowledge,
 16 competence or understanding", this is just an assumption of
 17 yours, not about Mr. Biggs but more generally, is it not?
 18 A. I think -- I do not have the public records available here but
 19 both Mr. Biggs and others will have kept records of detailed
 20 conversations, very difficult, conversation meetings which ran
 21 into arguments, disarray about these matters, my Lord.
 22 Because we came to office on the basis that the Labour Party
 23 will dismantle what was regarded and accepted publicly both by
 24 the Liberal National Party as well -- that much of the
 25 behaviour of the past Liberal regime was fermenting undertone

[26] (Pages 4152 to 4155)

<p style="text-align: right;">[Page 4156]</p> <p>1 BARONESS UDDIN - HOAR 2 of racism and racist practice. It was operated by largely 3 staff that had no connections or any compliance or 4 understanding of the Labour values. So, of course, all the 5 councillors came in thinking we will now dismantle, not only 6 dismantle any ideas of racism or any undertone of 7 discrimination, whether it was in the housing policies or 8 whether it was about staffing. And in the context that the 9 borough was highly diverse, the population of the staffing 10 members did not reflect this, my Lord. So, of course, we had 11 ambition to change this and so the idea then that John Biggs 12 and I or any of the senior managers would simply go in hand in 13 hand working with the same officers was deeply controversial 14 among the Labour group, not just me. 15 THE COMMISSIONER: Was your suggestion this, that they should all 16 be sacked. 17 A. No, my Lord. That they should be talked, they should find out 18 -- just as any senior officer. 19 MR. HOAR: Is that proper to talk to them in a political way from 20 a member? 21 THE WITNESS: My Lord, many political advisers often change with 22 administration and they are either assimilated and the notion 23 of assimilation of staffing was rampant amongst our 24 discussion. How do we make sure that the staff who 25 implemented the then policies of the Liberal focus regime,</p>	<p style="text-align: right;">[Page 4158]</p> <p>1 BARONESS UDDIN - HOAR 2 maybe John Biggs should be replaced because of his record of 3 not working collectively with the team members, of creating 4 division, of deep angst during all of the meetings, there were 5 many meetings fraught with difficulties and anger. And, 6 indeed, Mr. Hoar, the group was extremely divided, not just on 7 lines of so-called left and right, but also there were large 8 presence of the Bangladeshi councillors and there were 9 issues ---- 10 Q. (Unclear) for example? 11 A. ---- there were several others, including ---- 12 Q. ---- is not Mr. Biggs' biggest fan, is he? 13 A. As far as I am aware, Mr. Galal and Mr. Biggs had worked very 14 closely together. 15 Q. Early in the 1980s? 16 A. I think they had; but I am not privy to their relationship. 17 THE COMMISSIONER: Mr. Hoar, I think we do not get very much from 18 this beyond what we have already. 19 MR. HOAR: There are two more things I ought to put. 20 THE COMMISSIONER: The Labour Party in Tower Hamlets in 1995 spent 21 most of its time fighting like cats in a sack. 22 THE WITNESS: Yes, indeed, they did, my Lord. 23 MR. HOAR: Paragraph 8, last sentence, it is not true that 24 Mr. Biggs said that Tower Hamlets was not ready for an Asian 25 lady; you have just made that up, have you not?</p>
<p style="text-align: right;">[Page 4157]</p> <p>1 BARONESS UDDIN - HOAR 2 which we challenged and then how do we implement Labour Party 3 policy. We had the assumption that it would be done extremely 4 properly and extremely fairly with due regard to the process. 5 I had myself come from local government in the borough of 6 Newham. Of course, I would have been extremely understanding 7 and sensitive and aware of the process as councillors a staff 8 member has to go through. 9 Q. You say in the last sentence, paragraph 6: "During John Biggs 10 leadership factional politicians and division were 11 heightened", the reality is that the main reason they were 12 heightened was because of the constant attempts to unseat John 13 Biggs by Christine Shawcroft and others, is it not; that is 14 the reality, that was the factional bitterness caused by them? 15 A. The Labour Group, my Lord, was extremely divided and I think 16 I elude to that. Indeed, I cannot recall and there will be 17 others who may have better recollection, but I cannot recall 18 any attempt to unseat John Biggs as a leader during the time 19 while he was the leader. It was only at the end of his term 20 when ---- 21 Q. He was only leader for one year ---- 22 A. The regulation stipulated, my Lord, that every year the leader 23 changes -- sorry, has to stand for re-selection. So, only 24 when -- I think between March and April there were a lot of 25 discussion then what the new panel could look like and that</p>	<p style="text-align: right;">[Page 4159]</p> <p>1 BARONESS UDDIN - HOAR 2 THE WITNESS: My Lord, I am deeply saddened to say this is 3 something that John and I had often discussed. He had often 4 said, I think that he was and he did used to then say "Pola, 5 I am just joking", and I would always say to him, "John, I 6 find that deeply offensive, you have said that many times 7 before and it is time you grew up", I used to say that to him. 8 But that did not take away the fact that there were 9 assumptions about women's leadership and especially one that 10 was of Asian heritage. I would say that that was without any 11 questions and John himself would argue that there was an 12 enormous amount of prejudice against Bangladeshi community and 13 Bangladeshi women in particular. In any case, Tower Hamlets 14 always has had not sufficient number of women in its rank. 15 Q. That is the first time you have mentioned that in 20 years, is 16 it not? 17 A. Mentioned what? I have to say that is absolutely ---- 18 THE COMMISSIONER: Which comment, Mr. Hoar? 19 MR. HOAR: That Tower Hamlets was not ready for an Asian woman, 20 which is the alleged comment by Mr. Biggs. I have no more 21 questions. 22 THE COMMISSIONER: Mr. Penny? 23 24 25</p>

[27] (Pages 4156 to 4159)

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BARONESS UDDIN

RE-EXAMINED BY MR. PENNY

Q. Have you come here to be exposed to what you have just gone through?

A. I can only say I came here on your request specifically to answer the questions that no, I did not have anything to do with the fax. I still do not know who sent that fax. And also arising out of the questions I was asked about my views on what John had said and my response to that on the Sunday Politics show.

Q. Have you come here to lie for Lutfur Rahman?

A. Absolutely not, my Lord. Lutfur and I have never really worked together including -- I think on maybe one, well, on several community occasions we have shared a platform. And, in fact, when he was a councillor I had challenged him several times whilst I was in the Lords for his optimism about the borough's education system. I do not know whether he still has the letter. Indeed, my relationship with Lutfur is very limited and I have come only -- and also not come here to discredit John Biggs, I think that I want to say that I understand in the context within which John Biggs says what he says and that it was in his character to say that he said.

Q. What do you mean by that?

A. I think that when I have to say that on 22nd September 2013 when he appeared on television and he said what he said,

BARONESS UDDIN - PENNY

somebody says that right now I am being sexist or racist, I am giving that impression to you and I have to respect your experience.

Q. When you were campaigning, did you talk about sections of the community?

A. I think ---

THE COMMISSIONER: Campaigning when?

MR. PENNY: At a time when this lady was working together with Mr. Biggs.

THE COMMISSIONER: 20 years ago?

THE WITNESS: I think at that time the Bangladeshi community was just emerging in terms of political participation. So, I think we were always very cautious about how much we would irritate, if you like, the majority white voters, so that we were often designing policies to ensure that -- so, the core voters referred to were never Bangladeshi voters, it was always seen the core voters, i.e. the most important voters, would be the white voters. My experience professionally and has been someone who was elected in Shadwell, which was largely a very much more mixed constituents, that I always challenged this. If John said to me we have to be careful about which housing project we start first, it must not be seen to be the Bangladeshi one because we would agitate the majority voters. I always used to say we have to trust the

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BARONESS UDDIN - PENNY

I just thought -- that was just following the EDL coming to Tower Hamlets and causing huge angst and upset and disgust and most of the community work together to try and tackle the fact that the EDL must not enter the borough. I think collectively all of the communities have worked extremely well to ensure that we do not ever entertain fascists on our council and in our institutions locally. That work has been done together. Therefore, I was extremely sort of distressed really by hearing that once again John would say something to the effect that once you are elected that you only work in the interests of one group of people.

Q. But it was suggested to you, on behalf of the petitioners in this election petitioner, that is what John Biggs does, he says provocative things, he speaks before he thinks effectively; is that okay?

A. That is his character. That is certainly something he has done. That is something that I am well experienced with. That is something, not only me, you ask any of them (unclear), you ask Michael Keith, you ask any one of them on his team they would tell you the same thing. So, it is not something I am saying, it is not the fabric of my imagination. You will realise that prejudice and racism and sexism are subjective experiences. They are felt experiences, so that it is up to the recipient, if you like, to define that. I think if

BARONESS UDDIN - PENNY

instinct of the voters, we would have to rely on working collectively and if we inform people that the majority needs for larger houses belong to a certain section of the community, that is not racist. That is not giving extra emphasis to one particular committee or importance, it is simply meeting the obligation of an elected councillor.

If I may go back to the question you raised about why I mentioned this. The Sunday Politics show in particular I think was very unwise and unfitting of someone who is wanting to represent the whole borough, because it fed into the narrative which was suggested by the EDL that the borough was largely paying lots of attention to the Bangladeshi community.

That has never been true. Because, first of all, it is completely illegal and immoral to just pay attention as elected councillors to one set of the communities because you are obligated by law, by procedures to ensure that all your policies impact the whole community.

THE COMMISSIONER: Any further questions?

MR. PENNY: Yes, there are.

THE COMMISSIONER: Fire away. I am keeping an eye on the clock, because you are going to recall Mr. Biggs, are you not?

MR. PENNY: Mr. Hoar is, yes.

MR. HOAR: And I would like enough time to do that.

MR. PENNY: It sounds like I am being told to sit down?

[28] (Pages 4160 to 4163)

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1 BARONESS UDDIN - PENNY
 2 MR. HOAR: I am not. I am just saying there are only so many
 3 hours in a day.
 4 THE COMMISSIONER: If you have further topics to cover, you cover
 5 them.
 6 MR. PENNY: Let us be honest about it, this lady has been put
 7 through the mill during the course of her cross-examination
 8 and she is entitled to her say and that is what re-examination
 9 is about.
 10 THE WITNESS: I have been through bigger mills. I am perfectly
 11 able to look after myself.
 12 THE COMMISSIONER: Yes, cross-examination in its widest sense.
 13 MR. HOAR: If it arises from cross-examination is the correct
 14 test.
 15 MR. PENNY: Correct. (To the witness) What about when Mr. Biggs
 16 said to you about Tower Hamlets not being ready for an Asian
 17 female, did you take him to be just to be joking?
 18 THE WITNESS: No, my Lord. I reprimanded him almost immediately.
 19 I said to him that I do not take that. I think I might have
 20 myself made a throwaway comment and said, "God, that is so
 21 racist", and immediately he said he said it as a joke. My
 22 Lord, we have had these banter with each other ----
 23 Q. Why do you say banter? That is an interesting noun, I want
 24 you to explain why it was banter?
 25 A. Because it was so frequent and it was a normal language for

1 BARONESS UDDIN - PENNY
 2 18, 20 hours on campaign trail sometimes and of course our
 3 children were not part of that.
 4 THE COMMISSIONER: We have gone a long way from cross-examination,
 5 Mr. Penny.
 6 MR. PENNY: I have not asked the question. I have asked a
 7 question and the witness is answering the question.
 8 THE COMMISSIONER: I was not sure that creches and that sort of
 9 comment has arisen before.
 10 MR. PENNY: That is because that arose from the issue that the
 11 witness was addressing, which was in relation to comments made
 12 by the witness about whether Mr. Biggs was ready for an Asian
 13 lady and your Lordship knows that is the question that I
 14 asked. That undoubtedly does arise on the issues in this
 15 case.
 16 MR. HOAR: It is no comment on which I am able ----
 17 MR. PENNY: No, no.
 18 THE COMMISSIONER: We have yet to see what Mr. Biggs says when we
 19 get to him.
 20 MR. PENNY: I do not know, maybe it is me again fantasising, I
 21 seem to have done quite a lot of it over the last six weeks,
 22 but I think it was suggested to this lady on behalf of the
 23 petitioners that Mr. Biggs was the sort of man who made
 24 provocative rash comments, something along those lines.
 25 THE COMMISSIONER: It was.

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1 BARONESS UDDIN - PENNY
 2 him. I think those kinds of comments -- many who worked with
 3 him will tell you that they were offended by the way that he
 4 spoke to them very often. If he got angry in a meeting, he
 5 would almost like grind his teeth in anger. On one incident
 6 I took my daughter, and my daughter was very, very young --
 7 and Mr. Biggs also has a daughter -- and, in fact, he told me
 8 that this council was not a crèche. I had only on one
 9 occasion took my daughter to the council. I never did
 10 subsequently because I was so absolutely enraged about that.
 11 Q. Why were you enraged about a comment being made about the
 12 council not being crèche?
 13 A. Because it contradicted everything that the Labour values was
 14 about.
 15 Q. Why?
 16 A. That it was about facilitating women's participation. It was
 17 about valuing women's engagement, we are supposed to have
 18 followed subsequently a good strategy for child care in the
 19 borough and it kind of smacked in the face of everything that
 20 we believed in, in the public arena. So, I said that I was
 21 deeply offended by that and I said to him this is the only
 22 occasion that I have ever -- I have been on the Labour Party
 23 campaign trail since my late teens -- so my children were a
 24 known factor that they not present in the works and I spent as
 25 many as my other colleagues had spent over those years, 12 to

1 BARONESS UDDIN - PENNY
 2 MR. PENNY: There we are. Thank you very much.
 3 THE COMMISSIONER: You are free to go.
 4 (The witness withdrew)
 5 MR. HOAR: Obviously I am not in a position to challenge that last
 6 comment notwithstanding Mr. Biggs may have something to say
 7 about it.
 8 THE COMMISSIONER: You can ask Mr. Biggs about it. Is he here?
 9 Get him in and ask him about it. Strike while the iron is
 10 hot, Mr. Hoar. We will see what he has to say about it.
 11 MR. HOAR: Does your Lordship have the statement?
 12 THE COMMISSIONER: No. Does Mr. Penny have this?
 13 MR. PENNY: The service of this document is what gave rise to the
 14 evidence from the last witness being forthcoming.
 15 THE COMMISSIONER: You have it and you are ahead of me. Good.

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1

2 MR. JOHN BIGGS, RECALLED

3 EXAMINED BY MR. HOAR

4 THE COMMISSIONER: Treat yourself as still on oath or affirmation,

5 Mr. Biggs.

6 MR. HOAR: Mr. Biggs, I think there is in the witness box

7 somewhere a third witness statement you made a few days ago on

8 the 2nd. I think also that there is a statement of Lady Uddin

9 which is somewhere in the red bundle, bundle R or S.

10 THE COMMISSIONER: No, bundle D, is it not?

11 MR. HOAR: (To the witness) First of all, let me take you to your

12 witness statement, Mr. Biggs. That 29 paragraph statement, is

13 that your statement?

14 THE WITNESS: Yes.

15 Q. Are the contents of that witness statement true?

16 A. Yes, indeed.

17 Q. You made that 10 days ago, since then Lady Uddin has made a

18 witness statement. You have seen it I know; is that right?

19 A. Yes.

20 Q. It should be in tab U in bundle S, which is that red bundle

21 there that you have, if it has been inserted in the right

22 place. Sorry, I am being asked to ask you, have you been

23 sitting in court during the last witness' evidence or not?

24 A. No, I have not.

25 Q. Thank you.

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1 JOHN BIGGS - HOAR

2 MR. PENNY: I just wanted to find out one way or the other.

3 MR. HOAR: You have not. We are going to need one more, I am

4 afraid, the witness statement from Lady Uddin.

5 THE WITNESS: I know I have a copy in my file.

6 Q. Is it marked or not?

7 A. Not.

8 Q. If it is not marked can you get that and show it to the court

9 so we can see it is not marked. It may not matter. Just a

10 few matters, clearly paragraph 4 affirms what you say in your

11 witness statement, which is that page 7 of the cuttings refer

12 to the fake fax and not to real comments made by Lady Uddin?

13 A. Yes.

14 Q. Have you read paragraph 5 of that witness statement?

15 A. Briefly, yes.

16 Q. Do you have any comment about the paragraph 5?

17 A. I do not recall. You have just examined Baroness Uddin and

18 she will have made her comments on her perceptions at the

19 time. Certainly I reject the assertion that anything I said

20 was part of a strategy to bolster a core vote. Indeed, that

21 is what I would assert was being done by Mr. Rahman and his

22 party. I do not recall, as I have said repeatedly, and in my

23 statements that I was accused of things in the 1990s which

24 people have miraculously decided I was accused of in 2015.

25 Q. There is frankly no specific allegations in paragraph 5 but

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2 paragraph 6, two comments in the middle, one that you are not

3 a team player. Do you have a comment about that?

4 A. I think there was a very interesting radio interview I heard

5 the other day where somebody described politics as being a

6 team sport played by loners and I think there is some truth in

7 that. Maybe to the court that is somewhat flippant. But yes,

8 I have to work as part of a team and there are a lot of

9 tensions. Back in the 1990s I was a new leader I had only

10 been elected in 1988. If I had the experience then that I

11 have now I would have played it differently. I think I have

12 said that in my previous appearance.

13 Q. Is it true that you worked closely with senior officers in the

14 council?

15 A. I think you are expected to as a councillor leader.

16 Q. Is there anything wrong with that?

17 A. No, the statement suggests that I work with officers from the

18 Liberal Democrat regime, that does not imply that they were

19 Liberal Democrats.

20 Q. In the next sentence, did you have an underlying assumption

21 that many Bengali councillors did not have sufficient

22 knowledge, competence or understanding?

23 A. I do not believe so, no. I think when we won in 1994, we had

24 a massive landslide of a victory, over half the Labour group

25 were new members and, by definition, over half the Labour

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2 group were inexperienced as councillors.

3 Q. You have said before that there were factional politics, was

4 that your fault?

5 A. I suppose -- I am always tempted to give a too intellectual

6 answer to these questions. I do not think it was my fault,

7 no. I think there was a group of people who were hell bent on

8 removing me as leader ----

9 Q. Who were they?

10 A. It was led primarily by Christine Shawcroft.

11 Q. Who else?

12 A. (Unclear) was part of that grouping as well, Michael Keith in

13 the background was part of that grouping at the time.

14 Although it would fair to say that he and my relationship has

15 softened over the years.

16 Q. Paragraph 7, it is said no specific allegations about you, but

17 it is suggested that: "A new narrative began to emerge in

18 private ...(reads to the words)... and professional

19 backgrounds of the councillors." Do you have a comment on

20 that?

21 A. I do not believe there was such view. I think there will

22 always be councillors who have individual personalities and

23 priorities. One of the great things, in my opinion, of being

24 part of Labour Party is the Labour Party is very good at

25 bumping off the rough edges of people and helping people to

<p style="text-align: right;">[Page 4172]</p> <p>1 JOHN BIGGS - HOAR</p> <p>2 achieve a shared view. I am sure that is true of other</p> <p>3 mainstream political parties as well.</p> <p>4 Q. Did you share that narrative, if it existed at all?</p> <p>5 A. No. The group had become very factionalised and polarised,</p> <p>6 and as I think I said in my earlier statement, I was involved</p> <p>7 in about six or seven leadership elections, none of which were</p> <p>8 won or lost by more than one vote. The last one of which I</p> <p>9 stood in was a dead heat on three occasions, until it</p> <p>10 adjourned; after which I stood down.</p> <p>11 Q. One comment is attributed directly to you in paragraph 8,</p> <p>12 which is this: "Mr. Biggs on one occasion told me that Tower</p> <p>13 Hamlets was not yet ready for a Asian woman as leader and then</p> <p>14 retracted it as if it were a joke." Is that true?</p> <p>15 A. I do not recall making any such statement. I think it is fair</p> <p>16 to say that Pola Uddin is the first elected Bengali woman in</p> <p>17 Tower Hamlets politics, had quite a rough time. And we</p> <p>18 exchanged greetings as she left the court just now, and I</p> <p>19 consider her -- notwithstanding this case -- I consider he to</p> <p>20 be a friend, she has had quite a tough time being selected.</p> <p>21 She had a disabled child and had quite a challenging time in</p> <p>22 her life; so, generally I felt quite supported towards her and</p> <p>23 I know she had quite a rough time from some of the internal</p> <p>24 politics within the Bengali community. I know that was the</p> <p>25 case. No, I do not recall ever saying that it her. I think</p>	<p style="text-align: right;">[Page 4174]</p> <p>1 JOHN BIGGS - PENNY</p> <p>2 CROSS-EXAMINED BY MR. PENNY</p> <p>3 Q. Do you make provocative remarks?</p> <p>4 A. I am described by some as a pugnacious politician. I was</p> <p>5 talking to a friend the other day who said he was horrified at</p> <p>6 the suggestion I am a racist and said that I could be</p> <p>7 described as an equal opportunities pugnacious politician in</p> <p>8 that I am equally forthright with people from all backgrounds.</p> <p>9 I think with time maybe I recognise that people have different</p> <p>10 sensitivities and I am a lot more sensitive now than I was</p> <p>11 when I was leader 20 years ago.</p> <p>12 Q. You accepted last time that so far as the remarks you made in</p> <p>13 September 2013 are concerned, you regret them inasmuch as you</p> <p>14 accept that you can see that they may have upset some people.</p> <p>15 A. I think I regret them more in that they have been open to</p> <p>16 misinterpretation in this rather tenuous spinning by your</p> <p>17 client and indeed, in my view, by yourself.</p> <p>18 Q. You said that last time. I am more interested in you. Let us</p> <p>19 stick with you for the time being. Do you regret the fact</p> <p>20 that you might have upset some people? What about your own</p> <p>21 view about that? Let us forget about what Lutfur Rahman's</p> <p>22 team have done.</p> <p>23 A. I do not believe, when I looked at the evidence -- and I did</p> <p>24 sit in on Alibor Choudhury's appearances in the court -- and I</p> <p>25 was quite shocked at his assertions of being hurt given that</p>
<p style="text-align: right;">[Page 4173]</p> <p>1 JOHN BIGGS - HOAR</p> <p>2 it would have been very hard at that time. But the world has</p> <p>3 moved on in many ways, we now have the first Bengali MP, was</p> <p>4 of course a woman.</p> <p>5 Q. Rushanara Ali?</p> <p>6 A. Yes.</p> <p>7 Q. Paragraph 10, you have answered in full: "Every time we</p> <p>8 walked about the Bangladeshi community we would lose 400</p> <p>9 votes", and I think you have answered that in your previous</p> <p>10 witness statement?</p> <p>11 A. I am very clear that I never made that statement and I never</p> <p>12 would make that statement. I notice that Pola Uddin has</p> <p>13 reported it as hearsay, if you like.</p> <p>14 Q. Has she ever accused you, so far as you are aware, of that</p> <p>15 comment in the 20 years or 30 years, even, since it was</p> <p>16 alleged to have been made?</p> <p>17 A. I have never heard her make that statement, no.</p> <p>18 MR. HOAR: No more questions.</p> <p>19 THE COMMISSIONER: Mr. Penny?</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">[Page 4175]</p> <p>1 JOHN BIGGS - PENNY</p> <p>2 there was such a great time elapse between his apparent hurt</p> <p>3 and his use of the information.</p> <p>4 Q. Surely you are not trying not to answer my question, Mr.</p> <p>5 Biggs, are you?</p> <p>6 A. I think ----</p> <p>7 Q. I asked you about you.</p> <p>8 A. I think in life there are many questions to which the answer</p> <p>9 is not yes or no. If you want to repeat your question, we</p> <p>10 have all afternoon, I believe.</p> <p>11 Q. Is it "Je ne regrette rien" for you?</p> <p>12 A. As I said previously, we all make our bed and we lie in it, do</p> <p>13 we not?</p> <p>14 Q. That is not an answer, is it?</p> <p>15 A. No, it is not the answer you want me to give, but it is an</p> <p>16 answer.</p> <p>17 Q. I just want the truth.</p> <p>18 A. Indeed, so do I.</p> <p>19 Q. Let us look at 1995 just briefly. Would you look in volume W?</p> <p>20 A. Yes.</p> <p>21 Q. It is this business about the staff policy, all right?</p> <p>22 A. Are you going to direct me to a page?</p> <p>23 Q. Yes, 1999D. Actually, it starts on 1999C and then goes over</p> <p>24 to 1999D.</p> <p>25 A. Yes.</p>

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<p>1 JOHN BIGGS - PENNY</p> <p>2 Q. This is Julia Hartley-Brewer's article in the East London</p> <p>3 Advertiser; yes?</p> <p>4 A. I believe so, yes.</p> <p>5 Q. It is about your so-called assimilation memo which was leaked,</p> <p>6 was it not?</p> <p>7 A. It depends on what you mean by "leaked" and it depends on what</p> <p>8 you mean by "so-called" as well.</p> <p>9 Q. Let us not argue about terminology. We do not have much time.</p> <p>10 Can we just focus on the basic facts here. This is a story in</p> <p>11 the newspaper where she has got hold of a document written by</p> <p>12 you, has she not?</p> <p>13 A. It would appear so, yes.</p> <p>14 Q. You are talking about your concern about the proposed policy.</p> <p>15 A. I believe so. I do not have that document.</p> <p>16 Q. That is the policy which was ultimately adopted against your</p> <p>17 best wishes or at least the other faction wanted to adopt this</p> <p>18 policy and you were opposing it.</p> <p>19 A. I think by this time it had been adopted by the group and we</p> <p>20 were grappling with how to make it work.</p> <p>21 Q. Can we go over the page to October 6th, to the second page,</p> <p>22 the continuation sheet?</p> <p>23 A. Yes.</p> <p>24 Q. The second column is this; yes? Can you see the bottom</p> <p>25 paragraph of the second column: "Supporters of the decision</p>	<p>1 JOHN BIGGS - PENNY</p> <p>2 Q. Over 100 female Labour MPs.</p> <p>3 A. Yes.</p> <p>4 Q. Positive action, whatever you want to call it. That is what</p> <p>5 was going on within the Labour Party.</p> <p>6 A. Indeed.</p> <p>7 Q. Some people think that positive action is all wrong, do they</p> <p>8 not?</p> <p>9 A. I think Mr. Farage apparently does, yes.</p> <p>10 Q. Goodness me, the Conservatives, in 1995, would have thought it</p> <p>11 was all wrong as well, would they not?</p> <p>12 A. I believe that is probably correct by and large, yes.</p> <p>13 Q. How times have changed.</p> <p>14 A. I think there were probably always some progressive</p> <p>15 Conservatives but, yes, by and large that was the case.</p> <p>16 Q. So that is at least what some of the people, who were involved</p> <p>17 in this policy, thought it was all about.</p> <p>18 A. It may have been. You would have to interview them. It was</p> <p>19 presented as being a policy about reorganising the Council and</p> <p>20 a representative workforce was part of the agenda there. I</p> <p>21 think there was a nuance that, in some way, officers under the</p> <p>22 previous administration, as alluded to in Orla Rudden's(?)</p> <p>23 statement, was in some way implied as being associates of the</p> <p>24 Liberal administration and therefore not to be trusted.</p> <p>25 Q. They were associated with racism.</p>
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<p>1 JOHN BIGGS - PENNY</p> <p>2 say ending staff's automatic right to move to similar jobs</p> <p>3 will open up jobs to ethnic minorities."</p> <p>4 A. Yes.</p> <p>5 Q. What I want to ask you is this. Whether they were right or</p> <p>6 wrong about that, that is what some people thought, was it</p> <p>7 not?</p> <p>8 A. I believe it was although it was never debated in my</p> <p>9 recollection, which is 20 years ago, explicitly in that</p> <p>10 fashion. Certainly, we were frustrated that the workforce was</p> <p>11 not representative.</p> <p>12 Q. There was an issue about inadequate promotion of ethnic</p> <p>13 minorities, was there not, in some people's minds?</p> <p>14 A. I think it was not just about promotion. It was about</p> <p>15 representation in the workforce.</p> <p>16 Q. This was the mid-1990s.</p> <p>17 A. Yes.</p> <p>18 Q. The Labour Party itself in the mid-1990s, so far as the</p> <p>19 selection of candidates for Parliamentary election was</p> <p>20 concerned, was in the midst of change in that regard, was it</p> <p>21 not?</p> <p>22 A. I believe so, yes.</p> <p>23 Q. That is why we ended up with the changes which resulted in the</p> <p>24 famous picture outside Parliament in 1997, is it not?</p> <p>25 A. I believe so, yes.</p>	<p>1 JOHN BIGGS - PENNY</p> <p>2 A. Possibly with racism, but possibly with the discredited</p> <p>3 policies of the Liberal Democrat administration.</p> <p>4 Q. So obviously race, in the widest sense, was a factor, was it</p> <p>5 not?</p> <p>6 A. It depends what you mean by "the widest sense". Certainly</p> <p>7 with the politics of the time about taking over the local</p> <p>8 authority, about defeating the Liberals, who were a divisive</p> <p>9 administration and who many of us viewed as racist, clearly</p> <p>10 race as a very important issue.</p> <p>11 Q. A hot topic?</p> <p>12 A. It was a hot topic in terms of the political debate within the</p> <p>13 Labour Party and I think in terms of the agenda around the</p> <p>14 election of Derek Beackon and the BNP councillor who was</p> <p>15 defeated. Yes, so race has always been, in my lifetime in the</p> <p>16 East End, a potent issue in East End politics, yes.</p> <p>17 Q. And come the summer of 2013, it remained a hot topic, did it</p> <p>18 not?</p> <p>19 A. I think things have moved on in many ways, but it remains an</p> <p>20 issue, but not in anything like the same fashion.</p> <p>21 Q. I do not want to rehash old ground, but it is a fact, is it</p> <p>22 not, that the EDL picked up, for example, on the Labour</p> <p>23 Party's press release about housing in June 2013.</p> <p>24 A. It seems to me that if someone is doing something which is</p> <p>25 challengeable, you need to be always thoughtful in the way in</p>

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<p>1 JOHN BIGGS - PENNY</p> <p>2 which you challenge it, but you should not withhold from</p> <p>3 challenging a policy which is worthy of challenge simply</p> <p>4 because somebody without principle might misrepresent what you</p> <p>5 have said.</p> <p>6 Q. Is it correct that in the summer of 2013, the EDL picked up on</p> <p>7 what the Labour Party had said about housing in their press</p> <p>8 release?</p> <p>9 A. I do not think it was as simple as that.</p> <p>10 Q. Is it correct? Did it happen?</p> <p>11 A. The EDL commented and they misinterpreted something that was</p> <p>12 said about the Labour Party, which was quite a subtle thing</p> <p>13 said by the Labour Party.</p> <p>14 Q. It was used by extremist right-wingers.</p> <p>15 A. But there are all sorts of things used by extremist</p> <p>16 right-wingers. We do not have to always resist doing what we</p> <p>17 think is the right thing.</p> <p>18 Q. So that gives you free rein to say what you like, does it?</p> <p>19 A. No, it does not. As you well know, that is a rather perverse</p> <p>20 misinterpretation of what I have said.</p> <p>21 Q. Thank you, Mr. Biggs.</p> <p>22 A. Thank you.</p> <p>23 THE COMMISSIONER: Is there anything more?</p> <p>24 MR. HOAR: No, nothing.</p> <p>25 THE COMMISSIONER: Thank you very much, Mr. Biggs. You are not</p>	<p>1</p> <p>2 MR. HOAR: Mr. Biggs being recalled really is my last witness.</p> <p>3 THE COMMISSIONER: Any witnesses for you, Mr. Penny?</p> <p>4 MR. PENNY: There are a couple of policemen who my learned</p> <p>5 previously required outside. I need to speak to him to see</p> <p>6 whether they are still accepted. I think one definitely is.</p> <p>7 It is P.C. Sheppard, who is Seven Mills polling station. It</p> <p>8 should not take long.</p> <p>9 THE COMMISSIONER: Let us get him in then.</p> <p>10 MR. HOAR: He should be in P.</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 JOHN BIGGS - PENNY</p> <p>2 definitively released.</p> <p>3 (The witness withdrew)</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 SHEPPARD</p> <p>2 P.C. SHEPPARD, SWORN</p> <p>3 EXAMINED BY MR. PENNY</p> <p>4 Q. Could you take the red file with the X on it?</p> <p>5 A. Do you have a number?</p> <p>6 Q. Yes, sorry, you are ahead of me. It is 30.</p> <p>7 A. Yes, I have got it.</p> <p>8 Q. Is that your witness statement?</p> <p>9 A. Yes, it is.</p> <p>10 Q. Is that your signature?</p> <p>11 A. Yes, that is correct.</p> <p>12 Q. Have you had an opportunity to review it?</p> <p>13 A. I have not really.</p> <p>14 Q. Have a quick look at it just now, would you? (Pause) In that</p> <p>15 final sentence, it reads, "There were complaints made to me</p> <p>16 during my time." Is that right or have you missed a "no" out</p> <p>17 in the typing of it?</p> <p>18 A. Hand on heart, I am going to say it is ----</p> <p>19 Q. You cannot remember.</p> <p>20 A. Yes, because I cannot recall any.</p> <p>21 Q. You cannot recall any so it looks like it just a typo in the</p> <p>22 witness statement.</p> <p>23 A. Yes, it is a typing error on my part.</p> <p>24 MR. PENNY: Wait there, please.</p> <p>25</p>

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<p>1 SHEPPARD - HOAR</p> <p>2 CROSS-EXAMINED BY MR. HOAR</p> <p>3 Q. You think that is right?</p> <p>4 A. Yes, I am correct on that, yes.</p> <p>5 Q. You made the statement on 26th June, which was about six weeks</p> <p>6 after the election?</p> <p>7 A. I cannot remember.</p> <p>8 Q. A bit less -- five?</p> <p>9 A. Yes, something along those lines.</p> <p>10 Q. You were on duty in the meantime?</p> <p>11 A. Yes.</p> <p>12 Q. You went to a very large number of incidents, did you?</p> <p>13 A. Yes.</p> <p>14 Q. You did not make contemporaneous notes, did you?</p> <p>15 A. No.</p> <p>16 Q. You made no mention of any briefing. Did you go on a briefing</p> <p>17 before the election?</p> <p>18 A. We did. There was one large briefing that everyone attended.</p> <p>19 Q. If you turn to green file P, tab 85, page 880 is your witness</p> <p>20 statement.</p> <p>21 A. Yes, I have got that.</p> <p>22 Q. The page before is P.C. Dave Henderson's witness statement.</p> <p>23 A. That is correct, yes.</p> <p>24 Q. This is not a criticism but a matter of fact. Did you use a</p> <p>25 similar document to get that information in? You cut and</p>	<p>1 SHEPPARD - PENNY</p> <p>2 RE-EXAMINED BY MR. PENNY</p> <p>3 Q. Do you remember any problems?</p> <p>4 A. Hand on heart, I have never been to an election. There was</p> <p>5 nothing to me that I felt I needed to do.</p> <p>6 Q. It was not like a usual Friday night at 11 o'clock?</p> <p>7 A. No.</p> <p>8 MR. PENNY: Thank you very much indeed.</p> <p>9 (The witness withdrew)</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 SHEPPARD - HOAR</p> <p>2 paste it in to get the name and address of the polling</p> <p>3 station. It looks as though that may have happened.</p> <p>4 A. Yes, they were sent on emails and we used those specific</p> <p>5 details.</p> <p>6 Q. So you were sent a pro forma and asked to fill it in about</p> <p>7 complaints and anything that happened.</p> <p>8 A. Yes.</p> <p>9 Q. All you could remember was two lines that were not within the</p> <p>10 main body of the email; is that right?</p> <p>11 A. Yes.</p> <p>12 Q. That is as much as you can recall.</p> <p>13 A. Yes.</p> <p>14 Q. You do not speak Sylheti or Bengali?</p> <p>15 A. No, unfortunately. I wish I did.</p> <p>16 MR. HOAR: No more questions.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 HILLER</p> <p>2 P.C. HILLER, SWORN</p> <p>3 EXAMINED BY MR. PENNY</p> <p>4 Q. Mr. Hiller, you will see that there are some green files to</p> <p>5 your left. Would you pick out the one that has "O" on the</p> <p>6 side of it and look behind tab 2 at page 179.</p> <p>7 A. Yes.</p> <p>8 Q. Is this the witness statement that you made in relation to</p> <p>9 your discharge of your duties on Tower Hamlets election day on</p> <p>10 22nd May of last year?</p> <p>11 A. It is, yes.</p> <p>12 Q. I think you made the statement on 26th June 2014.</p> <p>13 A. Yes.</p> <p>14 Q. Have you had an opportunity to look at this today?</p> <p>15 A. I have done, yes.</p> <p>16 Q. Is it accurate?</p> <p>17 A. It is, yes.</p> <p>18 MR. PENNY: Wait there, please.</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p>1 HILLER - HOAR</p> <p>2 CROSS-EXAMINED BY MR. HOAR</p> <p>3 Q. Again, you made the witness statement on 26th June five weeks</p> <p>4 or so after the election?</p> <p>5 A. That is correct.</p> <p>6 Q. Did you make contemporaneous notes at the time?</p> <p>7 A. No, I did not.</p> <p>8 Q. Were you on duty without any extended period of leave between</p> <p>9 the two dates, 22nd May and 26th June or did you have some</p> <p>10 time away?</p> <p>11 A. I did have some time off during it.</p> <p>12 Q. A week?</p> <p>13 A. One week.</p> <p>14 Q. So one week. You were on duty for four weeks approximately?</p> <p>15 A. Yes.</p> <p>16 Q. You went to a number of incidents, did you?</p> <p>17 A. Yes, I did.</p> <p>18 Q. You mention Labour canvassers. Were they the only canvassers?</p> <p>19 A. They were the only ones I recall being there.</p> <p>20 Q. How did you identify them?</p> <p>21 A. By the ribbons they were wearing at the time.</p> <p>22 Q. Was it the colour of the ribbons that caused you to identify</p> <p>23 them as Labour?</p> <p>24 A. Yes, it was.</p> <p>25 Q. Because they were red?</p>	<p>1 HILLER - PENNY</p> <p>2 RE-EXAMINED BY MR. PENNY</p> <p>3 Q. There were three or four Labour supporters?</p> <p>4 A. Yes.</p> <p>5 Q. You were aware, were you, on this election day that there was</p> <p>6 a party called Tower Hamlets First as well?</p> <p>7 A. Yes, I was.</p> <p>8 MR. PENNY: Thank you. May this officer be released?</p> <p>9 THE COMMISSIONER: Of course he may. You are free to go. Thank</p> <p>10 you for coming.</p> <p>11 (The witness withdrew)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 HILLER - HOAR</p> <p>2 A. Yes.</p> <p>3 Q. Were they largely speaking English or another language?</p> <p>4 A. A combination of both.</p> <p>5 Q. Did you have a close look at the rosettes or not?</p> <p>6 A. No.</p> <p>7 Q. How many were there?</p> <p>8 A. How many?</p> <p>9 Q. How many were there canvassing outside?</p> <p>10 A. Probably approximately three to four.</p> <p>11 Q. What sort of proportion of your time was spent inside and what</p> <p>12 outside?</p> <p>13 A. I spent most of my time outside. I would say about 90% of the</p> <p>14 time was outside the building.</p> <p>15 Q. Do you speak Sylheti or Bengali?</p> <p>16 A. No, I do not.</p> <p>17 MR. HOAR: I have no more questions.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 DISCUSSION</p> <p>2 MR. PENNY: Can I hand up bundle of documents, my Lord?</p> <p>3 THE COMMISSIONER: Thank you.</p> <p>4 MR. PENNY: Can I just try and explain. My learned friend, via</p> <p>5 email yesterday, made a number of enquiries.</p> <p>6 THE COMMISSIONER: These were emailed to me, but I did not have a</p> <p>7 chance to read them.</p> <p>8 MR. PENNY: Can I just take you through them just to explain what</p> <p>9 is going on.</p> <p>10 THE COMMISSIONER: This is Mr. Akturuzzaman.</p> <p>11 MR. PENNY: Exactly. There is a series of questions posed about</p> <p>12 Mr. Akturuzzaman and the register in Tower Hamlets. You have</p> <p>13 got here the answers from Mr. Thomas which established that he</p> <p>14 was not registered in January 2012, the application to</p> <p>15 register was in April 2012 and he then came off in 2013</p> <p>16 because there was a lack of response to letters or a canvass</p> <p>17 in 2013.</p> <p>18 THE COMMISSIONER: He applies to go back on to the register on</p> <p>19 12th April 2014.</p> <p>20 MR. PENNY: No, it is earlier than that. It is 7th March.</p> <p>21 THE COMMISSIONER: Sorry, the confirmation is ----</p> <p>22 MR. PENNY: If you go to page 4 ----</p> <p>23 THE COMMISSIONER: You are quite right. The confirmation is 12/4.</p> <p>24 So he applies on 7th March, he is added to the register on</p> <p>25 12th March and it is confirmed on 12th April. He is removed</p>

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<p>1 DISCUSSION</p> <p>2 on 3rd June. There is then no one registered at 312. Yes, I</p> <p>3 follow.</p> <p>4 MR. PENNY: He is back on in March 2014.</p> <p>5 THE COMMISSIONER: And off again ----</p> <p>6 MR. PENNY: And off again immediately afterwards. You have his</p> <p>7 email on 3rd June.</p> <p>8 THE COMMISSIONER: Yes.</p> <p>9 MR. PENNY: The next bit is a bit more complicated. This is the</p> <p>10 email that I was asking your Lordship about. Can I ask you to</p> <p>11 go to the second page of Mr. Hoar's series of emails. On page</p> <p>12 3, you have got, in addition, the petitioners file and serve</p> <p>13 the office copy entry for 4 Hancock Way, Shoreham. Then my</p> <p>14 learned friend sets out a passage of his evidence. At the</p> <p>15 bottom of the passage of evidence, they say the office copy</p> <p>16 entries are served to rebut his evidence saying that they are</p> <p>17 good for the proposition that the property in Shoreham was</p> <p>18 repossessed, namely, the effect of his evidence. Can you go</p> <p>19 back to the first page of the fax?</p> <p>20 THE COMMISSIONER: Yes.</p> <p>21 MR. PENNY: My learned friend corrected what he thought the office</p> <p>22 copy register showed, namely, that the house was not</p> <p>23 repossessed, there was not a mortgage on it and he remains the</p> <p>24 owner.</p> <p>25 THE COMMISSIONER: We do not have a document which looks like a</p>	<p>1 DISCUSSION</p> <p>2 final, but no mention of a mortgage.</p> <p>3 THE COMMISSIONER: It is very odd. Yet there seems to be a</p> <p>4 possession order made under the mortgage.</p> <p>5 MR. HOAR: Which, in 2015, does not appear to be registered.</p> <p>6 THE COMMISSIONER: It remains a mystery. There we are.</p> <p>7 MR. PENNY: The long and the short of it is that he has not been</p> <p>8 in that house. I have other documents that establish it.</p> <p>9 THE COMMISSIONER: He may still be the owner of it, but that is as</p> <p>10 far as it goes.</p> <p>11 MR. PENNY: Legally, he may still be the owner of it, but you have</p> <p>12 got these charges on the register.</p> <p>13 THE COMMISSIONER: Or he may be sitting on a pile of negative</p> <p>14 equity.</p> <p>15 MR. HOAR: As a matter of fact, you do not. You have charging</p> <p>16 orders that have not been made final, but have not been</p> <p>17 executed by matter of ----</p> <p>18 MR. PENNY: Sorry, that is just not right.</p> <p>19 MR. HOAR: And you do not have a mortgage that is registered.</p> <p>20 THE COMMISSIONER: The mortgage does not show that the charge is</p> <p>21 registered, does it?</p> <p>22 MR. PENNY: No.</p> <p>23 THE COMMISSIONER: The Santander mortgage does not appear at all.</p> <p>24 MR. HOAR: Which is why I made the comment in my email.</p> <p>25 THE COMMISSIONER: It is odd that they would have had an</p>
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<p>1 DISCUSSION</p> <p>2 claim under a mortgage.</p> <p>3 MR. PENNY: Precisely so. What then happened is that documents</p> <p>4 were collected to rebut what my learned friend had asserted in</p> <p>5 the email to your Lordship. There is a possession order in</p> <p>6 August 2009. You have got a series of communications from the</p> <p>7 mortgagor in November 2010 and again in June 2011.</p> <p>8 THE COMMISSIONER: The last document in the bundle is the office</p> <p>9 copy entry, but I have no date for that.</p> <p>10 MR. PENNY: That is the current one.</p> <p>11 MR. HOAR: It was acquired by Ms. Turner about two days ago.</p> <p>12 MR. PENNY: This copy was acquired by me at half-past nine last</p> <p>13 night.</p> <p>14 THE COMMISSIONER: So although a possession order was granted, the</p> <p>15 possession does not seem to have been executed.</p> <p>16 MR. PENNY: If you look on the charges under the proprietorship</p> <p>17 register, at 6 and 7 you can see that. There is a charge</p> <p>18 placed on the property by BMI Healthcare, trading as London</p> <p>19 Independent Hospital Co.</p> <p>20 MR. HOAR: It appears that there are two charging orders.</p> <p>21 MR. PENNY: The final charging order is a final charging order on</p> <p>22 the beneficial interest.</p> <p>23 MR. HOAR: The comment I would make is that at no point does the</p> <p>24 mortgage appear to have been registered. There is no mention</p> <p>25 of a mortgage. There are two charging orders, one of which is</p>	<p>1 DISCUSSION</p> <p>2 unregistered equitable charge.</p> <p>3 MR. PENNY: It seems unlikely.</p> <p>4 THE COMMISSIONER: There we are.</p> <p>5 MR. PENNY: You have got an order from the County Court. If you</p> <p>6 look at the proprietorship register, 7 is no disposition</p> <p>7 without a certificate signed, written notice etc., being the</p> <p>8 person with the benefit of a final charging order on the</p> <p>9 beneficial interest.</p> <p>10 MR. HOAR: That is a charge for BMI Healthcare and not a mortgage.</p> <p>11 MR. PENNY: No, I accept that, but the point ----</p> <p>12 THE COMMISSIONER: We have no evidence, as I can see it, of the</p> <p>13 Santander mortgage, if it existed, being on the title.</p> <p>14 MR. PENNY: I am going to have to call him if this is an issue. I</p> <p>15 will have to get him back here.</p> <p>16 THE COMMISSIONER: What is much more of an issue is if, and to</p> <p>17 what extent, he was in occupation at 312 The Highway.</p> <p>18 MR. HOAR: What could be done is this. He does not have an</p> <p>19 answer. He has given evidence about it. He said, "I was</p> <p>20 repossessed, I had a mortgage ----</p> <p>21 MR. PENNY: He does have a mortgage, he did have a mortgage and,</p> <p>22 what is more ----</p> <p>23 MR. HOAR: Not one that is registered.</p> <p>24 MR. PENNY: He acted upon the mortgage. If there is actually</p> <p>25 going to be submissions about this to the effect that there</p>

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DISCUSSION

DISCUSSION

1
2 was no mortgage and that the property was not taken possession
3 of, I am going to have to get him back.
4 THE COMMISSIONER: I think this is all too peripheral for what I
5 need. I have his evidence. It is for me to assess whether or
6 not he was in occupation of 312 The Highway, which is all that
7 matters for the purpose of ----
8 MR. PENNY: The offence that the police investigated and the
9 offence which is being alleged.
10 THE COMMISSIONER: The allegation that is made in this case and
11 that is all that is required. I do not think we can pursue
12 that hare any further.
13 MR. PENNY: The allegation relates to as of the date of his
14 nomination as a candidate in the 2014 elections.
15 THE COMMISSIONER: Yes, but at that time, according to Mr.
16 Williams's records, he was registered at, so if he is not
17 living there, it is (a) a false registration for voting
18 purposes; and (b) a false registration for nomination
19 purposes, so it is two offences rather than one. If he is
20 living there, it is no offences.
21 MR. PENNY: Quite, the point being that the time that matters is
22 then, in 2014.
23 THE COMMISSIONER: Yes, we are all agreed on that.
24 MR. PENNY: Can I ensure you have everything? There is this list
25 of statements that can be read. I handed that up earlier, did

1
2 MR. COMMISSIONER: He will make no friends if he does it on a
3 Friday afternoon.
4 MR. HOAR: He will not, and it will not happen.
5 THE COMMISSIONER: Now, gentlemen, final closing submissions. As
6 you know, I have ordered final closing submissions to be
7 delivered by, I think I said -- did I say noon on Friday of
8 next week?
9 MR. PENNY: I must say, I thought it was 4.00; but if your
10 Lordship says noon, your Lordship says noon.
11 THE COMMISSIONER: It is certainly noon now because, of course, I
12 have got to get them in good time, because I have limited time
13 to then read them, because we have advanced the oral
14 submissions, to accommodate Mr. Straker, to Tuesday the 24th.
15 MR. HOAR: Yes. I am not going to make the same mistake as last
16 time, of course. I have heard that. Noon.
17 THE COMMISSIONER: Noon. Good. Now, the first thing I say is
18 this. Having heard the evidence given, including the evidence
19 from the gentleman concerned, I am not minded to make
20 Mr. Maium Miah answer as to whether he should or should not be
21 named. That is not to say I do or do not accept his evidence,
22 but I do not think that his level of participation in this
23 matter, even assuming the charges against the Mayor to be
24 correct, is sufficient for me specifically to name him. On
25 the other hand, it is quite clear from the evidence both of

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DISCUSSION

DISCUSSION

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2 I not?
3 THE COMMISSIONER: You did and I have it.
4 MR. HOAR: In addition, there was the one document which does not
5 appear to be in the collated bundle of documents put to
6 witnesses during evidence. I have a copy for your Lordship.
7 One document that does not appear is the evidence that Nelson
8 Street Synagogue received a grant from the Building Funds
9 Scheme, the relevance of that evidence being that that was
10 specifically denied by the First Respondent in evidence.
11 Having said that, you have heard evidence from Mr. Silver
12 himself, who gives evidence that that grant was given, so it
13 may be ----
14 MR. PENNY: That is right. I called evidence to prove the Mayor
15 had lied! They were given £10,000, as my learned friend put
16 to him, and it was in relation to the professional fees for
17 the Nelson Street Synagogue.
18 MR. HOAR: Yes, which the Mayor has specifically denied.
19 THE COMMISSIONER: Yes. Well, there we are. We will have to sort
20 that one out.
21 Right. Have we, at last, definitively, got to the end
22 of the evidence?
23 MR. PENNY: Until I get an e-mail from my learned friend in the
24 next hour, no doubt, saying that he wants to call somebody
25 else. But there we are.

1
2 Mr. Rahman and of Mr. Alibor Choudhury, that if the
3 allegations against Mr. Rahman are correct, then
4 Mr. Alibor Choudhury, clearly, would have to be named, unless
5 there was some very good reason to the contrary.
6 Consequently, Mr. Alibor Choudhury must consider himself to be
7 at risk of being named. Therefore, if Mr. Alibor CHOUDHURY
8 wishes, either himself or through professional advisers, to
9 put in written submissions, he too has until Friday noon to do
10 so; and he will be permitted, either himself or through a
11 legal representative, to make short representations to me on
12 the afternoon of Tuesday the 24th.
13 Now, so far as final submissions from the parties are
14 concerned, obviously, those submissions will deal with both
15 law and with fact. In so far as the law is concerned, the
16 parties are, I think, entitled to assume (unless they think I
17 have got them wrong in earlier judgments I have delivered)
18 that I am probably familiar with the law relating to, first of
19 all, the functions and powers of an election court; secondly,
20 with regard to the burden and standard of proof to be applied
21 in respect of the various issues. Thirdly, unless issue is to
22 be taken with my pronouncements in, now, a number of cases in
23 the past, I will not require any great assistance with regard
24 to the law relating to agency. The facts, of course, are an
25 entirely different matter. I am reasonably familiar with the

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1 DISCUSSION
 2 law relating to personation, false registration, tampering
 3 with ballot papers (indeed, what might be termed ballot paper
 4 fraud), and so I will not require a vast amount of learning on
 5 that, unless you think I have got it wrong in the past.
 6 Similarly, it seems to me that there cannot be an enormous
 7 amount of law on the subject of paying canvassers. Therefore,
 8 that is a matter that can be dealt with relatively briefly, so
 9 far as the law is concerned.
 10 With regard to making false statements under
 11 section 106, unless anyone argues to the contrary, I shall
 12 propose to take the law as having been definitively expounded
 13 by the Divisional Court in the case of Woolas. However, I
 14 shall require help as to the law relating to, first of all,
 15 undue religious influence (of course, technically speaking,
 16 spiritual influence); secondly, the law in relation to
 17 intimidation at polling stations; and thirdly, the law
 18 relating to bribery, including, or in particular, the extent
 19 to which the electoral offence of bribery covers payments that
 20 are made by or on behalf of the candidate, not to the elector
 21 personally, but to a third party. That is a matter which,
 22 given that the case here is presented on the basis of payments
 23 not being made directly, so to speak, into the pockets of the
 24 electors, but in a more indirect way, I will be interested to
 25 have your submissions as to the law.

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1 DISCUSSION
 2 When dealing with the law, I will expect copies of the
 3 relevant extracts of the relevant authorities. You may take
 4 it, however, that I will possess a copy of the relevant
 5 legislation. So, that need not, I think, be copied to me,
 6 unless it is something that is going to be so obscure I will
 7 not have it.
 8 I would prefer that if you wish to cite particular cases
 9 from authority, you simply indicate the authority and the
 10 passages in it you would like me to read. I do not require
 11 you to transliterate them into your submissions, which takes
 12 everyone a lot of time. So, references and passages will do
 13 fine.
 14 So far as the facts are concerned, I shall obviously
 15 require assistance as to the facts. Again, you can take it
 16 that it will be sufficient if you indicate, with regard to the
 17 facts, where you are relying on a primary witness statement,
 18 for which you can give a reference and passages, or evidence
 19 given orally in court, or indeed references to any of the
 20 documents. So, I do not require you to transliterate large
 21 chunks of the transcript.
 22 It would be of assistance to me, as I find I do not have
 23 it, if I were to have a copy of the PwC report electronically,
 24 though I do not require a copy of the exhibits electronically,
 25 at least for the moment; but a copy of the report itself, I

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1 DISCUSSION
 2 think, can be supplied some time, I hope, by one or other
 3 possibly of the teams behind you or alongside you, to me over
 4 the course of the week.
 5 Finally, I would say this -- and this is not directed at
 6 anyone in particular -- opening a case of this kind,
 7 particularly where there is considerable public interest, does
 8 permit, I think, of a certain degree of rhetorical flourish on
 9 both sides. This is quite understandable, and I have taken a
 10 very relaxed view of it. But it may be considered
 11 appropriate, in making closing submissions, if one stuck very
 12 closely (like Mr. Gradgrind) to the facts. So, perhaps the
 13 embellishments, the cadenzas, may be left, if at all, to oral
 14 argument on the 24th.
 15 With regard to the 24th, as counsel know, I have said
 16 that I propose to allow Mr. Hoar two hours, Mr. Penny two
 17 hours, Mr. Straker (if he needs it) half an hour; and that
 18 leaves us a half-hour or so period for (a) odds and ends and
 19 (b) any representations that may be made on behalf of
 20 Mr. Alibor Choudhury.
 21 So, that being so, I shall send you away to do your
 22 closing submissions, with considerable thanks to you for the
 23 way in which you have held this together in somewhat chaotic
 24 circumstances, not all of which were either of your making;
 25 and we shall meet again in 10 days' time.

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1 DISCUSSION
 2 (Adjourned till Tuesday, 24th March 2015)
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