



Neutral Citation Number: [2024] EWHC 1466 (KB)

Case No: QB-2022-001418

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 14/06/2024

Before :

THE HONOURABLE MRS JUSTICE COLLINS RICE

Between :

TESCO STORES LIMITED

Claimant

- and -

Mr SHAHIN MAJEED MOURADI

Defendant

Mr Aaron Pulford (instructed by Keoghs LLP) for the **Claimant**
Mr Jake Taylor (instructed by Hodge Jones & Allen) for the **Defendant**

Hearing date: 16th May 2024

Approved Judgment

This judgment was handed down remotely at 10.30am on 14 June 2024 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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THE HONOURABLE MRS JUSTICE COLLINS RICE

Mrs Justice Collins Rice :

Introduction

1. Tesco discovered it had been targeted by organised scammers. The organisers bribed a few of Tesco's (former) van drivers to participate in staged road traffic 'accidents'. They arranged, for a fee, for individual dishonest car owners to be able to do the same. A van and a car would then deliberately collide to the organisers' pre-arranged schedule, and the car owner would raise a fraudulent County Court compensation claim against Tesco. The organisers themselves were the only link between the two drivers: so there would be no evidence of previous contact between them to suggest collusion.
2. Once Tesco's suspicions were aroused, it took swift action. That included bringing grouped counterclaims in conspiracy and deceit against those 'accident' claimants suspected of being involved in the scams. Mr Mouradi was one such claimant.
3. And now Tesco brings contempt of court proceedings against Mr Mouradi, alleging further acts of dishonesty in his conduct of the litigation by and against him, including by repeatedly lying on oath to the courts, not least in the conduct of the contempt proceedings themselves. Some, but not all, of these lies he admits. This judgment follows a trial of the disputed contempt allegations.

Litigation history

(a) The claim and counterclaim

4. It is (now) undisputed that a staged road traffic collision took place on 5th October 2019. It involved a Tesco van, the driver of which (Mr Parmar) had been bribed to participate, and a car of which Mr Mouradi was the registered owner. Mr Mouradi reported the 'accident' to a claims handler, on the basis that he was the registered keeper of the car, his cousin Mr Tawfeek the driver and insured, and Mr Tawfeek's partner Ms Nusseibeh the passenger, at the time of the collision. He subsequently instructed a firm of solicitors, Bond Turner, to issue a damages claim against Tesco, which they did on 14th December 2019.
5. Mr Mouradi's claim was listed to be heard on 4th December 2020 in the Cheltenham and Gloucester County Court. But on 24th November 2020, Tesco made a series of applications to that Court, including (a) to vacate the trial, (b) for permission to counterclaim against Mr Mouradi in the torts of conspiracy and deceit, and (c) to transfer the matter to the Central London County Court, to be case managed and tried together with a number of other alleged staged collision cases. Tesco's applications came before District Judge Ellery on the date originally listed for the trial of Mr Mouradi's claim: 4th December 2020. This was during the national covid emergency, and the hearing was to be conducted remotely, via video links.

6. There was also an application from Bond Turner before the court on that occasion: the firm had applied to come off the record as Mr Mouradi's solicitors. Having become aware of Tesco's position that the claim was fraudulent, on 1st December 2020 they wrote Mr Mouradi a letter headed '*Your accident on 5th October 2019*' which included the following:

We place you on notice that we are no longer acting for you in this matter and you will not be represented at the Trial on Friday 4 December in the Gloucester County Court. You are still required to attend however. (emphasis original)

Bond Turner wrote him another letter the following day, 2nd December 2020, to confirm they had formally applied to come off the record, and that his retainer with the firm had been terminated with immediate effect.

7. At 10.12am on 4th December 2020, the day of the hearing, Bond Turner sent Mr Mouradi an email headed '*LINK TO TODAY'S HEARING*' as follows:

Dear Mr Mouradi

I understand from your telephone call today that you intend to speak to the Court in this matter.

I attach a copy of the Order to confirm that the matter is proceeding via Skype. Please find below the link to the hearing: [hyperlink]

8. As well as being sent to Mr Mouradi, this email was copied to the address of another individual, an acquaintance of Mr Mouradi's. This individual's identity has not so far been fully established in litigation, but his given name appears to be 'Abdul' and I will refer to him as such.

(b) *The hearing before DJ Ellery on 4th December 2020*

9. The transcript of the hearing before DJ Ellery shows that the Judge opened the proceedings by seeking to establish who was present on the call. Mr Eastwood of Counsel identified himself as representing Bond Turner in their application to come off the record, and introduced Mr Pulford of Counsel representing Tesco (as he did before me). The following exchanges are then recorded:

Mr Eastwood: You will note that there is the Claimant, Mr Mouradi has also attended, and his name was written, but that attempt was unsuccessful. So he should now be with us by audio only. Mr Mouradi can you just confirm?

Mr Mouradi: Good afternoon Your Honour. I'm, I'm sorry that I could not make the connection through the Skype, I have to make it through the phone. I tried.

DJ Ellery: OK, that's fine. But you're there, so that's fine.

Mr Mouradi: Yes Your Honour.

DJ Ellery: Thank you Mr Mouradi.

Mr Mouradi: Yes Your Honour. Thank you.

Mr Eastwood: And then, forgive me Ma'am but there's also a third party, a Mr Tawfeek who attended who I, as I understand it, he was supposed to be a witness, and details for him to attend had been provided by those instructing me, in advance of today's hearing. And he will be identified by 'TWFeek', again by audio only.

DJ Ellery: Yes. I've got that as well. Thank you very much.

Mr Eastwood: He is not a party to these proceedings –

Mr Mouradi: Your Honour can I, can I make an application here before we continue because Mr Tawfeek doesn't have anything to do with this application, and it has a sensitive information, and I did not allow him or allow his instructing solicitor to join this, this meeting or this application. So Your Honour I would like to make an application to remove him from the meeting, in order for me to speak freely, because there is a very sensitive information, and very incriminative type information I will provide.

DJ Ellery: Sorry, is that Mr Mouradi speaking at the moment?

Mr Mouradi: Yes. Yes Your Honour. Yes Your Honour.

10. After some discussion with Counsel, DJ Ellery heard the application to remove Mr Tawfeek. The transcript records Mr Mouradi objecting that Mr Tawfeek was nothing to do with the claim, was not his witness, and had been told unnecessarily by Bond Turner to attend. Mr Tawfeek addressed the Court at this stage to say he *was* Mr Mouradi's witness, he himself had been the driver of the car on the occasion of the collision, and that whoever the individual identifying himself to the court as Mr Mouradi was, it was not Mr Mouradi himself.
11. The Judge ascertained that Mr Tawfeek intended only to observe the proceedings and did not expect to give evidence or address the court. The transcript records that Mr Mouradi told the court he knew nothing of the collision, and that Mr Tawfeek had conspired corruptly with Bond Turner to make the claim without his knowledge, and that he feared harm or intimidation from Mr Tawfeek. The Judge ruled that Mr Tawfeek could continue to attend the hearing remotely, but would be muted and not permitted to address the court.
12. In the application to come off the record, the transcript records Mr Mouradi maintaining he had never instructed Bond Turner at all, and it had been the firm that had involved him in the proceedings rather than the other way around. The Judge found a broken down relationship between them and granted the application.
13. As Mr Pulford opened for Tesco, the transcript records Mr Mouradi as continuing to insist that Bond Turner had acted fraudulently and implicated him in something of which he had no knowledge. There was some discussion as to whether the court had

the ‘right’ Mr Mouradi before it – the Mr Mouradi who had brought the claim – and the issue of his identity began to acquire a degree of prominence. There was also some discussion of Bond Turner possibly being joined into the proceedings in the circumstances. It became increasingly apparent that these issues needed to be got to the bottom of before the claim or the counterclaim could be considered any further.

14. The transcript records that Mr Mouradi volunteered to waive privilege. He also volunteered to make a ‘statutory declaration’ as to his identity. (Mr Tawfeek at one stage intervened to challenge him to turn on his camera, since he seemed to be attending at this point via the video link. I return to that exchange in more detail below.)
15. The Judge made two orders. The first dealt with Bond Turner coming off the record. The second recited that Mr Mouradi’s identity needed to be verified, and made provision for the vacation of the trial, the staying of his claim, the adjournment of the remaining applications and a requirement for Mr Mouradi to file and serve a witness statement confirming specified particulars of his identity.

(c) *Mr Mouradi’s statutory declaration and first witness statement*

16. On 9th December 2020, Mr Mouradi filed and served a statutory declaration, verified with a sworn statement of truth, recording that he had confirmed his identity before a solicitor with his passport; waiving privilege ‘*covering my communication with the alleged solicitor Bond Turner Limited*’; and declaring, among other things, that he had not been involved in the collision, had no full driving licence, had never driven or controlled the car involved, and had been involved with Bond Turner only because they had ‘*persuaded*’ him to give them a copy of his provisional driving licence and he had raised concerns about that.
17. On 17th December 2020, Mr Mouradi filed a witness statement, verified with a statement of truth. In it, he denied any knowledge of the collision other than by way of having been contacted about it by Bond Turner, denied he had provided a copy of his passport to Bond Turner or instructed them, and, of the hearing before DJ Ellery, said this:
 24. I make contact with the court by telephone out of desperation.
 25. During the hearing, I advised the court that I had never instructed Bond Turner to represent me and that I had no knowledge of this incident.
 26. I informed the court that I had never owned or driven the Mercedes motorcar vehicle registration number KD15 RVO and that I have no knowledge concerning this vehicle or accident.
18. Bond Turner provided a witness statement on 10th December 2020 giving a brief account of its instruction by Mr Mouradi. The account was brief because, as subsequently transpired, the firm was unsure at this point whether the Mr Mouradi who had instructed them and the Mr Mouradi who had waived privilege were one and the same. (As was subsequently verified, he was.)

(d) *The hearing before HHJ Baucher on 8th April 2021*

19. The issue of Mr Mouradi's identity was listed for a resumed hearing on 8th April 2021 before HHJ Baucher sitting in the Central London County Court. He attended, along with Abdul (he told the Judge Abdul was his uncle). They requested permission for Abdul to act as Mr Mouradi's 'McKenzie Friend' (sitting alongside and advising him, but not addressing the court).
20. Mr Mouradi established his identity to the Judge's satisfaction by way of a provisional driver's licence, a student finance application and a health record showing his date of birth. He also confirmed that he was the author of the witness statement of 17th December 2020.
21. Mr Pulford of Counsel put to the Judge at this hearing that the issue of Mr Mouradi's identity had taken on a yet further dimension since the earlier hearing; the issue now was not just whether 'the right Mr Mouradi' had been before DJ Ellery, but whether the speaker purporting to be Mr Mouradi on that occasion had in fact been no-one of that name at all, but someone else purporting to be Mr Mouradi. Mr Pulford identified the speaker on that occasion as having been Abdul all along, not Mr Mouradi. The Judge took the following steps.
22. She refused to permit Abdul to act as Mr Mouradi's McKenzie Friend. She proceeded to administer careful self-incrimination warnings to both (including as to the possibility of voice recognition evidence being obtained), and put each of them in turn, on oath, into the witness box. She asked each whether he had been present on the audio link to the proceedings before DJ Ellery. Mr Mouradi said he had been, and had addressed the court. Abdul said he had not; but he had been in the room with Mr Mouradi at the time, sitting next to him and speaking with him. The Judge asked him directly whether he, Abdul, had addressed the court on that occasion; no (verbal) reply from Abdul is audible on the tape or appears in the transcript.

(e) *The first contempt application*

23. A second witness statement, dated 23rd April 2021, was filed by Bond Turner. The firm was now satisfied that privilege had been validly waived by Mr Mouradi. The statement gave full details of its instruction by Mr Mouradi, and exhibited the correspondence between them.
24. Tesco obtained the tapes of the court hearings on 4th December 2020 and 8th April 2021. It obtained a voice-recognition expert report dated 7th December 2021 giving an opinion that there was '*extremely strong support*' for a conclusion that the individuals identifying themselves as Mr Mouradi were not the same on each occasion.
25. Tesco applied on 13th January 2022 to commit Mr Mouradi for contempt of court, particularised as follows:
 - i) contempt in the face of the court at the hearing before DJ Ellery on 4th December 2020, or alternatively interfering with the due administration of justice, by causing, permitting or allowing another to attend the proceedings dishonestly posing as himself, and to make false statements that Mr Mouradi had not

instructed Bond Turner and that there had instead been a fraudulent conspiracy between Bond Turner and Mr Tawfeeq;

- ii) contempt by knowingly making false statements in his witness statement of 17th December 2020, denying knowledge of the collision (otherwise than by having been contacted by Bond Turner), denying instructing Bond Turner, and denying providing Bond Turner with a copy of his passport;
 - iii) contempt at the hearing before HHJ Baucher on 8th April 2021 by falsely asserting, on oath, that he had attended the hearing before DJ Ellery in person, and by repeating the assertion he had not instructed Bond Turner.
26. The contempt application was listed before Sweeting J in the High Court on 14th June 2022. Mr Mouradi attended and applied for an adjournment to enable him to prepare his case. The hearing was adjourned, with directions, including that Mr Mouradi should file and serve a further witness statement responding to the contempt allegations.

(f) *Mr Mouradi's second witness statement*

27. He did so, verified by a statement of truth, on 19th July 2022. This statement gives a long narrative of his acquaintanceship with Mr Tawfeek and the latter's then girlfriend Ms Nusseibeh. It gives an account of Mr Tawfeek telling him that he had had an accident with his Mercedes in October 2019, that he had put the car into Mr Mouradi's name, and asking him to call Direct Accident Management Limited saying the car was his. Mr Tawfeek was with him throughout that call, telling him what to say. It also accepts that he did instruct Bond Turner subsequently, at Mr Tawfeek's request.
28. The witness statement explains how he had come to be acquainted with 'Abdul', a man he knew only slightly but said the local community looked up to. He had told Abdul, misleadingly, that he had got himself involved in litigation but had not been aware of the claim and had not instructed Bond Turner. Abdul offered to help, including to get the hearing before DJ Ellery adjourned (the statement indicates that Mr Mouradi subsequently gave him money). It states Mr Mouradi knew Abdul would log into the hearing and address the court. He assumed it would be to explain his position. He did not expect that Abdul would pretend to be him. After the hearing, Abdul did not tell him he had done so. Instead Abdul gave him the draft statutory declaration and went with him to a solicitor's office to get it signed. It states Mr Mouradi did not read the document before signing it. It states that Abdul wrote parts of his witness statement and that he had not read that properly before signing it either. It states it was not until the hearing on 8th April 2021, to which Abdul accompanied him, that he realised what had happened. It admits that he lied on oath to the Judge on that occasion when he said it had been him speaking at the hearing before DJ Ellery. It states that a few days later, Mr Tawfeek assaulted him for having made a mess of things. He lost contact with Abdul.
29. The witness statement makes formal admissions by Mr Mouradi that:
- i) he caused, permitted or allowed Abdul to attend the hearing before DJ Ellery. Abdul pretended to be him, but he had not expected that. He had expected that Abdul would put forward a case that he had known nothing of the accident or

the claim and that Mr Tawfeek and Bond Turner had been in a fraudulent conspiracy. That case was knowingly untrue.

- ii) His witness statement of 17th December 2020 contained knowing untruths. He did know about the collision and he did instruct Bond Turner. But he had not been present at or involved in the collision itself.
- iii) He lied on oath in court on 8th April 2021 when he said he had attended and spoken at the hearing on 4th December 2020.

(g) *The trial of Tesco's counterclaim before HHJ Baucher on 3rd October 2023*

- 30. Contempt proceedings were stayed pending the outcome of Tesco's County Court counterclaim against Mr Mouradi. To that had been added Part 20 claims in conspiracy against three others: Mr Parmar, the driver of the Tesco van involved in the collision, Mr Tawfeek, the alleged driver of the car, and Ms Nusseibeh, also alleged to have made a related false claim for personal injury. Mr Parmar and Ms Nusseibeh had admitted their parts (the counterclaims against them were stayed and then discontinued) and provided witness statements supporting Tesco's case.
- 31. The matter came before HHJ Baucher for trial on 3rd October 2023. Mr Mouradi and Mr Tawfeek did not attend and were not represented. The Judge proceeded in their absence, and heard the witnesses. Ms Nusseibeh's evidence was that Mr Tawfeek was the prime mover, and had paid the organisers of these scams for the staging of the collision. She had been in a coercive and controlling relationship with him. He had regularly abused her. She had not been in the car at the time of the collision, but had complied with Mr Tawfeek's requirements in the matter of making the false claim. She was aware from conversations that Mr Mouradi had been fully involved and was present himself as a passenger in the car on the occasion in question. Mr Parmar said he had seen someone emerge from the passenger seat in the car immediately after the incident. He later identified him from a photograph as Mr Mouradi.
- 32. The Judge handed down judgment on 17th November 2023. The judgment includes findings of fact that Mr Tawfeek and Mr Mouradi conspired to arrange the staged collision, were both present in the car at the time, and then conspired to the effect that Mr Mouradi should make a fraudulent claim. It also included findings of fact that it was Abdul who had spoken, impersonating Mr Mouradi, at the hearing before HHJ Ellery, with Mr Mouradi's full knowledge, and that Mr Mouradi had been there alongside him also.
- 33. The Judge found Mr Mouradi and Mr Tawfeek liable in deceit and unlawful means conspiracy by pursuing fundamentally dishonest claims. Damages were awarded.

(h) *The second contempt application*

- 34. Tesco thereupon made a second contempt application dated 11th December 2023. This alleged six untruths in Mr Mouradi's second witness statement. One relates to Mr Mouradi's account of how he came to make the claim, and his denial of knowledge of any plan for a staged collision beforehand and of being present in the car. The others relate to his denial of having had any idea that Abdul would impersonate him at the

hearing before DJ Ellery, or of knowing that he had done so until the hearing before HHJ Baucher on 8th April 2021.

35. There have been a number of interlocutory hearings since. At the most recent of these, on 19th March 2024, at which both parties were represented by Counsel, Heather Williams J pressed for clarification of Mr Mouradi's position. His response maintained denial of knowledge or intention of Abdul posing as him at the hearing before DJ Ellery, and denial of advance knowledge of, involvement in, or presence at, the staged accident. She directed a further responsive witness statement from Mr Mouradi.

(i) *Mr Mouradi's third witness statement*

36. Mr Mouradi's third statement is dated 16th April 2024. It states that (a) he had no advance knowledge of or involvement in the planning of the collision; (b) he did not know before the collision that the car was registered in his name; (c) he was not present in the car at the collision; (d) he knew Abdul would attend the hearing before DJ Ellery, but did not know he would impersonate him and did not find out that he had until 8th April 2021; and (e) he was not himself present at that hearing.

The present proceedings

(a) *The admitted and disputed contempts*

37. Mr Mouradi no longer disputes that he knowingly instructed Bond Turner to bring a false compensation claim against Tesco, and that he verified his identity and that of the car involved to the firm at the time. The assertions to the contrary, and the false allegations made of Bond Turner's dishonest agency in causing his claim to be issued and pursued, are accepted to have been lies. Those lies were: (a) put to DJ Ellery on 4th December 2020 by Abdul on what Mr Mouradi accepts were at least his own instructions; (b) attested to in his statutory declaration of 9th December 2020, sworn before a solicitor and signed under a statement of truth; (c) contained in his witness statement of 17th December; and (d) orally attested to HHJ Baucher at the hearing on 8th April 2021. These are all admitted contempts of court.
38. Mr Mouradi disputes foreknowledge or involvement in the planning of the staged collision. He denies presence at the collision. Tesco asserts otherwise, and that these protestations, maintained in Mr Mouradi's most recent witness statements are also lies.
39. Mr Mouradi admits that he caused, permitted or allowed Abdul to attend the hearing before DJ Ellery on 4th December 2020 with a view to Abdul deceiving the court with the knowingly false account that he himself had *not* instructed Bond Turner and that the firm itself was a corrupt conspirator. He admits lying on oath to HHJ Baucher when he said it had been he himself who had addressed the court on that earlier occasion. These are admitted contempts.
40. He denies foreknowledge or instruction that Abdul would impersonate him. He denies being present at the proceedings, sitting next to Abdul. Tesco asserts otherwise, and again that Mr Mouradi's witness statements to these effects are further lies.

(b) *Issues for determination*

41. The exercise Tesco asks me to undertake is essentially one of fact-finding, specifically as to (a) whether or not Mr Mouradi was present at the collision and/or the extent of his knowledge of or involvement in the planning of the collision; and (b) his presence or otherwise on the link to the hearing before DJ Ellery and/or his knowledge before, during and after the event that Abdul had pretended to be him.
42. It is not materially disputed that, to the extent I find any of these facts proven, they are capable of establishing contempt of court. Mr Mouradi has denied them all on oath. The knowing substitution of another for himself at a court hearing would also amount to contempt in the face of the court and/or an interference with the due administration of justice.
43. This fact-finding exercise must be conducted according to the criminal standard of proof. I may not make any disputed finding of fact unless I am *sure* of it, beyond reasonable doubt. The burden is squarely on Tesco to make me sure of what it alleges against Mr Mouradi.
44. HHJ Baucher had herself made a series of findings of fact in relation to the matters in dispute before me. Her findings were made to the civil standard only – the balance of probabilities – and accordingly do not bind me. I have read her judgment with interest. But her task and mine are fundamentally different. She was hearing an undefended civil counterclaim in the absence of the defendant or his representative. I am engaged on a disputed fact-finding exercise for the purpose of considering committal for contempt of court. I approach that task entirely afresh, with the criminal standard firmly in mind.

(c) *Evidence*

45. By way of witness evidence with a possible bearing on the disputed facts, I have Mr Mouradi's witness statements. I have no oral evidence from him. He did not attend the hearing of Tesco's counterclaim before HHJ Baucher. And although he attended the hearing before me, he elected not to give evidence in person or submit to cross-examination, as he is fully entitled to do. Tesco did not invite me to draw any particular inference from that.
46. Mr Parmar, the former Tesco driver involved in the collision, and Ms Nusseibeh, the former partner of Mr Tawfeek, provided me with witness statements, attended the hearing before me, and gave oral evidence under cross-examination. Both had also given written and oral evidence to HHJ Baucher.
47. Among the contemporaneous documentary evidence are two items on which Tesco places particular reliance. One is a dashcam recording of the collision, taken through the windscreen of the van Mr Parmar was driving at the time. The other is the video recording of the proceedings before DJ Ellery.

Consideration

(a) *Mr Mouradi's knowledge of and involvement in the staged collision*

48. Tesco submits I can be sure not only that Mr Mouradi was fully aware of and participated in the planning of the staged collision, but that he was actually present at

it. Mr Pulford invites me to consider in particular the undisputed evidence, the dashcam footage, and the testimony of Mr Parmar and Ms Nusseibeh.

49. I take the undisputed evidence first. Mr Mouradi made the accident report and brought the claim on the basis that he was the registered keeper of the car involved. He was not driving the car at the time of the collision. If he was present at the collision it could only have been as a passenger in the car.
50. The dashcam footage of the collision lasts for 14 seconds. It shows a residential area after dark, lit by streetlights and the van's headlights. It shows the van approaching a T-junction, and hitting at right angles the car travelling from the right along the principal road, before the car continues on for a short while and the van appears to turn right into the main road, in the opposite direction of travel from the car. I have viewed the footage a number of times. At normal speed, it is hard to form more than impressionistic conclusions about the occupancy of the car. Viewing it frame by frame, however, there is a point around 4 seconds into the footage, just before the collision, at which it is possible to make out a head and some features (short dark hair, an ear) close to the front passenger side-window. There are also four or five consecutive frames about 5 seconds in, around the moment of collision, where it is possible to make out a partially-obscured lit mobile phone screen held a little above lap-level in the front passenger seat.
51. Mr Parmar, the van driver, gave clear, simple and straightforward evidence that, after the collision, the two vehicles stopped and a man emerged from the passenger side of the car to inspect it. He explained to me how he had a clear view at the time in the van's large wing mirror, and that it was a memorable episode: this was not Mr Parmar's first arranged collision but it was not the usual *modus operandi* for a passenger to get out like that. He said the individual was not someone known to him.
52. My assessment of Mr Parmar's evidence in general was that he was, properly and fairly, trying to assist the court – including to the extent of discharging himself from hospital in order to attend the hearing before me. I found Mr Parmar a straightforward witness. I accept his account that, once his part in scamming his former employer emerged, his response had and has been to make a clean breast of things – to tell the truth to the best of his ability, accept the consequences and avoid getting into even more trouble. I reject the suggestion his evidence should be regarded as materially tainted to the point of significant unreliability, whether by self-interest or an excessive desire to please Tesco as part of a damage limitation exercise, by reason of a cannabis habit, or otherwise. I consider, taking the whole of his evidence into account, his role in the collision more likely to have sharpened his senses and awareness at the time than otherwise. I am satisfied, in the circumstances he found himself in, he could not have been mistaken in his recollection that he saw a passenger emerge from the car, and I am satisfied that he did not make it up.
53. I am sure, on the basis of the dashcam footage and Mr Parmar's eyewitness testimony on this point, that there was a second person in the car involved in the collision. It is not, however, possible to identify that person from this evidence alone.
54. In the course of legal processes and discussions following the discovery of Mr Parmar's part in the scam, he seems to have offered to Tesco to try and identify the man he saw.

On one occasion, some 21 months after the collision, he was given a file of 29 pictures to look at (one was of himself). He picked out a photograph of Mr Mouradi.

55. I have little or no evidence about the procedural *detail* of the conduct of this ID exercise (Mr Clemson's witness statement of 17th April 2024 is in relatively general terms). I have looked at the file of pictures shown to Mr Parmar. All of them, apart from three, are large-format pictures showing single individuals of different genders, ages and ethnicities in a range of everyday situations indoors or outdoors. The three exceptions are much smaller, and recognisable as passport photos. Of those, one is a small black and white image of a man; one is a small dark image of very poor quality; and one – significantly larger than the other two – is a magnified colour reproduction of Mr Mouradi's passport photo.
56. Had this ID exercise been conducted by the police in the course of a criminal investigation, it would no doubt have been done differently. The guidance which would have applied in such circumstances is not directly applicable to my task, but I have nevertheless borne in mind the nature of that guidance and, more importantly, the *reasons* why care is needed before weight is placed on this kind of evidence. I take the following into account in particular.
57. In the first place, while I can be sure Mr Parmar's view was clear enough so that he could not have been mistaken about seeing a man emerge from the passenger side of the car, I have to allow for factors potentially limiting his clear visibility of details of the man's face. Two or three cars' length in streetlight conditions, when there was no particular reason to study the individual features of a stranger in detail, are not optimal conditions. The time available for observation of the man was not long, and during it, Mr Parmar reported the man as walking around the car to inspect it, so with his face turned away. Mr Parmar was also subsequently engaged at the time with the scam organisers who attended the scene and prepared his accident report.
58. In the second place, I bear in mind the length of time between Mr Parmar seeing the individual and the ID process.
59. And thirdly, ID evidence of this sort is at its strongest when the file of pictures are at their most similar. If the person Mr Parmar saw emerge from the car was a very young man of middle-eastern Asian appearance, a substantial number of the pictures he was shown – more than half – would have immediately eliminated themselves. Then there is the salience of the single formal colour passport photo among a cohort largely comprising individuals in more or less relaxed real-life contexts. Mr Mouradi's picture stood out from the crowd. In the context of formal legal proceedings, to that extent it must be considered to have some quality of suggesting itself.
60. All of these circumstances limit the weight I am able to place on Mr Parmar's ID evidence as such. It does not, of course, stand alone. The remaining witness evidence I have of Mr Mouradi's being the passenger Mr Parmar saw, and of his involvement in the organisation of the collision more generally, comes from Ms Nusseibeh.
61. Before I heard Ms Nusseibeh's oral evidence, I had read carefully her written evidence, and the transcript of the oral evidence she gave to HHJ Baucher. There, she gave an unequivocal account of having heard Mr Tawfeek and Mr Mouradi planning the collision before it happened, been present when they discussed it with the organiser to

whom they paid £1,500 for his assistance, and of them telling her about it afterwards. Specifically, it was her evidence that both Mr Tawfeek and Mr Mouradi gave her an account of the latter having been in the car at the time of the collision.

62. My assessment of Ms Nusseibeh's evidence in general was that she too was, properly and fairly, trying to assist the court, and fully admitting the truth of her own role as a fraudulent claimant. Her consistent evidence has been that, around the relevant time, she, Mr Mouradi and Mr Tawfeek were in more or less constant communication, on a daily basis, and that Mr Tawfeek exerted control and coercion over them both. In her case, that expressed itself in a violent and abusive intimate relationship; in Mr Mouradi's in bullying, on occasion expressed physically. I did not hear her account to *this* extent challenged, tested or disputed. Before HHJ Baucher she was treated as a vulnerable witness. Before me she expressed through Counsel concern at the prospect of giving evidence in the presence of Mr Tawfeek, but he did not in the event attend the hearing; she expressed no such concern about giving evidence in the presence of Mr Mouradi, who did.
63. I assessed Ms Nusseibeh as finding the experience of giving evidence under cross-examination stressful to a degree beyond the usual. She told me she found it difficult to revisit this time of her life because of the lasting effects of her relationship with Mr Tawfeek. Her session in the witness box was not a long one, but she lost her way under cross examination at one point, became distressed and needed to take time out. In my assessment, the natural explanation for this was the one she gave, rather than uncertainty about what had happened at the time or the strain of maintaining any kind of manufactured or self-serving narrative. I accept that her account of Mr Mouradi's involvement in the planning of the collision and presence in the car was her best endeavour to convey an accurate recollection.
64. I accept her evidence of that recollection as authentic. Her evidence included some small details – for example that Mr Tawfeek and Mr Mouradi had expressed their surprise that the other party to the collision turned out to have been a Tesco van – which I thought sounded both real and memorable.
65. At its highest, Ms Nusseibeh's evidence is (a) first-hand evidence of words spoken, (b) confession evidence in the case of Mr Mouradi and (c) second-hand (hearsay) evidence of what actually happened at the collision. I am able to give such probative weight to at least the first of these as is consistent with my assessment of Ms Nusseibeh's testimony in general, and I do so. I bear in mind also that her evidence, at this remove, comes out of her more general efforts to make sense of her own past and her own wrongdoing. Those efforts do seem to have been difficult and costly, and to have left their mark on her wellbeing and composure. I take that context into account.
66. Disputed confession evidence and hearsay evidence would be subject to special handling in a criminal trial. Again, the criminal procedure rules do not apply directly to my task, but I do hold in mind the *reasons* for taking care with this sort of evidence. I do not have a very detailed account from Ms Nusseibeh of the precise circumstances in which Mr Mouradi is said to have mentioned to her his presence as a passenger in the car. I have, on her own evidence, to hold in mind the possibility of Mr Mouradi's being at least to some extent subject to pressure from Mr Tawfeek.

67. I bear in mind also Mr Mouradi's own (untested) evidence. His own evidence was that at the relevant time he was '*hanging around with [Mr Tawfeek and Ms Nusseibeh] every day*'. He also attests to Mr Tawfeek's bullying and intimidation of, and violence towards, Ms Nusseibeh and himself. Leaving aside the now abandoned fiction that he had nothing whatever to do with making a fraudulent claim, his declared position is that while he *did* make a fraudulent claim after the event, and *did* know the car was in his name when he did so, he was not the passenger at the time of the collision and had no (advance) knowledge of the staging of the collision. He says Mr Tawfeek was with him when he first reported the accident to Direct Accident Management Ltd, prompting him and telling him what to say. He also says he lost contact with Mr Tawfeek and Ms Nusseibeh from the beginning of 2020, as covid restrictions took effect.
68. I bear in mind that although Mr Mouradi now accepts he has told lies on oath to courts, I do need to consider his latest evidence in the context of the evidence as a whole and take care to *test* and not make assumptions about the likely truthfulness of his own evidence on any particular point.
69. Before reaching any final conclusions about what I can be *sure* of, concerning Mr Mouradi's presence at or involvement in the staging of the collision, I am going to turn to the issue of the conduct of the proceedings before DJ Ellery and Mr Mouradi's part in that, including for any light it is capable of shedding on the earlier events with which I am concerned.

(b) *Mr Mouradi's knowledge of and involvement in the conduct of proceedings before DJ Ellery*

70. I start with the undisputed evidence that, in the immediate run-up to the hearing of 4th December 2020, a number of things were happening. Mr Mouradi had teamed up with Abdul, to the extent of engaging him closely with his litigation predicament. The two of them were developing the narrative of Mr Mouradi having been involved in the fraudulent claim unwittingly, which Mr Mouradi (at least) knew was false, and of collusion between Bond Turner and Mr Tawfeek to implicate him. When that came to Bond Turner's attention, the firm took steps to break off relations with Mr Mouradi. They told him, a couple of days before the hearing, that they would not be responsible for representing him in court. They told him he would have to attend anyway – they emphasised the point by underlining it in their email. And then they provided him, copying in Abdul, with a video link.
71. I have no doubt, on this basis, that Mr Mouradi knew that, without legal representation, he was expected to attend himself as a litigant in person. On the morning of the hearing, he and Bond Turner had spoken by telephone, and the video link was sent to him on the basis that '*I understand from your telephone call today that you intend to speak to the Court*'. The obvious inference from that is that he had told Bond Turner that *he himself* intended to speak to the Court and was sent the link for that purpose. It is clear from the hearing Mr Mouradi and Abdul later attended before HHJ Baucher that they were familiar with the concept of a McKenzie Friend. And of course Bond Turner would have been familiar with that concept too. A McKenzie Friend has no entitlement to address a court. The only apparent basis on which Abdul could have had a particular interest in being *copied into* the link Bond Turner sent Mr Mouradi was as a (silent) McKenzie Friend. Had Abdul openly and straightforwardly attempted to address the

Court on Mr Mouradi's behalf, to put his case as his representative, the Court would have rejected the attempt and insisted on hearing from Mr Mouradi in person.

72. I find no room for any doubt in these circumstances that Mr Mouradi and Abdul knew (a) that the court expected to hear from Mr Mouradi in person and (b) that Abdul had no proper expectation of being heard on Mr Mouradi's behalf. If Mr Mouradi was resolved on Abdul putting his case for him to the court, it was *only* the subterfuge adopted which could have achieved that.
73. But even had I had any doubt on that basis that Mr Mouradi and Abdul colluded in the impersonation, it would have been dispelled by the cumulation of the following evidence.
74. The narrative that Abdul – a helpful but relatively slight acquaintance – improvised the impersonation, unprompted, unexpectedly and without even telling Mr Mouradi afterwards (notwithstanding his apparently continuing involvement in, for example, the making of Mr Mouradi's statutory declaration and first witness statement), is deeply improbable on its own terms. No explanation has ever been suggested as to why, and indeed how, Abdul would have come to do that. (Mr Mouradi made a faint attempt in his second witness statement to suggest that Abdul may have '*wanted to live up to his reputation in the café as someone who could sort things out. I think he wanted to be a hero, and save the situation for me.*' That does not begin to account for an unexpected imposture and sustained deceit by Abdul of his principal.)
75. In his witness statement of 17th December 2020, not long after the hearing, Mr Mouradi gave some account of the hearing, set out at paragraph 17 above. Its non-attribution of any role to Abdul, and its repeated use of the first person 'I', are striking. While a reading of this statement, consistent with Mr Mouradi's professed belief at this time that Abdul was *representing* rather than *impersonating* him, is just about possible, the natural reading and what may be inferred to be the impression deliberately created is quite otherwise. I do not consider this statement consistent with, much less supportive of, the narrative that Mr Mouradi thought Abdul had been merely acting as his representative.
76. I have watched and listened to the whole of the video recording of the hearing on 4th December 2020, and studied the transcript closely. When DJ Ellery was first trying to establish who was on the Skype call, Mr Eastwood, Counsel for Bond Turner, was clear that a link had been established between the Court and *Mr Mouradi's* email account: '*he did try to attend before and his name was written*'. I am sure from considering the whole of this opening passage of the hearing that the reference to Mr Mouradi's name being 'written' was a reference to the on-screen identification of the account from which the link was being accessed. Mr Eastwood also identified Mr Tawfeek's accessing the hearing on the basis that he was identified as 'TWFeek'. So Abdul, at least initially, was 'trying' to dial into the hearing from Mr Mouradi's account, even though he had been copied into the link himself.
77. It is plain that the court official the Judge referred to as 'Karina' or 'Miss Martens' was in control of the links as the 'administrator' – as would be usual. It was on the Judge's instructions, for example, that the administrator disconnected Mr Pulford and Mr Tawfeek from the hearing while Bond Turner's application to come off the record was being heard and reconnected them afterwards. Again, the only basis on which the

administrator would have connected Abdul from his *own* account would have been as a silent McKenzie friend (or member of the public). Mr Mouradi had clearly either (a) knowingly made his own account available to Abdul for that initial dial-in or (b) undertaken that dial-in himself in collusion with Abdul.

78. It seems also that the link from Mr Mouradi's account persisted. The Judge noted before the hearing had got fully under way that there appeared to be an extra participant not so far accounted for – she read 'Shahin' on the screen, Mr Mouradi's given name. Abdul told her that was him, and that he wanted to be able to see the proceedings '*from the computer*', as well as speaking via his phone. Mr Eastwood suggested a possible explanation that 'Mr Mouradi' could get images but not sound across the Skype link, and Abdul readily agreed (although that does not of course explain the asserted inability to *transmit* images). So it appears that Mr Mouradi's account was being used to access the proceedings throughout. It is hard to see how that could have been done without his knowledge, or any reason why it would have been done otherwise than for the purposes of impersonation.
79. Abdul's 'application' to remove Mr Tawfeek from the link was an interesting episode. Mr Tawfeek's presence on the link was an inconvenience to the subterfuge for two reasons: (a) it was obviously a potentially significant problem for open discussion of the intended narrative that the claim arose at all only because of fraudulent collusion between him and Bond Turner, and (b) Mr Tawfeek knew Mr Mouradi well enough to recognise – and did recognise – that it was not he who was addressing the Court. And Mr Tawfeek's dialling in does not seem to have been altogether expected by anyone. Mr Tawfeek had provided no witness statement to the Court, and the Judge and Counsel were not apparently expecting him to give oral evidence. It was not entirely clear how he had come by the link (it may have been provided by Bond Turner) or on what basis the administrator had admitted him to the hearing.
80. Mr Mouradi's position that he knew nothing of Abdul's imposture requires me to believe one of two things. Either (a) Mr Mouradi had pre-briefed Abdul for the eventuality of Mr Tawfeek's attendance and instructed him to apply to have him excluded. That would have been quite a detailed brief. It would also have been a high risk strategy – as the Judge indeed held, there was no particular reason for the Court to exclude Mr Tawfeek as a silent observer. And there was clearly no back-up plan other than to forge ahead with the false allegation against him in Mr Tawfeek's presence. Or (b) Mr Mouradi had no idea that Mr Tawfeek would dial in, had not briefed Abdul, and Abdul then improvised the application to exclude Mr Tawfeek in the moment, along with relatively detailed submissions including personal apprehensions of violence to back it up. That would have demonstrated considerable improvisatory flair. I am unpersuaded to entertain either proposition by way of a reasonable doubt about collusion.
81. Then there is the development during the hearing of the idea that there could be some confusion over the identity of Mr Mouradi himself. The concocted story that Bond Turner had fraudulently conspired to bring the claim without Mr Mouradi's knowledge was plainly unsustainable from the outset, and incapable of surviving Bond Turner's evidence, and it is apparent that Counsel and the Judge were having some difficulty in grasping the full implications of what was being suggested. They understood that Mr Mouradi was saying he had nothing whatever to do with the claim and had never instructed Bond Turner. So they seem to have proceeded on the basis that – since

someone called Mouradi had evidently instructed the firm and the firm had instructed Mr Eastwood – the first line of inquiry needed to be whether there was some other Mr Mouradi involved (or someone pretending to be Mr Mouradi on that occasion) and there had been some kind of mix-up. That was why the hearing started to canvass ideas Bond Turner should be asked to assist the Court with a witness statement setting out the circumstances of their instruction, and why issues of potentially joining the firm as a party and of the waiver of privilege arose in consequence.

82. This was not a straightforwardly foreseeable development on the applications before the Court. But Abdul responded with some alacrity. He latched on to the idea of joining Bond Turner to the proceedings as apparently being some kind of endorsement of the narrative that they needed to answer for fraudulent conduct. And in furtherance of that, enthusiastically volunteered waiver of privilege – apparently believing that that would pull the firm further into the proceedings. Although Counsel and the Judge were properly hesitant to proceed on that basis without Mr Mouradi having had the opportunity for legal advice, Abdul persisted. It is implausible that all of that could have been based on either pre-arranged instruction or unilateral improvisation. Of course, Abdul knew that Mr Mouradi himself would have to give formal effect to the promise of waiver, and he duly did so. Neither of them, for whatever reason, appears to have fully taken on board that the implications of waiver were that the narrative that Mr Mouradi had never given instructions would then inevitably be destroyed by Bond Turner’s evidence and exhibited documentation.
83. Then there is the point towards the latter part of the proceedings (1 hour and 27 minutes in, and 20 minutes before the conclusion) where the Judge, apparently increasingly discomfited by the turn of events before her and having decided to order a witness statement from Mr Mouradi dealing with his identity, was moved to say this: *‘Now I have to say Mr Tawfeek has absolutely no standing – but I do wonder gentlemen, to both Mr Tawfeek and Mr Mouradi, why neither of you will appear on video? You’re both obviously quite able gentlemen –’*. Both tried to answer at once, and the following is recorded on the video of the hearing:

‘Mr Mouradi’/Abdul: Your Honour, I, I tried. I am –

Mr Tawfeek: I will, I will absolutely appear on, on [switches on video showing him apparently sitting in the back of a car and connected via his phone] on the internet Ma’am. I will just do it right now. This is me if you can see me right now. And I will hope that Mr Mouradi can come on the video too.

‘Mr Mouradi’/Abdul: I wish, because the phone is only there, being able now but I will confirm my identity through the, the statutory declaration, and I’m willing to attend the court at any time I have been instructed.

[Mr Tawfeek’s video connection continues to be visible throughout this last intervention, showing him shaking his head.]

84. As soon as Abdul has said ‘...I have been instructed’, another man’s voice, quiet but clearly audible, can be heard saying *‘your voice is recorded’*. The transcript attributes this to Mr Tawfeek. It is not Mr Tawfeek speaking. Mr Tawfeek’s video is continuing

to run and he is clearly not speaking. It is not his voice. It is someone speaking, *sotto voce*, to Abdul and recorded over the same phone line Abdul was speaking on. There can be no doubt that Abdul was not alone; there was someone with him. This incident appears to have passed unnoticed at the time; the Judge went on to ask Mr Tawfeek to turn off his video connection, and continued with the issue of verifying Mr Mouradi's identity. But it now forms a significant part of Tesco's case that Mr Mouradi knew all about Abdul's imposture because he was sitting right there with him. *Somebody* certainly was. No other possibility has been suggested, or suggests itself. And while there is no reference in the expert voice-recognition report to this speaker, the voice is, at the least, not obviously different from the voice of Mr Mouradi captured on the other audio evidence.

85. The dynamic of a dishonest phone call made by one individual with another beside him, feeding him instructions and answers to questions, was known to Mr Mouradi. That was the basis on which he said he had first reported the 'accident', with Mr Tawfeek present to prompt him. I have listened to the recording of that call. Mr Mouradi was a distinctly more hesitant and less accomplished performer in the role than Abdul. I can see why the Judge thought the latter '*obviously quite able*' and he can be inferred to have some legal knowledge (he told DJ Ellery he was '*studying law*', which Mr Mouradi was not, a rare lapse out of character by Abdul). But even so, to sustain an arc of conducting litigation 'in person' over a hearing lasting more than an hour and three quarters, with some distinctly unpredictable twists and turns, in another's persona, on the basis of nothing more than a highly implausible narrative discussed beforehand, would have been an extraordinary feat.
86. It would also have been an extraordinary risk for Mr Mouradi to have run. There was a great deal at stake for him, as he must have felt keenly, even beyond the maintenance of a deliberate and fanciful lie in court proceedings from which his own lawyers had just withdrawn their support for him. The proposition that he would leave his fate in the hands of a man of whom he knew little, would be subsequently entirely incurious (alternatively entirely gullible) about its conduct, and yet would go on to sign and swear a statutory declaration without reading it only a few days later – and then a witness statement he again had not properly read – is entirely implausible. It is certainly not accounted for by what Mr Mouradi says of his state of mind at the time. As impossible to understand would be Abdul's motivations in impersonating Mr Mouradi of his own motion and keeping Mr Mouradi in ignorance of that to a degree amounting to active deception. And there is the matter of money having changed hands between them.
87. Finally, there is the matter of the performance of both Mr Mouradi and Abdul at their appearance before HHJ Baucher. *Both* of them lied – under an oath administered for the purpose of asking this very question, and after an incrimination warning – about which of them it was who had addressed DJ Ellery. Mr Mouradi's explanation of being '*very anxious*' on learning of the imposture does not adequately account for that. He had other choices. As the Judge carefully explained, he (they) could have refused to answer. He could have explained – if it had been true – that Abdul had gone off on a frolic of his own. Instead, they collaborated to maintain Abdul's deception of the court.
88. However, they did not get their story straight with a view to possible future developments. This is the agreed transcript of the exchange HHJ Baucher had with Abdul:

Judge: You've already heard Mr Mouradi say that it was he who was in attendance, but Mr Pulford who appeared at that hearing is maintaining that it was you.

Judge: Did you attend that hearing before the District Judge on 4th December 2020?

Abdul: No

Judge: So it wasn't you?

Abdul: No

Judge: Were you present in the room with Mr Mouradi on that occasion?

Abdul: Yes

Judge: And where were you in terms of, how close were you to him?

Abdul: Very close

Judge: So, er, you were sitting right, right next to him?

[no verbal response]

Judge: Did you speak at that hearing?

Abdul: with him, yes.

Judge: But you didn't directly address the District Judge?

[no verbal response]

89. It plainly did not occur to Abdul that the account he had just given to the Judge of the two of them being present at the end of the phone line would be fundamentally inconsistent with Mr Mouradi's ability in due course to deny all knowledge of the imposture. Maybe he did not know that was Mr Mouradi's plan (the Judge had warned them of the possibility of future expert voice analysis). But it is now beyond doubt that it *was* Abdul who addressed DJ Ellery and he *did* have someone 'sitting right next to him' and they *did* speak to each other, at least once, during that hearing so were plainly able to be in communication unknown to the court. It was the mirror image of the McKenzie Friend dynamic he and Mr Mouradi had just asked HHJ Baucher to agree to.

Conclusions

90. I am satisfied, so that I am sure, in all these circumstances and for all these reasons, that Mr Mouradi and Abdul collaborated over the latter's imposture, before, during and after it. It would appear they were convinced Abdul's maturity, leadership, confidence and familiarity with legal issues would achieve results at court Mr Mouradi could not hope

to achieve on his own even with Abdul as a McKenzie Friend, and that it would give Mr Mouradi the best chance of dealing with the distinctly problematic and dangerous situation he faced. The *only* way to achieve that (Abdul not, it may be inferred, having rights of audience), was imposture.

91. I am satisfied, so that I am sure, that their collaboration extended to being in communication with each other during the hearing before DJ Ellery. Abdul was in communication with *someone* and no other candidate can sensibly be conceived of. That communication was of a clandestine nature. Abdul's admission to HHJ Baucher of the two of them sitting together has no other explanation; it did not buttress the lies they were telling the Judge otherwise than by continuing to promote the idea of a McKenzie Friend dynamic between the two of them. Mr Mouradi had experience of dishonest phone calls of this nature, with an accomplice on hand. The account of being able to watch the hearing but unable to turn on their own camera on *any* available device, even when directly challenged to do just that, lacks credibility. Collaboration before, during and after the hearing is the only credible explanation for both men's conduct.
92. I am also satisfied, so that I am sure, that Mr Mouradi had previously collaborated *to some extent* with Mr Tawfeek over the commissioning and planning of the staged collision, for the following reasons. They plainly collaborated with each other and with Ms Nusseibeh closely, and necessarily, over the making of the fraudulent claim itself. The unanimous account Ms Nusseibeh and Mr Mouradi gave that they were, both, in close and constant contact with Mr Tawfeek at the relevant time is not challenged. I conclude, as a starting point, that it is in these circumstances inherently improbable that he knew nothing in advance of what was clearly a substantial undertaking, with a lot of money invested in it, and in which the key role of claimant had been planned for him. That would have required reasonably elaborate steps to keep him in the dark. There was no obvious reason to do that; on the contrary it would have represented an obvious risk to the plan for such a key protagonist not to be fully briefed and kept on side. And Mr Tawfeek appears, on the evidence of Mr Mouradi and Ms Nusseibeh, to have had other and more obvious means to control Mr Mouradi's performance than keeping him in ignorance.
93. I reject Mr Mouradi's evidence that he knew nothing. Although Mr Mouradi's record of dishonest evidence does not itself positively prove the converse of what he says about this, I do note that his narrative of obliviousness is of a piece with his admitted lie that he had known nothing of the claim, and with the lie that I have found that he knew nothing of Abdul's imposture. I accept Ms Nusseibeh's first-hand evidence of the planning discussions at which she was present, including the transaction at which Mr Tawfeek and Mr Mouradi met and paid for an organiser to arrange the collision, and the conversation at which it was agreed the car would be put into Mr Mouradi's name.
94. It is not, however, possible on the evidence before me to be sure about the precise *extent* of Mr Mouradi's involvement in the planning. I can be sure, for the reasons I have given, that he knew enough about the plans in advance to have gone along with them. Beyond that, I cannot be sure.
95. In particular, I have thought hard about the issue of whether I can be sure Mr Mouradi was the passenger in the car at the time of the collision. I have explained how and why I am sure that there was a male passenger. I am sure that Mr Mouradi knew and went

along with the plans for the collision, and to that extent might be thought the obvious candidate. I have accepted the evidence of Mr Parmar and Ms Nusseibeh in general as a starting point. I can see that it would be consistent with Ms Nusseibeh subsequently making a personal injury claim as a passenger, as planned, for there to have been an actual passenger at the time (and it is not now suggested it was her). I can consider it *probable* in all these circumstances that Mr Mouradi was the passenger in the car.

96. But it was not essential to the plan for Mr Mouradi's bringing a claim for him to have been physically present. Other explanations for the passenger cannot be comfortably eliminated. It is not impossible, for example, on the limited evidence I have, for the passenger to have been one of the organisers of the scam, instructing the driver (organisers did turn up promptly at the scene to direct Mr Parmar on filling out his accident record). And I have two reasons in particular for not being able to be *sure* Mr Mouradi was there.
97. The first relates to the weakness in the ID process by which Mr Parmar picked out his picture. Had the portfolio of pictures been more comparable, I might have been able to place more weight on this. But I cannot ignore the extent to which the single colour passport photo was something of a prompt to him. And I do not have enough evidence about the ID process in general to be able to deal confidently with that issue in its context.
98. And the second relates to Ms Nusseibeh's evidence of hearing from Mr Tawfeek and Mr Mouradi that the latter had been in the car. As I have observed, that is second-hand evidence of what did actually happen in the car, and self-incriminatory evidence as regards Mr Mouradi. In circumstances in which, on Ms Nusseibeh's own evidence, I cannot avoid dealing with the possibility of some degree of suggestion or pressure by Mr Tawfeek of Mr Mouradi, and in which the concoction and maintenance of misleading narrative was of the essence of the whole plan, I cannot entirely discount the possibility that what Ms Nusseibeh was told by the two of them was unreliable or untrue.
99. While I am satisfied it is probable that Mr Mouradi was the passenger in the car at the time of the collision, for these reasons I cannot be *sure* of it.

Decision

100. Mr Mouradi falls to be sentenced for contempt of court on the basis of (a) his admitted contempts in relation to his sworn denials to the courts of having had any knowledge *at all* of the collision, or of having instructed Bond Turner to issue a fraudulent compensation claim in his name, (b) his sworn denials of having had any knowledge of or complicity in the staged collision *before* issuing that fraudulent claim, and his sworn testimony that he first heard about the collision after the event, and (c) causing, permitting or allowing 'Abdul' to attend the hearing before DJ Ellery, remotely and under the pretence of being unable to show the court his face, for the purpose of dishonestly impersonating himself, and subsequently giving sworn written and oral testimony to the contrary.