



# Schillings

Lawyers

**PRIVATE AND CONFIDENTIAL**

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**URGENT**  
**ON THE RECORD**  
**NOT FOR PUBLICATION**

Our Ref: RCM/JO/sc/H0204/001

22 May 2009

Dear Sir

**Peter Hargitay**

We act for Peter Hargitay.

Our client is the Chairman and CEO of Europe Consultancy Network (ECN), a consultancy firm specialising in Crisis Management and Communication. He is a well regarded and successful businessman throughout Europe and beyond, and has a substantial reputation, investments and family ties within this jurisdiction.

For a number of years you have embarked upon what can only be described as a wholly unjustified "crusade" of vilification against our client and others with whom he is personally and professionally associated.

Whilst we return below to these ongoing and unwarranted, unprofessional and personalised attacks, for the purpose of the Pre Action Protocol on Defamation this letter makes complaint in relation to two specific defamatory publications by you. Firstly, defamatory publications on your website [www.transparencyinsport.co.uk](http://www.transparencyinsport.co.uk) ("the Website") and secondly the defamatory oral publication made by you at London's Café Diplo on 8 December 2008. The particulars of that unlawful conduct follow.

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## The Website

You are the owner and author of the Website. You are responsible for the content of the Website and you are liable in law for any foreseeable republication of its content.

The Website is littered with inaccuracies and is grossly defamatory of our clients.

The home page of the Website features the headline

*"Blatter's dirty tricks Hargitay Erupts  
Conman outed, turns nasty"*

Clicking on that headline<sup>1</sup> brings up a further page at which reference is made (in a reproduced Private Eye article) to our client as

*"the Swiss-Hungarian con artist"*<sup>2</sup>.

As concerns the Private Eye article our client's rights are reserved against its publishers and/or the author(ess) of the article in question.

A further (boxed) link on the homepage headed

*"Reporters Toolbox  
10 Reasons Why Sepp Can Never Sue  
(and the list is growing)"*

brings up a photograph of our client captioned

*"Spot the conman"*<sup>3</sup>.

Those comments represent 3 occasions on which you have published material labelling our client a "conman".

<sup>1</sup> [http://www.transparencyinsport.org/Blatters dirty tricks Hargitay erupts/hargitay erupts.html](http://www.transparencyinsport.org/Blatters_dirty_tricks_Hargitay_erupts/hargitay_erupts.html)

<sup>2</sup> [http://www.transparencyinsport.org/Blatters dirty tricks Hargitay erupts/PDF-documents/curse\\_of\\_gnome.pdf](http://www.transparencyinsport.org/Blatters_dirty_tricks_Hargitay_erupts/PDF-documents/curse_of_gnome.pdf)

<sup>3</sup> <http://transparencyinsport.org/10-reasons-page3.html>



There is no truth whatsoever to this allegation. For a man in our client's position it is a very serious slur upon his reputation and in the highest category of defamations.

The allegation is unsupported, unsubstantiated and false. Had you bothered to contact our client prior to publishing the allegation you would have been advised of the allegation's utter falsity. Only an adverse inference as to your motive for publication can be drawn from the fact that despite being a very experienced journalist you chose not put to the allegation to our client prior to publication, a breach of the principles of responsible journalism<sup>4</sup>

### **The Café Diplo Evening**

On the evening of 8 December 2008 you were a speaker at a talk held at Café Diplo in London ("the Café Diplo Evening").

At that talk you repeated the same allegation using the words:

*"Hargitay is a conman, nothing but a conman.  
They come up in sport every now and again.  
He is just a conman. A conman"*

These words constitute a slander actionable *per se* upon our client. For the purposes of this letter, we shall deal with the effect of the libel and slander together, treating them together as the "Allegation". This treatment does not constitute any waiver of our client's rights.

### **Meaning**

The Allegation carries the clear and unequivocal meaning that our client is guilty of being a conman; that is, someone who cheats others by way of confidence tricks and/or is engaged or has previously engaged in dishonesty to a level of criminality.

The Allegation is of the utmost gravity. Not only is it grossly defamatory of our client, it is false and indefensible.

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<sup>4</sup> As set out by the House of Lords (per Lord Nicholls) in *Reynolds v Times Newspapers* [2001] 2 AC 127



In publishing the Allegation you have proceeded to cause our client enormous damage to his reputation and sought to jeopardise important commercial relationships and contracts. We are in the process of investigating the extent to which our client is suffering commercial damage and that loss and damage will be claimed from you by way of special damages which it is anticipated will be substantial.

Further, the damage caused by the Allegation to date is continuing whilst the Website remains live. The longer that the Allegation remains online and available to access, the greater the potential for a claim in special damages and the greater the risk that the material will be published elsewhere (in respect of which, as we have stated earlier in this letter, you will be held responsible).

To mitigate the damage suffered by our client you should immediately cease and desist from any further publication in any form.

The allegations complained of are just two examples in a long line of smears and other discreditable behaviour you have engaged in. Our client reserves his rights to pray in aid all or any of the following incidents in aggravation of damages or as stand alone incidents of defamatory or maliciously false publications whether in this jurisdiction or overseas. At the very least, your ongoing campaign – and latterly your wholly unprofessional willingness to set yourself out as an advisor and purveyor of gossip and slanderous rumour to the professional opponents of our client's clients (we refer specifically to your role in Sheikh Salman bin Ebrahim al-Khalifa of Bahrain's campaign to unseat our client's client Mohamed Bin Hammam in the AFC election in Kuala Lumpur in May 2009) – is wholly disreputable and removes any realistic prospect of you covering your attacks on our client under the protection of responsible journalism. The following list is, sadly, not exhaustive.

#### **“Foul!”**

Two chapters of your widely available book “Foul!” are devoted to our client. Usually stopping short of making any direct accusation against our client, your book chooses to insinuate or allude to supposed misdeeds, immorality and/or criminality on the part of our client - no doubt in the vain hope of boosting sales for this supposedly 'serious' exposé.

You are aware that our client was cleared of any wrongdoing in a trial in Jamaica. Since then our client has received an official apology from the State for bringing charges in the first place – the first time ever that such an apology



has been issued Since 2008, our client has been a Special Advisor to a Ministry of the Government of Jamaica. Clearly he would not have received this appointment had there been any question of his good character and continue to maliciously allege and insinuate.

#### **Email to SBS Television, Australia**

Our client has been made aware of an email dated 18 April 2009 sent by you to SBS Television in Australia making wild statements concerning our client (namely, that he is a *"former jailbird and contemporary fraudster and debts dodger"*) which are totally without foundation yet capable of causing our client huge, possibly irreparable damage to his reputation. For the record, it should be stated in all clarity that contrary to your continued allegations, our client has never been convicted of a criminal offence and certainly never served time as a convict in prison. We can only assume from the content of the email that these serious allegations were included through malice alone. Why an Australian television station would be interested such (mis)information is another question again but serves to highlight your quest to defame our client to people of influence around the World. Our client's rights are specifically reserved in relation to this email, and the legal consequences of your sending it.

#### **The Slander in Reykjavik, Iceland**

At the 'Play The Game' conference in Reykjavik in November 2007 you openly called our client *"a shit"* and *"of dubious honesty"*. Later that evening, you were overheard wandering around the gathered delegates calling our client *"a criminal"*. We understand that you may have been over refreshed at this stage and this may explain such verbal attacks, but does not excuse them.

#### **Articles sold to the Sunday Herald, Scotland**

You have sold articles to the Scottish Herald (later republished on the Website) accusing our client of *"murky connections"* and implying that our client is not an *"above board"* public relations consultant despite a total dearth of credible evidence to support your story. A later piece written by you makes a bizarre reference to (an unidentified) *"North London businessman clutching a suitcase full of bras and panties"* and a *"lingerie salesman"*. Whilst the reference is confused and unclear we understand it to be an attempt to again cast doubt over our client's personal and/or professional reputation, or to insult him personally.



### **Article sold to Ekstra Bladet, Denmark**

The "*lingerie salesman*" reference was repeated by you in a piece concerning our client for Ekstra Bladet in Denmark. Published only this month, it seems that your keen, albeit somewhat unfocussed, interest in our client has unfortunately not abated.

### **Email to the FA, England**

Your interest in our client extends to you emailing Mr Hargitay's (then) client, the FA, with a series of (leading) questions concerning our client, demanding an answer within 24 hours and copying the email to the Sunday Herald. The email casts similar aspersions over Mr Hargitay that you have published extensively elsewhere. Gratuitously, the email is copied to four of the most senior and influential figures at the FA. This appears to be nothing more than a shallow attempt to discredit our client in the eyes of his clients and/or add gravitas to your enquiries to interest the Sunday Herald in paying for an article concerning our client.

### **The Smear Website, Malaysia**

Of particular concern is your recent move from "journalism" to paid for character assassination at the behest of political opponents to our client's clients.

You were amongst Sheikh Salman's entourage in Kuala Lumpur in Malaysia in the days preceding the important AFC election on 8 May 2009.

Given that you had no apparent journalistic purpose for being there, the natural inference to be drawn is that together with your friend Peter Velappan you were part of Sheikh Salman's (presumably well remunerated) team and stayed at the Ritz-Carlton Hotel in Kuala Lumpur, at first under your own name, and subsequently under Mr Menon's name. You will be aware that there is an AFC investigation into the election and it will doubtless be an issue for them (as it may be for any proceedings that follow from this dispute) to what extent you were financially rewarded or rewarded in kind for any assistance you provided to Sheikh Salman's campaign and whether this was commensurate with your presenting yourself as an independent investigative journalist.

We are aware that you were in Kuala Lumpur with Sheikh Salman during the final week of the election and that in the week leading up to the day of the election defamatory material appeared on the (now unavailable) website



[www.messagebinhamman.org](http://www.messagebinhamman.org) ("the Smear Website"). Whilst it is not necessary for us to delve into the content of the Smear Website for present purposes, we have retained copies of the defamatory content relating to our client and (our client's client), AFC President Mohamed Bin Hamman. The Smear Website contained material which was in places identical to your Website.

We query the ethicacy of such activities by a journalist, regardless of the content of the "information" they peddle. Such activity may amount to a breach of the FIFA Code of Ethics and the NUJ Code of Conduct and, on top of all of this, constitutes rank hypocrisy on your part. You falsely decry our client as being a "*notorious spin doctor*" whilst at the same time appearing to engage in the self-same activities.

Your campaign has now spread across the globe, from Denmark, London, Iceland and Scotland to Malaysia and Australia via your global publication online. Your actions are indefensible and, in the circumstances our client requires you to:

1. Immediately acknowledge receipt of this letter and in doing so confirm that the defamatory content has been removed from the Website;
2. Publish a prominent apology on the home page of your website the content, prominence and format of which is to be agreed with our client prior to publication;
3. Join our client in a Statement in Open Court in order to set the record straight (for which it will be necessary to institute proceedings);
4. Provide your immediate and unconditional undertaking not to re-publish the article or any part of it in any medium whatsoever.
5. Pay our client's legal costs in full within 7 days of the publication of the agreed apology (we remind you that these costs continue to accrue).
6. Set out your agreement in principle to pay our client damages in respect of the defamatory allegations. Our client is currently investigating the position and full details (such as lost contracts and business opportunities) will be provided to you in due course, if we so determine, .



**Schillings**  
Lawyers

Your response to the above is required by no later than **4.00pm on Friday 29 May 2009**.

In the meantime our client continues to reserve all of his (global) rights and in particular his right to issue proceedings against you and to seek damages.

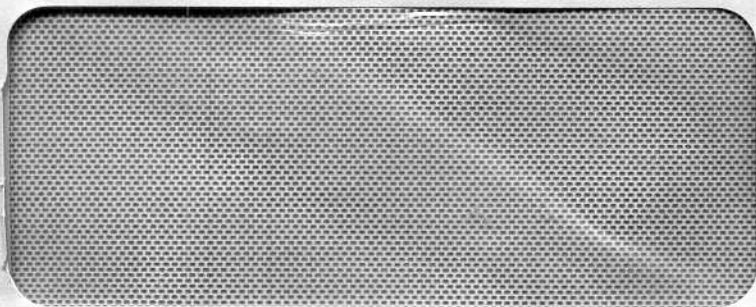
Yours faithfully

**SCHILLINGS**

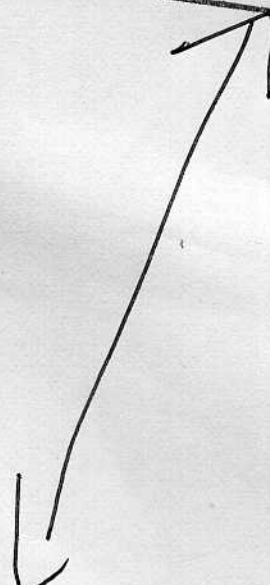
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