

BETWEEN:

CORINNA ZU SAYN-WITTGENSTEIN-SAYN

Claimant

-and-

JUAN CARLOS ALFONSO VÍCTOR MARÍA DE BORBÓN Y BORBÓN

Defendant

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PARTICULARS OF CLAIM

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A. THE PARTIES

1. The Claimant is a Danish national who has been a resident of Monaco since 2008 and who lives in London and in Shropshire (“Chyknell Hall”). She is a strategic consultant working with high-net worth individuals and with leading companies around the world. She has been married twice. Her first marriage was to Philip Adkins (1991-1995) and her second marriage was to Prince Casimir zu Sayn-Wittgenstein (2000-2005). She has a daughter by her first marriage, namely Nastassia who is now 28 years old. She has a son by her second marriage, namely Alexander who is now 18 years old.
2. The Defendant was the King of Spain and Head of State from 1975 until his abdication on 18 June 2014. He has been married to Queen Sofia since 1962 but they now live apart. He is domiciled in Spain.
3. The Claimant and the Defendant met in 2004. At that time the Claimant was separated from her second husband and had filed for divorce. Shortly after meeting, the Claimant and the Defendant began a romantic relationship and in January 2009 the Defendant asked the Claimant to marry him. However, their intimate relationship ended in 2009 when the Claimant learned that their relationship was not exclusive, so far as the Defendant was concerned. Thereafter, in part for the sake of the Claimant’s children, they initially remained close friends and in close contact.

From early 2010, the Defendant suffered a number of serious health issues including a lung tumour, which required surgical intervention. In early 2012, the Defendant sought to persuade the Claimant to resume their former relationship and even proposed marriage on other occasions thereafter, the Claimant declined.

B. THE HARASSMENT CLAIM

4. The Defendant himself, or by his servants or agents, pursued a course of conduct targeted at the Claimant which amounts to harassment. The said course of conduct has run consistently from 2012 until the present time. The Defendant knew, or ought to have known, that such conduct amounted to, or was likely to amount to, harassment and would produce harmful consequences to the Claimant. The Defendant used his agents and those of the Spanish State and/or their contractors to carry out some of the elements of the said course of conduct, as set out further below. In particular the Defendant, his servants or agents:

- 4.1. threatened the safety of the Claimant and her children and intimidated the Claimant by diverse other forms of menacing behaviour comprising threats and unwarranted demands;
- 4.2. set out to influence both her former husbands, her daughter, her son, and many of her friends by alleging that the Claimant had stolen from him and was untrustworthy and disloyal with the intention of causing them to discontinue or devalue their relationships with the Claimant;
- 4.3. made defamatory statements to many of her clients and business associates (who were important to her livelihood) that the Claimant had stolen from him and was untrustworthy and disloyal;
- 4.4. supplied, or caused to be supplied, to the media for publication false information to the effect that she was dishonest and/or had stolen monies and/or had opened false accounts in order to receive commissions and/or was a threat to the Spanish national interest and/or was attempting to blackmail the Royal Family; and

- 4.5. placed the Claimant and her advisers under surveillance in London and elsewhere, trespassed onto her property in Shropshire with resulting damage, and unlawfully intercepted/monitored her mobile and internet accounts and the mobile and internet accounts of her advisers.
5. The Defendant knew or ought to have known that the elements of his course of conduct set out in paragraphs 4.2 to 4.5 would get back to, or be discovered by, the Claimant and cause her alarm, distress and anxiety.
6. In so far as the Claimant is aware of the Defendant's motives, they were or included the following:
- 6.1. that he felt angry, rejected and/or humiliated that she would not resume their romantic and intimate relationship, and wanted to punish her for refusing to submit to his will. As a consequence, he demanded the return of a number of gifts he had made to her including a substantial financial gift which he had made to her freely and irrevocably;
- 6.2. that he was (unjustifiably) angered by the fact that she declined to return the gifts he had made to her - although he had made them to her, freely and irrevocably - and/or to agree to pay for his living expenses and other expenditure;
- 6.3. that he was concerned that she might disclose information regarding the Defendant's private business dealings and affairs to the media and others; and/or
- 6.4. that he wished to place her under pressure to comply with his wishes or to understand that she would face damaging or hostile consequences if she did not.
7. The course of conduct which constitutes the Defendant's harassment has run consistently from about 2012 to the present time and has resulted in serious consequences:
- 7.1. with regard to the Claimant's health, it has undermined her sense of wellbeing. Her lifestyle has been drastically affected. She has suffered great distress, anxiety, sleep deprivation, and concern about her own physical safety and that of her children. She has

been subject to a continuing threat of physical harm, trespass and surveillance. The Defendant has sought to disaffect her own children, has systematically sought the breakdown of many of the Claimant's close friendships and professional associations, and has sought to destroy her reputation and livelihood by spreading defamatory remarks and by vilification in the media;

7.2. with regard to financial loss, it has resulted in the cost and expense of medical treatment for her anxiety and distress. The Claimant has also required security and protection services for the safety of herself and her children and for the security of their residences in London and Shropshire. She has been required to engage lawyers, media and public relations advisers to mitigate the harm to her reputation, and diplomatic/government experts to approach the Spanish government and its London embassy and the UK intelligence services.

C. THE BACKGROUND (2004-A PRIL 2012)

8. The parties met in 2004 and shortly thereafter began a romantic relationship. During the course of the relationship the Defendant became close to Alexander and Nastassia. In early 2009 (and again in 2014) the Defendant asked the Claimant if she would marry him though he was (and remains) married to Queen Sofia. In or about September 2009, however, the Claimant learned that the Defendant was having a relationship with another woman and that he had been serially unfaithful to her, so she ended the relationship.

9. From December 2009, in part due to their residual affection for each other and in part for the sake of Alexander, who was 7 and suffering from their separation, the parties initially retained a close friendship.

10. In early 2010 the Defendant became seriously ill with a lung tumour which required surgical intervention. The Claimant was closely involved in his medical care and rehabilitation and sought to provide him with emotional support and encouragement. The Claimant received multiple calls from the Defendant each day and attended him in hospital. At the Defendant's request, the Claimant sought and obtained a second medical opinion.

11. During his convalescence, the Defendant informed the Claimant that he wanted to ensure that she and her children would be provided for. In mid 2011, he told the Claimant that he was thinking of making a will and that he wanted to provide for the Claimant and her family, but he was concerned that his family would challenge anything he left to her in his will, after his death. From late 2011, he made a number of gifts to the Claimant, which included artwork, sculpture, jewellery and a financial contribution to an apartment for her in London. Unbeknown to the Claimant at the time, he also instructed a Swiss lawyer, Mr Dante Canónica, that he intended to make an irrevocable financial gift to her from the Lucum Foundation, a Panamanian foundation of which he was the primary beneficiary. In early 2012, having largely recovered his health, the Defendant sought to persuade the Claimant to resume their intimate relationship, but she declined.
12. In April 2012 the Defendant invited the Claimant and Alexander to join him on a safari in Botswana and asked her first husband (Philip Adkins), who was a mutual friend and whom the Defendant had also invited, to convince the Claimant to accept the invitation. The trip was presented as a gift to Alexander for his 10th birthday. During the trip the Defendant broke his hip and was flown back to Spain. Following his return there was extensive media coverage, for the first time, of his relationship with the Claimant which falsely claimed that they were (still) romantically involved and that the Claimant had organised the trip, which attracted controversy in the media.
13. As detailed below, the Claimant was later informed by General Felix Sanz Roldán, the head of the Spanish National Intelligence Agency known as the “Centro Nacional de Inteligencia” (“CNI”), that he had been responsible for deliberately leaking the identity of the Claimant to the media. He did not offer any reasonable explanation as to why he had done so. Thereafter General Sanz Roldán, the Defendant’s agents and/or agents or contractors of the CNI acting on the Defendant’s instructions placed the Claimant, and others close to her, under physical surveillance which included vehicle and personal surveillance, trespassing onto her property at which she was residing and hacking into her/their telephones and computers.
14. The Lucum Foundation had financial assets in its account with Mirabaud & Cie. On 30 May 2012, the Defendant instructed Mr Canónica, his Swiss lawyer and an administrator of the Lucum Foundation, to draw up the documents necessary to effect an irrevocable *inter vivos* gift (as

referred to in paragraph 11 above). On 12 and 21 June 2012, financial assets amounting to c. €65m were transferred from the Lucum Foundation to an account of which the Claimant was the ultimate beneficiary (the "Lucum Gift").

D. THE COURSE OF CONDUCT

(1) April 2012-October 2014

15. The Claimant's case is that the relevant course of conduct runs from April 2012 and is not statute barred prior to 16 October 2014. The course of conduct is continuous from April 2012 to the present.

16. During April to June 2012 General Sanz Roldán, acting under the direction or with the consent of the Defendant, co-ordinated a covert operation to enter and search the Claimant's office and apartment in Monaco. General Sanz Roldán utilised armed operatives from the Monégasque security company, Algiz, as a cover for the operation in order to enable a CNI team dispatched from Spain to gain access to her property without her consent. Operatives from Algiz informed the Claimant that "*the Spanish sweeping team*" were arriving on 4 June from Madrid and would need five days "to sweep" her office and apartment. Business and personal documents belonging to the Claimant had been examined and/or copied and some removed during the operation, without her consent.

17. The Claimant was told by the Defendant, and by General Sanz Roldán, that Algiz had been engaged to protect her from the paparazzi and from journalists who might steal documents. However, the true objectives of the Defendant were: to find and remove any documents in her possession related to his business and financial dealings; to ascertain any information about the Claimant which might be used to pressurise her to comply with his wishes; to prevent her from providing information in respect of anything which might incriminate him; and to install surveillance equipment.

18. General Sanz Roldán contacted the Claimant on a number of occasions by email and telephone using the alias "Paul Bon". "Paul Bon" made it clear that he was acting under directions from the

Defendant. The Defendant confirmed that this was the position in the course of telephone conversations between the Claimant and the Defendant during the period between April and June 2012.

19. In early May 2012 the Defendant told her that General Sanz Roldán would be arriving in London in order to meet with her in person, in terms that made it clear that he required her to meet with the General. The Claimant and General Sanz Roldán met in the Claimant's hotel room at the Connaught Hotel on 5 May 2012 at the Defendant's insistence. During the meeting he threatened the Claimant and her family by stating that he could " *not guarantee her physical safety or that of her children*" unless she complied with what he described as "*recommendations*" but which were, in fact, orders. This threat reasonably made the Claimant fear for her life and that of her children. The words themselves were clear and sinister but they were made all the more so by the fact that they were made by the head of the CNI on the Defendant's behalf in the United Kingdom, and whilst the Monaco operation was ongoing.
20. The Claimant travelled the same day to her apartment in Villars, Switzerland to visit her son. On arrival, the Claimant found that papers had been disturbed within her apartment and a copy of a book on the death of Princess Diana had been left on a coffee table (which, for the avoidance of doubt, did not belong to the Claimant and had not been there before). The book was entitled "Princess Diana: The Hidden Evidence, How MI6 and the CIA were involved in the death of Princess Diana". That evening she received a telephone call from an unknown person who said, in Spanish, that "*there are many tunnels between Monaco and Nice*" – it is averred that the telephone call and placement of the book are obviously connected.
21. On 17 May 2012, "Paul Bon" (i.e. General Sanz Roldán) sent the Claimant an email stating that the "*services*" that had been provided to her at her Monaco home and office were no longer necessary and that he would let Algiz know that going forward the Claimant or any person she designated would be exclusively dealing with her security. Mr "Bon" added one "*last recommendation*". He said that it was "*advisable*" for the Claimant to keep a security guard at her premises "*until the moment you send the black boxes with the documents to the place of your*

chose [sic].” Mr “Bon” expressly stated that the Defendant had been informed of “*this intention*”.

The Claimant reasonably construed this as a threat to her person

22. In one telephone call General Sanz Roldán threatened the Claimant that there would be consequences if she did anything against the Defendant's interests. The Claimant telephoned the Defendant in Madrid about this threat and on 18 May 2012 "Paul Bon" responded by email stating that there had been a misunderstanding.
  
23. On 11 June 2012, the Claimant received a further email from "Paul Bon" referring to a number of matters which made allegations which were inculpatory of the Claimant and her business or financial affairs. The allegations were false and were partly based on documents which had been stolen and/or information obtained from her office/apartment in Monaco in April/May. The email said: "*Any leak of this information would have a devastating effect at this moment for the Institution and Your image*". The email was reasonably construed by the Claimant as a threat that these allegations would be leaked to the media if the Claimant failed to co-operate with the Defendant and General Sanz Roldán.
  
- (2) Meetings with the Defendant in late 2014
  
24. The Defendant continued to pressurise the Claimant to resume their previous intimate relationship. He called the Claimant daily, often many times each day, and expected her to make herself available to him on demand. If she did not answer his calls, he caused mutual friends to call her and pressed her to call him back. He showed the Claimant plans of a palace in Madrid which he said would be refurbished "*for us*". In about May 2014, he proposed marriage to the Claimant, not for the first time. The Claimant declined, not least because the Defendant was married to Queen Sofia and seeing other women.
  
25. In June 2014 the Defendant abdicated. He began to travel to London more frequently and claimed falsely to friends and social acquaintances that he and the Claimant were back together and would soon be living together in London.



26. In around late August and early September 2014 the Claimant made it clear to the Defendant in London that she did not want to resume a romantic or intimate relationship with him. She was polite but firm. At first the Defendant's reaction was one of desperation and confusion. He then became irritated and outraged at the Claimant's rejection of his advances. Thereafter he refused to accept the Claimant's decision and his attitude and manner towards the Claimant became increasingly menacing. He stated that if the Claimant did not resume their relationship then there would be consequences. He also began to press, for the first time, for the return of financial and other gifts that he had made to the Claimant including the Lucum Gift (in contravention of the donation contract between them), which he had given to her freely and irrevocably.
27. The Claimant called the Swiss lawyer, Mr Canónica to attend a meeting with the Defendant which he had requested, to discuss the Defendant's financial demands. They met with Mr Canónica at the Connaught Hotel in London on 16 September 2014. At the meeting, the Defendant repeated his demand that the Lucum Gift be returned or made available for his use. Mr Canónica was visibly taken aback by the Defendant's demands. He said that the Defendant had never told him that it was intended to be anything other than an irrevocable gift, he had proceeded to prepare the documents on that basis and that he would not have authorised the transfers on any other basis (in his role as Lucum's Administrator). He told the Defendant that it was irrevocable in law and that the assets could not be used for the Defendant's benefit. The Defendant was extremely displeased by Mr Canónica's advice. Later the same day, the Defendant telephoned the Claimant and told her that the consequences for her "*will not be good*" if she failed to do what he wanted.
28. The Defendant continued to pressurise the Claimant to return gifts he had made to her and/or to use the Lucum Gift to make payments on his behalf contrary to the legal advice that had been given. Within a few weeks of their meeting with Mr Canónica, the Claimant learned that the Defendant was spreading false accusations about her to the effect that she had stolen monies from him.
29. At a meeting on 16 October 2014, the Claimant asked the Defendant to stop spreading untruths about her. The Defendant said that he could say whatever he wanted and that people who heard

what he had to say about her would not like it and that they would think ill of her. He said that matters would end badly for the Claimant.

30. In early November the Defendant attempted to arrange for mutual friends to pressurise the Claimant to attend dinner parties in London at their invitation, at which the Claimant was to attend as his partner. The hosts were her neighbour Wafiq Said and Pepe Fanjul and their respective wives. The Claimant declined these invitations.

31. On 4 November, the Claimant and the Defendant met at the Defendant's insistence at the Claimant's apartment in London. The Claimant had become fearful of the Defendant and did not want to be alone with him. Accordingly, she asked Pepe Fanjul, who was a mutual friend, to come with him. During the meeting the Defendant became very angry at the Claimant's refusal to return to him or to attend the dinner party which Wafiq Said was hosting that evening. The Defendant stated that she owed him money and that she must pay a security deposit for service charges required in respect of the penthouse, as described in paragraph 33.5.2 below. When the Claimant made it clear that she had no intention of living with him or paying the deposit, the Defendant said that she was "useless", that he would "take his own measures" and that she "will see what's going to happen".

32. The Defendant was visibly angered. The Claimant was distressed and alarmed by his anger and by the fact that he was continuing to pressurise her to act contrary to Mr Canónica's advice. This was the last time that the parties met until he requested a further meeting on 16 March 2019, as described below.

(3) Targeting the claimant's family, friends and business associates 2014/5

33. The Defendant conducted a course of conduct designed to undermine the Claimant's personal and commercial relationships and/or to state falsely that she had stolen from him. In particular:

33.1. in October 2014, the Defendant met with a business associate of the Claimant, namely Mohammed Mahfoodh Al Ardhi, who was at that time the Vice Chairman of the National Bank of Oman. The Claimant had previously introduced them. The Defendant made

accusations of dishonesty about the Claimant to him and told him that she was untrustworthy and disloyal. From or about that time Mr Al Ardhi stopped communicating with the Claimant;

33.2. on 2nd November 2014, the Defendant had lunch with Allen Sanginés-Krause and Pepe Fanjul. The Defendant knew of Mr Sanginés-Krause through the Claimant. Mr Sanginés-Krause had been a client of the Claimant's since March 2010 whereby consultancy services were provided to a company in which he had an interest. Mr Sanginés-Krause has stated that he sent a notice to the Claimant on 21 November 2014 terminating their agreement but the Claimant did not receive such notice. Mr Sanginés-Krause then became a financial adviser to the Defendant. It is to be inferred that the Defendant induced the termination of this contract;

33.3. in 2014, the Defendant had given the Claimant's driver an expensive, Rolex Daytona, watch inscribed on the back with the Defendant's initials. Subsequently, in November 2014, the Defendant's Head of Security (Vicente Mochales) approached the Claimant's driver, and asked him if he would drive the Defendant (in the same car as that which he used for the Claimant) whenever the Defendant was in London but not to tell the Claimant about that he was doing so. When the Claimant's driver declined, Mr Mochales became agitated and asked him not to tell the Claimant about his request. Again, the Claimant's driver refused. Later, in February 2017, the Defendant also texted directly the Claimant's personal assistant (Noelia Munoz) and informed her in Spanish that " *I am here for whatever is needed. I will wait for news* ". In March 2018, the Defendant sent Ms Munoz an unsolicited Easter greeting. It is to be inferred that the Defendant wished to secure both the Claimant's driver and personal assistant as sources of information with regard to her movements, associations and affairs generally;

33.4. on or about 5 November 2014, the Defendant lied to Pepe Fanjul and said that the Claimant had "*a partnership*" and "*a partnership account*" owned by the Defendant and the Claimant when he knew that there had never been any partnership or partnership

account between them, the Lucum Gift had been irrevocable and that it had been given to the Claimant free of obligation;

33.5. on 6 November 2014, the Defendant invited for drinks two of the Claimant's business associates to whom she had introduced him. They were Mohammed El Hussein and George Shehadeh. By early 2015 both of these associates had stopped communicating with the Claimant and Mr El Hussein stopped working with the Claimant. The Claimant never heard from or saw Mr Shehadeh again. With regard to El Hussein, in 2015 the Defendant had arranged with the Omanis to transfer the title to the penthouse (5 Princes Gate) to him (El Hussein):

33.5.1. in or about May 2014, just prior to his abdication, the Defendant had arranged with the Sultan of Oman to provide the Defendant with accommodation during his visits to London. The Defendant asked the Claimant to source a suitable property and supervise its redecoration;

33.5.2. the Claimant found a penthouse at 5, Princes Gate in Knightsbridge which was opposite the Omani Embassy. The purchase price was c. £50 million and the property was to be purchased on behalf of the Sultan and then made available to the Defendant when in London.

33.5.3. the Defendant pressurised the Claimant from July 2014 to supervise its entire redecoration. He insisted that the Claimant use her interior designer because – he said – he wanted it to replicate the Claimant's London apartment. The Claimant did so until the penthouse was complete in August 2015 because she felt intimidated to complete the task; she felt that helping the Defendant would appease him and ease his increasingly hostile and unstable behaviour; and

33.5.4. the day after the meeting of 4 November 2014 (referred to above) the Defendant demanded that the Claimant pay a security deposit for service

charges of c. £200,000 which had accrued on the Penthouse. Despite the advice previously given by Mr Canónica, he did so through an email from Pepe Fanjul on 5 November 2014, which read:

*"As to the payment now outstanding he would like it to be covered by your partnership account"*

Again, as the Defendant well knew, there had never been any partnership or partnership account between them. The Claimant did not pay the security deposit.

33.6. on or about 23 November 2014 the Defendant travelled to Abu Dhabi and attended the F1 motor race. Whilst there he told members of the Ruling Family that the Claimant had stolen monies from him and that she was untrustworthy. Thereafter, all contact between members of the Ruling Family and the Claimant ceased. It is to be inferred that the Defendant's defamatory statements damaged, and were calculated to damage, the Claimant's reputation and business prospects within the region;

33.7. in December 2014, the Defendant invited the Claimant's former husband, Philip Adkins, and her daughter, Nastassia, to spend New Year's with him in Los Angeles and then to go with him to Tahiti. It is to be inferred from all the circumstances that the Defendant set out to undermine their relationships with the Claimant with the objective of causing distress to the Claimant. In particular:

33.7.1. the Defendant told Philip Adkins, Alexander and Nastassia that the Claimant had stolen from him. In 2015, Philip Adkins sent an email to the Claimant stating that she should return the monies that she had taken from the Defendant. Further in a WhatsApp Group entitled "The Pride" (comprising the Defendant, Philip Adkins, Alexander, Nastassia, and Prince Casimir) Philip Adkins texted Alexander on 18 July 2016 inter alia to say: "*She stole her title from your Dad. And lots of things from me. And lots of money from HM*";

33.7.2.



33.8. in April 2015 the Defendant travelled to a small village in Austria to visit the family of her second husband whom he had not visited for many years. The Defendant told Prince Casimir's grandmother, Manni Sayn-Wittgenstein, and other family members that the Claimant had stolen monies from him. Prince Casimir then repeated to numerous persons thereafter that the Claimant had stolen from the Defendant.

(4) Spreading further defamatory statements about the Claimant

34. In early 2015, the Defendant texted a well-known artist and silver sculptor in London, Patrick Mavros, that the Claimant had stolen a silver elephant and candelabra set from one of the Royal residences in Spain: these items were in the safekeeping of Mr Mavros. The Defendant demanded their return. In fact, the Claimant had purchased these items between 2008-2011 and given them to the Defendant who had subsequently given them to the Claimant's son, along with the other gifts which he gave to the Claimant from late 2011, rather than leave them to her in his will. The Defendant knew that what he said was untrue and that what he had said would become known by the Claimant and, thereby, cause her alarm, distress and anxiety.

35. In late January 2015 the Claimant learned that the Defendant was in Riyadh and had said to King Salman of Saudi Arabia and Mohammed bin Salman, the Crown Prince of Saudi Arabia (both of whom were his close friends) that she had stolen monies given to the Defendant by the late King Abdullah of Saudi Arabia. This was a reference to the assets in the accounts of the Lucum Foundation which the Defendant had, in fact, legally and irrevocably gifted to the Claimant. The Defendant also told the Crown Prince that the Claimant was untrustworthy.

36. These false statements were intended by the Defendant to cause damage to the Claimant's reputation and business interests and, in fact, did so. At the meeting between the parties in London on 16 March 2019 (described below) the Claimant asked the Defendant if he had said as described above to the Crown Prince. The Defendant did not deny that he had. Instead, he smirked and shrugged. The Defendant's false statements to the Crown Prince caused great anxiety and distress to the Claimant and she believed that they made it unsafe for her to travel to Saudi Arabia and the UAE.

37. In about April 2015, the Defendant was in the Bahamas as a guest on the boat of Pepe Fanjul and his wife. The Defendant on several occasions at lunches or dinners during that holiday told numerous fellow diners that the Claimant had stolen monies from him and was disloyal and untrustworthy. The Defendant knew that this would become known by the Claimant and cause her alarm, distress and anxiety

38. By the end of 2015, the Claimant's contact with many important business associates and friends had ceased. It is to be inferred that these contacts ceased because of the defamatory statements that the Defendant had been repeating about her from or about October 2014.

(5) Harassment of the Claimant by publication

39. The Defendant supplied, or caused to be supplied, to the media for publication false information which was damaging to the Claimant's reputation.

40. The false information which the Defendant supplied or caused to be supplied was:

40.1. that the Claimant was dishonest and had stolen money or had stolen about €30 million;

40.2. that two accounts had been opened in Swiss Banks in false names for the benefit of the Claimant in order to receive commissions on contracts awarded to Spanish companies;

40.3. that the Claimant represented a security risk to the Spanish state and/or was an agent of the Russian Federation and that she was the legitimate object of extensive CNI surveillance; and

40.4. that the Claimant was attempting to blackmail the Spanish Royal family.

41. Separate particulars of the publications relied upon from or about March 2013 (all of which were either available online, or were circulated in hard copy, within the jurisdiction) will be served in due course.

42. The Claimant will rely upon the following in support of her case that it was the Defendant who leaked, or caused to be leaked, the above matters:

42.1. the Defendant was the source of the allegation that the Claimant was dishonest and had stolen monies;

42.2. the Defendant had represented to Pepe Fanjul that there was a “ *partnership account*” between the Claimant and the Defendant and the Defendant was entitled to demand that his expenses be discharged from it. The implication of this representation was that, by refusing the Defendant’s demands, she had stolen the Lucum Gift. It was reported that she had stolen c. €30 million;

42.3. the sources in the defamatory articles in question are identified as, variously, the Spanish intelligence services, or a friend of the Defendant, or sources close to the Zarzuela Palace or close to the Royal Family;

42.4. General Sanz Roldán was acting under the direction of the Defendant with regard to the Claimant and information would not have been given to the media from the CNI without the Defendant's consent;

42.5. the Claimant was/is under extensive CNI surveillance pursuant to the direction or consent of the Defendant; and

42.6. the allegation of blackmail is without foundation and is based on a misconstruction of private and confidential letters written on 5 March and 23 April 2019 by the Claimant's



then solicitors (Kobre and Kim LLP) to the Head of the Royal Household (Sr Don Jaime Alfonsin Alfonso). The letters were an attempt in good faith by the Claimant to resolve the harassment complained of, but they were later leaked to the media. This would not have happened without the Defendant's consent.

E. SURVEILLANCE, TRESPASS AND UNLAWFUL INTERCEPTION OF MOBILE PHONES AND INTERNET ACCOUNTS

43. This part of the course of conduct includes, but is not limited to, the following. Pending disclosure and/or the provision of further information the following are the best particulars that the Claimant is able to give as to the nature and extent of the Defendant's activity. Such activity was carried out by agents or contractors of the Defendant and the CNI:

43.1. unlawful covert and overt surveillance of the Claimant and of her public and media relations adviser;

43.2. trespass onto the Chyknell Hall property occupied by the Claimant and causing criminal damage contrary to the Criminal Damage Act 1971;

43.3. attempting to place a tracking device, or to download information from the computer system, on the vehicle belonging to the Claimant's public and media relations adviser; and

43.4. the interception or monitoring without lawful authority of communications to/from the mobile phones and internet accounts of the Claimant and James Watt (a former member of the Diplomatic Service who was professionally advising the Claimant). These interceptions occurred within the United Kingdom and constitute offence(s) contrary to the Regulation of Investigatory Powers Act 2000 and/or contrary to the Investigatory Powers Act 2016 and/or the Computer Misuse Act 1990.

44. The above actions were not performed pursuant to any regulations or code prescribed by law and constitute serious interferences with the Claimant's private life under Article 8 of the European Convention on Human Rights.

45. Pending disclosure and/or the provision of further information the Claimant reserves her position to claim under the General Data Protection Regulation and the Data Protection Act 2018.

46. The following matters are relevant background to this part of the course of conduct:

46.1. the Defendant and General Sanz Roldán used contractors (Algiz) and agents of the CNI to enter the Claimant's premises in Monaco in April and May 2012 and in Villars in May 2012 as described in paragraphs 16 and 20 above;

46.2. publications in the Spanish media refer to intelligence sources confirming that the CNI's Technical Operations Group had the Claimant under constant surveillance when she visited Spain and that their reports were passed to the Defendant. The sources neither confirmed nor denied that they also intercepted her communications. The Claimant will provide separately particulars of the publications relied upon;

46.3. in April 2015 the Claimant was introduced by the husband of a childhood friend (Juan Villalonga) to José Manuel Villarejo:

46.3.1. Villarejo was a Spanish police officer who claimed that he had evidence that the Defendant together with the CNI were planning to inculcate her falsely in an allegation of criminal conduct in Spain and to fabricate jurisdiction by stating that she had a residence in Spain;

46.3.2. He met with her in London on 16 April 2015 and inter alia showed her documents which included a confidential CNI report. The documents he produced contained the material described in 46.3.1 and included a document concerning the Saudi-Spanish Infrastructure Fund: it is the Claimant's case that this document must have been taken from her premises by CNI agents

in Monaco in April/May 2012 in the circumstances described in paragraphs 16 and 17 above; and

46.3.3. Villarejo returned to meet the Claimant in London on a second occasion on 7 October 2016 when he informed her that her personal staff in London were under surveillance. Villarejo has since stated publicly that he was sent by General Sanz Roldán to London in order to win the Claimant's trust and to ascertain what she knew about the financial dealings of the Defendant. Villarejo has since deposed and signed a statement in Spain to that effect and is in detention. Villarejo covertly (and for the avoidance of doubt, without the Claimant's consent) recorded his meeting(s) with the Claimant;

46.4. in November 2014, the Defendant attempted to suborn the Claimant's driver and in February 2017 he attempted to suborn the Claimant's personal assistant (see paragraph 33.3 above);

46.5. in September 2018, an oral report was made on the Claimant's behalf to the British Security Service and to the British Secret Intelligence Service regarding ongoing harassment and hostile surveillance by agents or contractors of the CNI against the Claimant and her advisers within the United Kingdom. A further report was made on her behalf to the Security Service in October 2018 and it was confirmed on that occasion that the CNI desk in London had been told to cease any activity targeting the Claimant following the earlier report in September;

46.6. also in September 2018, the Claimant instructed James Watt to attend a meeting with the Spanish Ambassador in London. At the meeting, Mr Watt explained the harassment which the Claimant had, and continued to suffer. Mr Watt asked that a message be conveyed to the Spanish authorities that the course of conduct against the Claimant was harmful and should stop. At this, the Ambassador became agitated and made it clear that he did not wish to discuss the matter; and

46.7. in August 2019 a letter was written and signed by the Claimant's then solicitors (Kobre and Kim LLP) and James Watt to the British Security Service and the British Secret Intelligence Service seeking their intervention to stop the continuing hostile activity of the CNI against the Claimant and her advisers in the United Kingdom.

(1) Unlawful covert/overt surveillance of the Claimant and her advisers

47. The best particulars that the Claimant can give at the moment is that both she and her media and public relations adviser have been followed in London on several occasions from or about 2018 and, having regard to all the matters pleaded herein, it is to be inferred that this was being performed by agents or contractors of the Defendant/CNI.

48. With regard to her media and public relations adviser, the adviser:

48.1. on the evening of 11 September 2018, walked from her home towards the parking place in which she ordinarily parked her BMW saloon: on a quiet one-way residential road, situated next to a private garden square ("Hereford Square"). As she approached the turning into the street she looked down the pavement adjacent to the garden square and saw three men around her car: one man was on the pavement next to her car, one man was sitting on the pavement with his legs or part of his legs underneath the car and the third man was standing directly behind it. When she turned the corner into the middle of the road, she heard the men, who were of Mediterranean appearance, exchange a few words in Spanish and the man underneath the car ran away, followed shortly by the other two. The matter was reported to the police. (On the same day James Watt noticed that his mobile telephone and iPad had been infiltrated). It is to be inferred that the men were attempting to fit a tracking device or to download information from the car's computer system; and

48.2. on 4 June 2019, was picked up by an Uber cab in Berkeley Square. Within a minute or two of having been picked up by the Uber vehicle, she saw a BMW car with the registration "SPA 1N", which had drawn up in front of the vehicle in which she was in and which she saw on three further occasions in the course of that journey, the last of which

was within a minute or two's drive from her home in South Kensington. On three or four further occasions, between June and August 2019, she booked Uber cabs to pick her up in Mayfair. On each occasion the same car appeared adjacent to or in front of the Uber cabs in which she was travelling; and

48.3. on 11 November 2020 a man of Mediterranean appearance appeared in front of her in the street, on Gloucester Road, opposite to Hereford Square, who said: "*Hi, Hola, you must stop*". The matter was reported to the police.

49. With regard to the Claimant she:

49.1. on 28 June 2015, the Claimant attended a Formula E event in Battersea Park. The Claimant became aware of two men following her as she walked back and forth between groups her friends, over the course of two or three hours. When they noticed her looking at them, they would stop and talk between themselves. The men were well dressed, clean cut and of Mediterranean appearance;

49.2. a week or so later she went to the Waitrose supermarket nearest her home, in West Halkin Street. She observed two men following her around the store, with a single item in their basket. These men were also well dressed, clean cut and of Mediterranean appearance; and

49.3. later in July or August 2015, the Claimant was in a shop opposite Harrods, when she noticed a man waiting outside the shop. The man followed her and, as she turned into Harrods, he engaged her in direct eye contact and said, with deliberation, "*Hola Corinna*" (but not as a greeting).

(2) Trespass at Chyknell Hall

50. Chyknell Hall is a private estate in Shropshire of about 200 acres and is occupied by the Claimant (and her son). The following events have occurred there. Having regard to all the matters pleaded herein, it is to be inferred that these actions were performed by agents or contractors of the Defendant/CNI:

50.1. on 21 June 2017, the Claimant awoke and found that a perfectly drilled hole had been made in the bedroom window directly opposite her bed. No attempt was made to enter the premises. The matter was reported to the police;

50.2. on 14 April 2020 two shots hit the lenses of the front gate camera. The CCTV footage showed no pedestrian gunman, indicating that there would have had to have been a high level of marksmanship to hit the lenses, given the c. 150 yard distance from the roadway. No attempt was made to enter the premises. The matter was reported to the police;

50.3. between 30 April and 3 May 2020 an attempt was unsuccessfully made to gain access to the CCTV system but access was gained on 4 May which caused a loss of recorded material; and

50.4. on 7 May 2020 a drone was observed above the estate. This is unusual as the estate is quite a distance from the roadway.

(3) Attempting to place a tracking device or download from the car computer

51. See paragraph 48.1 above.

(4) The unlawful interception/monitoring of communications

52. The best particulars that the Claimant can give at the moment is that she has experienced security issues with her mobile and internet accounts from about September 2018, as has James Watt. It was the Defendant's intention that the interception or monitoring should not be discoverable by the Claimant so as to avoid detection. Having regard to all the matters pleaded herein, it is to be inferred that this was the result of unlawful interception by agents or contractors of the Defendant/CNI.

53. In September/October 2018, investigations by the Public Prosecutor were opened in Geneva into *inter alia* the Lucum Foundation. The Claimant, her media adviser and Mr Watt were all present in Geneva at the time. A day or so after they returned to London, the Claimant's media adviser

discovered the three men around her car (as described above) and Mr Watt discovered that his mobile and iPad had been infiltrated. At about the same time, the Claimant experienced problems with her mobile phone which intermittently continued over the succeeding months, namely that the phone became hot, the battery life was drastically reduced, there were audible clicks and echoes on the line and other interference. Despite switching handsets, these problems persisted.

F. OTHER ACTS THAT WERE PART OF THE COURSE OF CONDUCT

54. The Claimant relies in addition on the following matters as part of the Defendant's course of conduct amounting to harassment:

54.1. on 23 February 2016 the Claimant was flying from London to New York aboard British Airways. She was by this time concerned about her safety by reason of the matters pleaded herein and was very careful about containing the number of people who knew of her travel movements. She did not inform the Defendant of her travel plans and none of her staff would have done so to her knowledge. During the flight the cabin crew informed her that they had received a message from the Defendant that he was arranging for a driver to collect her at the airport in New York. The Claimant had not seen the Defendant since 4 November 2014. It is to be inferred that the Defendant sent this message to cause alarm and distress to the Claimant and to demonstrate that he was fully aware of her movements. She was fearful on the flight and on landing in New York;

54.2. as referred to in paragraph 42.6 above, the Claimant's solicitors wrote on 5 March 2019 to the Head of the Royal Household at the Zarzuela Palace in Madrid in an attempt to resolve the harassment complained of;

54.2.1. on 11 March, the Defendant telephoned her from his satellite phone, after having had no direct contact for a considerable period of time, and said that he and the Claimant should meet in London as there were important matters to discuss. The Claimant agreed believing that the course of conduct complained of might now terminate and that matters might be resolved. She

was nevertheless fearful and arranged for security officers to be on the premises;

54.2.2. on 16 March the Defendant arrived at the Claimant's apartment with his security and another man whom he introduced as his " *private secretary*" who said he assisted the Defendant on select " *missions*". He did not attend the subsequent meeting between the parties. The Claimant's son Alexander did attend;

54.2.3. at the outset, the Claimant asked the Defendant what his intentions were for the meeting. She asked him whether he was at the meeting to seek a resolution and if he had discussed the meeting with General Sanz Roldán. In response, the Defendant eulogised about General Sanz Roldán as his great protector and close ally, saying that " *without him I would be [performs a cut-throat motion]*";

54.2.4. despite the fact that the Claimant had told the Defendant that she wanted an end to the harassment, the Defendant asked her repeatedly " *what do you want*". She responded by referring him to the letter to the Spanish Royal Household. She said she wanted a dialogue to be opened between their legal and communications team with a view to resolving their issues, setting the record straight in the media and bringing an end to the harassment;

54.2.5.





[REDACTED]

54.2.6. the meeting was not conciliatory and the Defendant made no offer to desist or compromise. The Defendant instead maintained a hostile attitude.

54.3. after the meeting in March 2019 the harassment has not ceased although the Claimant now leaves her apartment very little and exercises extreme caution with regard to her security. She is subject to a continuing threat of harassing conduct and fears for her safety.

G. REMEDIES

55. By reason of the above matters, the Claimant has suffered great mental pain, alarm, anxiety, distress, loss of well-being, humiliation and moral stigma.

56. The Claimants will rely on the following facts and matters in support of her claim for general and aggravated damages:

PARTICULARS OF ANXIETY

56.1. The Defendant's harassment of the Claimant has undermined and continues to undermine her sense of wellbeing. She suffers from sleep deprivation and has frequent nightmares arising out of the threat to her personal safety. Her lifestyle has been drastically affected. She is rarely invited out to social occasions anymore and she hardly goes out at all. When she does go out, she almost always travels by car, and before leaving her home she checks first with Grosvenor Estate security and/or her driver that it is safe to do so. When she does attend social events, she is unable to fully enjoy them due to her concern that people are talking about her behind her back. By reason of the Defendant's harassment of the Claimant, her son has become fearful and stressed and was bullied at school, all of which has added to the Claimant's distress.

56.2. As a consequence of the threats made to the Claimant by the Defendant in person, through General Sanz Roldán and through the surveillance, trespass and unlawful activities carried out by the Defendant's agents and/or CNI operatives or contractors, the Claimant has suffered great alarm and distress. She has lived and continues to live in fear for her physical safety and that of her children. She has been greatly concerned about the security of the properties in which she and her family reside and about the security of their mobile devices and computers. She has been obliged to put in place extensive measures to try and ensure her safety and security and that of her family, as further described below.

56.3. The defamatory remarks made by the Defendant to the Claimant's family, friends and business associates have caused the Claimant emotional and psychological distress and depression. She has suffered the mistrust of her children and estrangement from Nastassia. She has lost a number of close personal friends and business associates.

56.4. The false information that the Defendant supplied to the media, to the effect that the Claimant was dishonest and a thief, has caused her to suffer vilification in the press and on the internet, public shaming, humiliation and moral stigma.

57. Further, by reason of the above matters, the Claimant has suffered financial loss and damage:

#### PARTICULARS OF SPECIAL DAMAGE

57.1. costs of obtaining medical treatment in respect of the effects on the Claimant's mental health arising from the Defendant's harassment;

57.2. costs of installing personal safety measures and daily personal protection services for the Claimant and her family;

57.3. costs of safeguarding and protections to the Claimant's residences;

57.4. costs of engaging ex-diplomats and former government servants to intervene in order to end the Defendant's harassment of the Claimant; and

57.5. costs of public relations and communications officers to mitigate the damage caused to the Claimant reputation in the media.

58. The Claimant claims interest pursuant to Section 35A of the Senior Courts Act 1981 on such sum, at such rate and for such period as the Court thinks fit.

#### INJUNCTIVE RELIEF

59. The Claimant believes that the Defendant will continue to harass the Claimant unless restrained by order of the Court.

AND the Claimant claims:

- (1) an injunction restraining the Defendant, himself, his servants or agents or by instructing or encouraging or permitting any other person or in any way whatsoever from:
  - a. harassing the Claimant;
  - b. communicating with the Claimant, whether by telephoning, email, text or WhatsApp messages or by any other means (other than by email addressed to the Claimant's solicitors);
  - c. making defamatory remarks about the Claimant;
  - d. publishing false or defamatory material about the Claimant and/or supplying such material to the media;
  - e. observing, tracking or monitoring the Claimant;
  - f. going within 150 metres of the Claimant's residences;
- (2) damages, including aggravated damages, for harassment;
- (3) interest as aforesaid;
- (4) further or other relief as the Court thinks fit;
- (5) costs.

JONATHAN CAPLAN Q.C.

JAMES LEWIS Q.C.

ADAM CHICHESTER CLARK

Statement of truth

I believe that the facts stated in these Particulars of Claim are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Full name *CORINNA SAYN-WITGENSTEIN*

Corinna zu Sayn-Wittgenstein-Sayn

Signed *Corinna zu Sayn-Wittgenstein*

Claimant

Served this 29th day of December 2020 by Blake Morgan LLP, 6 New Street Square, London EC4A 3DJ, solicitors for the Claimant ([alexander.shirtcliff@blakemorgan.co.uk](mailto:alexander.shirtcliff@blakemorgan.co.uk))

CASE NO QB-2020-004165

IN THE IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

MEDIA AND COMMUNICATIONS LIST

BETWEEN

CORINNA ZU SAYN-WITTGENSTEIN-SAYN  
Claimant

AND

JUAN CARLOS ALFONSO VÍCTOR MARÍA DE  
BORBÓN Y BORBÓN  
Defendant

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PARTICULARS OF CLAIM

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BLAKE   
MORGAN

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Solicitors for The Claimant