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Rt Hon Harriet Harman KC MP
Chair Committee of Privileges
House of Commons
London SW1A 0AA

Our Ref JO6771.1

Date 22 March 2023

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BY EMAIL ONLY

Dear Madam

Privileges – Matter referred on 21 April 2022

We write on behalf of Mr Boris Johnson MP.

We refer to our email exchanges with Dr James yesterday evening concerning the contents of the “core bundle” of documents which the Committee has published containing evidence to which the Committee and Mr Johnson could then refer at the hearing. The Committee has refused to include within that bundle highly relevant material which supports Mr Johnson and, therefore, is highly relevant to the hearing. We have real concerns about the fairness of the process adopted by the Committee, and the fact that the material which is being published provides an incomplete record of the evidence.

Mr Johnson was provided with the evidence gathered by the Committee and invited to indicate what parts of it should be in the core bundle as published. He initially requested that all of the evidence that was provided to the Committee by the 23 witnesses be published. Mr Johnson considers that it is important that the public and his colleagues be provided with the full evidential picture. The Committee refused to do this. In the afternoon on Monday 20 March 2023, we provided a list of extracts which Mr Johnson sought to rely upon at the hearing. More than 24 hours later, at 18.08pm on 21 March 2023, the Committee informed us that it did not wish to include a significant amount of the material Mr Johnson sought to rely upon in the core bundle. The reason given was that the Committee only wished to publish material “it accepts as evidence”, and it only “accepts as evidence” that material from the Sue Gray investigation which the Committee has itself subsequently confirmed by way of a statement of truth.

The process that has been adopted, and the very late stage at which this issue has been raised, give rise to serious concerns.

First, and most fundamentally, the Committee now appears to be suggesting that it does not "accept as evidence" a huge volume of material collated by Sue Gray. The only material from the Sue Gray investigation which it appears to "accept as evidence" are those passages of interview notes which the Committee has itself decided to put to a witness. The fundamental problem with this approach is that the Committee has itself, entirely unilaterally, selected those passages which it has put to witnesses, and Mr Johnson had no involvement at all in that process. A very significant number of obviously exculpatory passages have never been put to witnesses. Mr Johnson seeks urgent confirmation that the Committee will have regard to all of the evidence identified by Mr Johnson as relevant. If this means that those passages need to be put to witnesses, this should be done as a matter of urgency.

Second, the purpose of the published bundle was to allow the public and Mr Johnson's parliamentary colleagues to follow the proceedings. The approach adopted by the Committee means that the public will be receiving an incomplete account of the evidence, and that key evidence relevant to Mr Johnson's defence will not be publicly available. Not only has the Committee refused to publish that material, it has stated in terms that Mr Johnson is forbidden from quoting verbatim from that evidence. That is not fair or appropriate. It is also illogical in circumstances where at least some of this material is cited in full in Mr Johnson's submissions, which have been published by the Committee.

Finally, yesterday the Committee published a statement on its website which said this: "Ahead of the oral evidence session on Wednesday, the Committee will be publishing, again by agreement with Mr Johnson, a "core bundle" of documents to which the Committee and Mr Johnson may refer in the course of the questioning. These documents will be published on the Committee website at 9.00 am on Wednesday." That is obviously incorrect. In no sense is the core bundle agreed by Mr Johnson. The Committee has positively refused to publish key material which Mr Johnson considers relevant.

We invite the Committee to publish in full, as soon as possible, (i) all of the evidence that was provided to the Committee by the 23 witnesses; and (ii) all of the Sue Gray material requested for inclusion in the core bundle by Mr Johnson. Failing that, we ask for the Committee to make it clear on its website that the core bundle is not agreed with Mr Johnson and to publish a copy of this letter to explain the reasons for that position.

Yours faithfully



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