

IN THE IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Royal Courts of Justice
Strand
London
WC2A 2LL

BEFORE:

THE HONOURABLE MRS JUSTICE STEYN DBE

BETWEEN:

HIBBERT & OTHERS

CLAIMANT

- and -

MR HALL

RESPONDENT

Legal Representation

Mr Jonathan Price (Counsel) on behalf of the Claimant

Mr Paul Oakley (Counsel) on behalf of the Defendant

Other Parties Present and their status

None known

Whole Hearing

Hearing date: 22-25 July 2024

(start and end times cannot be noted due to audio format)

Reporting Restrictions Applied: No

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A **Court Clerk:** This hearing will be conducted both in court and remotely and will be recorded by His Majesty's Court and Tribunal Service. These are legal proceedings, and you must not make or transmit any recording of any part of the hearing. To do so would be an offence and could amount to contempt of court. The hearing will be conducted over Cloud Video
B Platform but that does not change the serious nature *and importance* the hearing. On the matter of *Hibbert and Another v Hall* on Monday 22 July 2024 at 10.30 am.

Steyn J: Good morning.

C **Mr Price:** Good morning, My Lady.

Mr Oakley: Good morning, Your Ladyship.

D **Mr Price:** I appear for the Claimants, Martin and Eve Hibbert. Martin Hibbert sits behind me to my left, to Your Ladyship's right. Eve will not attend the trial --

Steyn J: Yes.

E **Mr Price:** My learned friend Mr Paul Oakley appears for the Defendant, Mr Hall, who sits beside him. The reason we are here, as I understand it, is twofold. One, to facilitate my client accessing the room and --

F **Steyn J:** Yes.

G **Mr Price:** Where he is going to give evidence from, and also because there are a large number of Defendant supporters who are accommodated I believe in Court 10.

H **Steyn J:** Yes, I, I am not quite sure which is the overspill room but I know that there is, there is access. We have obviously tried to get as large a wheelchair as, or court as we could have, sorry *it is* is a large courtroom yes, but we have done the best that we could.

Mr Price: It is also relevant that before proceedings started there were a number of members of the press who received copies of skeleton arguments and things from my instructing

solicitor. They are not here, I assume therefore they are in the overspill and there may be press accommodation, because there is not any in this --

A

Steyn J: Yes.

Mr Price: Room and of course that is relevant for an issue that I will come onto relating to the confidential first statement and possibly some other bits of detail given the nature of the proceedings.

B

Steyn J: Yes.

C

Mr Price: But, but I only mention that now because I do not want it, I do not the Court to think that they are not here. I think they may be here.

D

Steyn J: Yes.

Mr Price: So, with that sort of introduction there is a little bit more housekeeping, I think, to do that I will cover. The first issue is the first issue raised in my learned friend's defence about an amendment to the particulars of claim.

E

Steyn J: Yes is it, are they amended? I mean the, the --

Mr Price: Well there was, strictly speaking, yes.

F

Steyn J: Right.

Mr Price: My Lady, there is, there are a number of revisions that were flagged in correspondence a year ago to the Defendant and they are in, in a manner of typos that were left in the final draft which should not have been, so that --

G

Steyn J: Yes.

H

Mr Price: Is an error from our end, but there is nothing substantive.

Steyn J: Yes.

A **Mr Price:** And it was not thought proportionate to, to enter into an amendment application or even file something by consent unless we were before the Court. We have been before the Court since then but that has been, rather been overtaken by the summary judgment application so I am afraid again, My Lady, *if I can ask*, it has not been dealt with formally, but no objection has been taken by the Defendant. There can be no prejudice to him because

B as I said these are only typos. But I do now have a signed copy of the revised, strictly speaking amended particulars of claim that I can hand up. I think it has been CE filed already. Sorry, I caught my instructing solicitor doing something else which I imagine is equally important. But, but I, I will regularise the position, My Lady, and as I understand it no point

C is going to be taken about that.

Mr Oakley: Yes no, no point at all as I indicated in my skeleton, Your Ladyship. However, one thing, I hope the Court will bear in mind that I am Direct Access, so I have been --

D **Steyn J:** Yes.

Mr Oakley: Instructed relatively short notice --

E **Steyn J:** Yes.

Mr Oakley: I have not seen a copy of the claim form, so I do not know when this claim was issued or the amount of the claim. I do not know if my learned friend can help me with that?

F **Mr Price:** We, we *have one*, yes, I am surprised it is not in the bundle but I --

Steyn J: Yes, I did notice that unusually it is (inaudible) bundle.

G **Mr Price:** Right, we will, we will, we will resolve that.

Steyn J: Yes.

H **Mr Price:** OK, so --

A **Steyn J:** Yes it, the forms *you have got*, one, one moment I am in slight difficulty with my computer briefly and it may be that I will just need to revert to paper. Give me one second.

(pause)

B **Mr Oakley:** Your Ladyship, my client has actually *been* quite helpful, he has a copy of the claim form. It was issued on 17 April 2023 --

Steyn J: Yes.

C **Mr Oakley:** And the Claimant, Claimants obviously claim damages up to or not more than £50,000.

Steyn J: Yes.

D **Mr Price:** The next piece of housekeeping I have on my list is simply to note the timetable. It has been agreed.

Steyn J: Yes.

E **Mr Price:** But to suggest that in fact it may, even that may be somewhat onerous.

Steyn J: Yes.

F **Mr Price:** *Really putting that all*, my friend and I discussed, we do not think there is any pressure at all on that timetable. We think *we* may go slightly short.

G **Steyn J:** Yes.

H **Mr Price:** At each stage. There is not a huge evidential dispute. He has to do some work I think on, on my witnesses on certain *elements* of the case but other than that the central facts are not in dispute. Your Ladyship's application would, (inaudible) will be and we, we will be making most of our submissions at the back end of the trial in closing.

A **Steyn J:** Yes, can I check, the, the particulars of claim include a misuse of private information claim and some of the witness evidence refers to that at least in the, in the heading, but it is not referred to in the trial issues, it is not referred to in your skeleton argument. Has that cause of action been dropped?

B **Mr Price:** Well it, it is referred to in the particulars of claim, it was not actually pleaded on the claim form --

Steyn J: Yes.

C **Mr Price:** And this is a harassment claim. The, there are various complications with other causes of action which are simplified if one, if one sees this as a harassment claim. But although the, there is obviously a pleaded and claimed data protection claim, that again is subservient really to the harassment claim which is how we are going to present the case.

D **Steyn J:** OK.

E **Mr Price:** So it, we will, I will not be asking you to decide the, a misuse of private information claim.

Steyn J: Yes, OK, thank you.

F **Mr Price:** The time, going back to the timetable then just a couple of points on this. The, I am going to open, and I do not think I am going to probably exceed this morning in doing so and I do not know if my learned friend has much to say in opening, but it looks like, likely that we will get to Martin Hibbert either this morning or this afternoon.

G **Steyn J:** Yes.

H **Mr Price:** And that is today then tomorrow, if possible if he finishes Mr Lloyd might be coming too, he is going to be fairly quick and he is here, he sits behind Mr Hibbert, *his* friend. But there are two fixtures tomorrow in terms of evidence --

Steyn J: Yes.

A **Mr Price:** With the Court's permission. One, one is Daisy *Burke*. It is written in at 10 o'clock but that is meant to be the start of the court day, it does not have to be, we do not have to sit early, it can be 10.30.

Steyn J: Yes.

B **Mr Price:** It is just that she is making a trip from Manchester specifically to give evidence and if possible we, to get to (inaudible) we would like to. The second is Sarah Gillbard too and that --

C **Steyn J:** And that I appreciate --

Mr Price: Because she is giving evidence by video link --

D **Steyn J:** Yes.

Mr Price: From her home and will have made arrangements to be able to do that. As I understand it that is where the witness is going to sit so it may not be appropriate for this gentleman to do so.

E (pause)

Court Clerk: Could we ask you to use the mics please? We cannot really hear.

F **Steyn J:** Well the microphones I do not think amplify, the microphones record rather than amplify but we will all try and keep our, our voices up.

G **Mr Price:** I will try to amplify.

Steyn J: Yes.

H **Mr Price:** My Lady. The ...

(pause)

Mr Price: The next item on my list is the second witness statement of Eve's one to one learning support assistant, assistant --

A

Steyn J: Yes.

Mr Price: The Defendant has helpfully agreed that can, that can go in without objection, so subject to the Court agreeing to I would ask that that be admitted, the Claimant to be permitted to rely upon it. It deals with an incident which is almost certainly likely to come up if Miss *Burke* is cross-examined so it is only fair that it come in this way with --

B

Steyn J: Yeah.

C

Mr Price: Proper notice than by surprise, so that is why it is there. It is not intended to ambush the Defendant and, and (inaudible) thank you. So, that deals with that. Then there is the next item on my list is the confidential third statement of Miss Gillbard, Daisy, Eve's mother. This was flagged at the PTR and Aidan Eardley KC, who sat in that PTR ordered that it not be made available to the public in the usual way that a trial statement would be. My learned friend indicated at the PTR that nevertheless he may wish to refer to its detail in cross-examining the Claimant's witnesses. The Court will have read it. The Court will appreciate that it does descend into quite sort of significant medical detail, some of which is already before the Court in, in a truncated medical report, but to --

D

E

Steyn J: Yes.

F

Mr Price: Satisfy the summary judgment application, but the intimacy and day to day nature of which Miss Gillbard wishes to keep out of the public domain so far as possible, that being one of the objects of these proceedings. Put it, step back and put it in, in a, to try to encapsulate her objective is to enforce Eve's right to be left alone why she brings these proceedings, and so putting that level of day to day intimate detail before the Court reduces that. So, I will be seeking, if that comes about, that the Court sit in private under rule 39 and that a section 11 order be made to prevent reporting what happens in private.

G

H

Mr Oakley: Your Ladyship I, I can help with that, having --

Steyn J: Yes.

A **Mr Oakley:** Had the chance to digest the bundle there. The only question, well two questions in fact that I wish to ask, are in, related to paragraph 30 of that statement and I can ask those questions in general terms anyway. But the reason I am asking them is because of the references in paragraph 30 so I was, suggest that there would be no need to clear the court, for example.

B **Steyn J:** Yes, well just --

Mr Oakley: It is at page 174 --

C **Steyn J:** Take a look. Yes. Well I mean I imagine that must be right must it not? Mr Price, that, that if questions can be asked in *rather general* terms about that there should not be a need to clear the court *should there?*

D **Mr Price:** Not at all, and I had hoped that we might be able to proceed on that basis, so, so that is very helpful, thank you.

E **Steyn J:** Thank you.

Mr Price: Well, that concludes my list subject to anything I am reminded by my instructing solicitor. I do not know if Your Ladyship has any other housekeeping type issues that need to be dealt with now?

F **Steyn J:** No, no I think that is the *particular* --

Mr Oakley: One housekeeping issue --

G **Steyn J:** Yes.

Mr Oakley: I did eventually manage to CE file the documents at about 11 o'clock last night.

H **Steyn J:** Yes.

Mr Oakley: My learned friend and his solicitors had it about 7 o'clock last night. I appreciate that it is not in the bundle, it was not some --

A

Steyn J: Which document is it?

Mr Oakley: This is the Daily Mail serialisation --

B

Steyn J: I see.

Mr Oakley: Of Martin Hibbert's book --

C

Steyn J: I have received that, the bundle is not --

Mr Oakley: Yes, there is a, I also produced a hard copy for Your Ladyship and one --

D

Steyn J: Yes.

Mr Oakley: For the witness, I, I hope no objection is taken to that.

E

Mr Price: No and I understand it is going to be material used in cross-examination.

Mr Oakley: Yes.

F

Mr Price: So I have no objection. The only issue is whether or not it is going to be used in cross-examining the remote witness. I do not know if that is the case.

Mr Oakley: I have not decided yet.

G

Steyn J: If it is can we make sure that an electronic copy is provided?

Mr Price: There is a direction actually in the PTR saying that anything that is going to be put to her that is not in front of her needs to be pdfed by the party putting it to her and so --

H

Steyn J: Then send that in.

Mr Oakley: We can do that.

A
Steyn J: Yes.

Mr Price: Well in, in that case, My Lady, I am going to open the case --

B
Steyn J: Yeah.

Mr Price: Not going to be particularly long on the background of all the facts but I will need to say some things about *them*, and *I will need* to establish the background and then I will, I am concentrating here on the harassment claim very much but I will be looking to guidance from a particular authority which I am going to take Your Ladyship to because I think it will frame the Court, I will submit it should frame the Court's approach to this case.

D
Steyn J: Yes.

Mr Price: And that is what I am going to do this morning. So, just in relation to the background. On the evening of 22 May 2017 Martin Hibbert took his daughter, Eve, who was then 14 years of age, to see the artist Ariana Grande in concert at the Manchester Arena. At 22.31 that night as Martin and Eve were leaving the arena a terrorist detonated a bomb in a rucksack, murdering 22 of their fellow concertgoers, killing himself, and injuring many hundreds of people, including Eve and Martin.

F
They have both suffered lifechanging physical, neurological, and psychological injuries from which they will never recover. Martin is now wheelchair bound, which is why we are in this courtroom, paralysed from the waist down. Of those who survived the blast, Martin was closest to it. He received 22 shrapnel wounds, and his life was only saved by emergency surgery. He continues, also, to suffer from PTSD.

G
Eve suffered a catastrophic brain injury when a bolt from the bomb struck her in the head and destroyed the frontal lobe. She was initially presumed dead by responders at the scene. She spent the next nine months in hospital with her family being told she would likely never again see, hear, speak, or even move. Her condition has since improved and is better than medical expectations. However, it remains the case that she will require permanent care for the rest of her life.

A

She has significant, permanent cognitive impairment and suffers from PTSD and depression and she lives with her mother, Sarah, from whom we will hear. The bombing changed Martin's life in every conceivable way. Since the bombing the fact that it happened and how it happened have been central to much of his conscious and subconscious thought as he will tell the Court. He was there, so he knows that a bomb was detonated that caused the death and serious injury of those who, like he and Eve, were also there.

B

C

Martin, himself paralysed by the blast, saw Eve lying next to him with a hole in her head and assumed he was watching her die, unable to help or even get to her. He saw others lying dead or injured around her. So I will read a summary of Martin's evidence given by Sir John Saunders in volume 2 of his report arising from the public inquiry into the bombing and the response to it. Martin has confirmed in his witness statements in these proceedings that Sir John's summary gives an accurate account of what happened. The section is headed Martin Hibbert, and Sir John says this:

D

E

“Martin Hibbert went to the concert with his daughter, Eve. It was, he said, ‘Daddy and daughter time’, a happy occasion. The sun was shining, it was a beautiful day. Martin Hibbert said that the concert was amazing. They were in a VIP box. On CCTV they can be seen walking into the City Room from the Arena Bowl at 22.30. They were between five and six metres from SA.”

F

Who is the, Abedi, the terrorist:

G

“Martin Hibbert said that he heard an “almighty bang”. There was a high-pitched, piercing sound. Then it felt like a ten-tonne truck had hit him. He immediately felt he could not breathe and noticed he was losing a lot of blood. At that point, he saw how seriously injured Eve was. It was ‘like she had been shot through the head’ [he said] She was bleeding and gasping for breath. He had shielded Eve from much of the blast, but one bolt got through. Eve suffered a very significant brain injury.

H

Martin Hibbert said he thought he was watching Eve die. He was not in pain. He did not panic. He had a job to do: make sure Eve survived. He

A

could feel his body shutting down, but fought to stay awake to ensure that Eve got out. He kept asking: ‘Where is everybody? Where are the paramedics?’ He got fed up of being told that they were on the way. He said it seemed like forever.

B

He saw Eve covered up twice with T-shirts and posters. People thought she had died. Martin Hibbert said he could see she was gasping for breath. Her lips were quivering. People thought her injury was non-survivable. They were going to cover her up and leave her. It was a ‘big frustration’, as he felt that if he had lost consciousness, Eve would have died. He thought that unqualified people were being left to make a life or death choice.

C

D

Martin Hibbert was taken out of the City Room at 23.21. Eve was taken out at 23.25. They were both taken to the Casualty Clearing Station. Eve left by ambulance at 00.18. He found it ‘baffling’ that she was not put straight into an ambulance. In those circumstances, he thought it was a miracle that she was still alive. He said he had ‘just no words for it’.

E

Martin Hibbert left for hospital at 00.24, 1 hour and 53 minutes after the detonation. When he was placed in an ambulance, he was going to be taken to Wythenshawe Hospital. This was a 25- to 30-minute journey. The paramedic, however, went to Salford Royal Hospital, 10 minutes’ away. Martin Hibbert said that decision was ‘life saving’. A different paramedic might have made a different decision. That was another frustration for him.

F

G

Martin Hibbert noted that the equipment that was available, such as plasters, scissors and bandages, was inadequate and that the responders didn’t have ‘the right equipment’. He has reflected on whether Eve’s treatment would have been different with more strategic planning and marshalling of vehicles; whether it might have shortened the period to get to hospital.

H

Martin Hibbert described the life-changing impact of his injuries. He suffered 22 shrapnel wounds, one to the centre of the back which severed

A his spinal cord. He has been left paralysed from the waist down. Sometimes, he said, the post-traumatic stress disorder is a greater battle than the spinal injury. He tries to motivate and inspire people. He does everything he had done before and more and is thankful to be alive. Eve was in hospital for ten months. Initially, her family were told that Eve would probably remain in a vegetative state, but she can now eat, talk and walk unassisted. Martin Hibbert said she would ‘inspire the world’.”

C And I now have finished quoting from the report. As the Court knows Eve has not died and is no longer in a vegetative state. As the Court also knows, however, the consequences for Eve, but not just for her, for her mother, father, grandmother, friends, school friends and so on, of Eve simply being in the wrong place at the wrong time are so cruelly horrendous that few parents can possibly comprehend.

D The Defendant, Mr Hall, does not accept any of this. His theory is that it is an elaborate hoax. Mr Hall runs a website, has produced a film, and has given public presentations in which he alleges in summary that the attack at the Manchester Arena was a hoax, and that many of those injured, including Martin and Eve are what he calls, and others call, crisis actors. That is members of the public paid or given some other benefit to fake injury or death in support of a hoax.

F In support of this theory Mr Hall has examined some publicly available material concerning Eve and Martin’s respective medical status and analysed extensively statements Martin has made publicly about the attack and its effects on Martin and Eve, and he has done so in order to cast doubt on their medical status and seek to debunk Martin’s public statements as false. Martin, Mr Hall says, is lying about what happened to him. Not just about the detail. He is not just exaggerating. He is lying that it happened at all.

G If Martin has an injury which Mr Hall does not entirely accept, he is lying when he says it happened in any bomb blast. Martin is lying not only to his colleagues and acquaintances, but he lied to the public inquiry, he is lying to the public at large, and he has lied to this Court and is about to do so again. Mr Hall’s theory in relation to Eve is not so much that she herself is lying, although it must include that, but that her cognitive and other difficulties predated the attack and so were not caused by the bomb, had been falsely put forward by those

promoting the hoax, including Martin, and presumably also including Eve's mother, Sarah, from whom we will hear, to support their lies.

A

Hall's theory in relation to Eve is that her parents are invoking their own daughter's catastrophic disability in support of a huge fraud on the general public. As he says in the film, it is the, it is in the second part of the film at timestamp 34.44:

B

“With every injury that mainstream media had reported on”

These are Mr Hall's words:

C

“I have been able to show that some are not real or are being exaggerated, and others, which seem genuine, were probably not obtained in the arena foyer.”

D

Nobody is telling the truth. And this is how Mr Hall summarises what he says happened. This is from 28.52 in the same part of the film:

E

“The 2017 Manchester Arena bombing was a well organised and well planned fake terrorist incident involving over 100 enlisted participants or actors. The participants had been coached and briefed on what their roles would be in this event. The preplanning of the event must have involved thousands of man hours of work by security services personnel.”

F

Mr Oakley: Sorry, I am just trying to find where my learned friend is. Are we looking at the summary, which is in the transcripts document 20, part 2 The Night of the Bang, is that what we are looking at?

G

Mr Price: Yes.

H

Mr Oakley: And 28.52 did you say?

Mr Price: So this is from 28.52.

Mr Oakley: Ah I have 28.47 and then 28.56, hence my question, Your Ladyship. This is document --

A

Steyn J: Yes.

Mr Oakley: 28?

B

Mr Price: This is document number 20, it is from part 2 of the film.

Mr Oakley: Part 2 of The Night of the Bang?

C

Mr Price: Yeah.

Mr Oakley: Yes, I simply do not have in my copy a 28.52.

D

Mr Price: It may be then the wrong original reference. But I have not made *this up* --

Steyn J: Well --

E

Mr Oakley: This is a difficult exercise I fully --

Mr Price: So let us be clear, and I am looking now at the transcript.

F

(pause)

Mr Price: So in fact I have got the wrong --

G

Steyn J: I think you were actually looking at --

Mr Price: Part --

H

Steyn J: Part 3 are you not? Not part 2 --

Mr Price: I am looking at part 3, I am so --

Steyn J: All right.

A

Mr Price: Sorry to have that erroneous reference. It is part 3, the same timestamp. That it is --

B

Mr Oakley: Please bear with me to --

Mr Price: File 21.

(pause)

C

Mr Price: So from 28.52 I have read about the, Mr Hall, Mr Hall's statement:

D

“The preplanning of the event must have involved thousands of man hours of work by security service personnel.”

And he goes on:

E

“Care would have been taken to select suitable participants to ensure they would adhere to the narrative given to them. The recruitment process probably involved bodies, such as schools, colleges, hospitals, charities, businesses, clubs, and other networks. The vast majority of participant groups were chosen from broken and low income families. Some of the participants had criminal records. These factors made it easier to persuade or reward the participants so they would adhere to their pre-agreed narratives.

F

G

Looking at each group of participants the need to know was limited within every group to a maximum of two families. Only trusted members of immediate family were informed and recruited into the exercise. Friends and extended family of the participants were not informed about the exercise and were made to believe the official narrative. Participants were probably coached to make sure they looked reasonably convincing in media interviews.

H

A

Many participants would have been supplied with fake injury kits comprising fake wounds, blood, etc, and instructed on how to use them. Of the participants about 20 were to be given new lives in other parts of the world and it would be reported in the media that they had died. New homes for those being relocated would have been organised in advance. Perhaps one or two of those named as deceased had already recently died prior to the event in an accident or some other scenario.

B

C

Around 60 participants played roles of being injured to varying degrees of severity. Just over half the injured ran out of the foyer immediately after the bang. The rest remain on the floor. Around 30 family members played the roles of waiting in the foyer to collect their children. The exercise involved at least two scheduled mock terror operations. One took place in the Manchester Arena foyer at 7am on 22 May 2017.

D

E

This involved about 20 of the deceased and some fairly small number of the other actors. Arena medical staff, SMC staff and some British Transport Police participants taking part in the 7am drill were instructed not to tell anyone about where they were going that morning. In the first exercise the 20 or so dead lay down on the ground with fake blood etc as is normally the case in terror training drills.”

F

He goes on to describe how the first drill’s purpose was to obtain images showing the deceased people on the floor so they could be used in media reports the following day. And then how another exercise started at 22.31:

G

“When we think a bomb was detonated immediately after the concert, this was intended to fool the public that a major terror attack had taken place in the foyer. Of the 90 actors around 60 played the role of concertgoers and the remaining 30 played the role of parents collecting their children from the area. At around 22.20 SMC staff”

H

That is the staff of the arena:

A

“Cleared the foyer during which time the 30 parent participants started to arrive to wait for the other members of their group. The 60 actors who were inside the area watching the concert had been instructed to head to the foyer during that song, the last song, or at 10.20pm. Once the 90 actors were inside the foyer SMC staff closed off access to the foyer so that nobody would see what was going on, what was going to occur.

B

C

Once everyone was in position an actor playing the role of the terrorist, MI6 asset Salman Abedi, entered the foyer and placed the large rucksack against the wall and then ran out of the foyer. The rucksack contained a pyrotechnic device which when detonated sounded like and looked like a large explosive going off but caused no physical harm. It was very loud and gave off a bright flash and produced smoke.

D

E

When the device detonated the actors immediately played their roles, screaming and pretending to be injured. If a bystander had been present it would have looked to the untrained eye like a real attack. Some of the actors had been instructed to run from the foyer out of the Victoria Train Station entrance. Others have the *name* Hunts Bank entrance. It was necessary for concertgoers to see some of the injured exhibited fake injuries. Some were instructed to lie on the floor in the foyer pretending to be hurt.

F

G

SMC staff ensured that the concertgoers on the concourse side of the foyer doors were [doors were, doors were] panicked by shouting, ‘run’, indicating something bad had happened in the foyer. Organisers of the drill spent a lot of time and effort to make the injuries seem real. They used a number of people who had already sustained injuries or complications before the event in everyday scenarios such as accidents. I believe these included Hannah Mone, Martin Hibbert, Amelia Tomlinson, Lily Harrison, and (inaudible).”

H

A That is how the Defendant says Martin, and presumably also Eve Hibbert, came to be associated with the attack. He uses two techniques in his investigation, forensic analysis and statement analysis. For forensic analysis the Defendant has collected material about the attack from the public domain, including apparently from leaks into the public domain, and then gone through a process of disputing the veracity of every detail of the material.

B His position appears to be that unless a factual matter is proved 100% to his satisfaction he is entitled to proceed on the basis that it is invented, even if in doing so it leads him to the conclusion that a great many people, including ordinary civilians, are lying. The absence of evidence to support a fact is taken by him as evidence of its opposite. The material collected
C by the Defendant includes any images he has been able to find of wounds, scars or injuries, including those of Martin Hibbert. Thankfully he has not so far come into possession of any of Eve Hibbert or he would have published those also.

D So that is what he says passes for forensic analysis, and the second technique he uses is related and he calls statement analysis. And with the help of a so called expert in this technique which he calls statement analysis the Defendant has again scoured the public domain for statements made about the attack, particularly by those caught up in it and/or their family members, and subjected those statements to intense scrutiny. These are
E statements in the media, articles in newspapers, reported speech by journalists, appearances on morning television.

F Every pause, missed pronoun, hesitation, erm, or repeated word signifies to the Defendant untruthfulness, lack of confidence in, in the narrative, and his conclusion from this process in relation to Martin Hibbert is that Martin is lying about his and Eve's involvement in the attack. Martin Hibbert belongs to a category of people who were, the defence says, not present. In giving their accounts of what happened they are, according to Mr Hall, repeating
G a wholly furnished narrative, delivering lines. Literally actors.

H Both of these techniques are hopelessly inadequate, the Claimants will say, and nowhere near capable of giving rise to the kind of drastic conclusions Mr Hall draws from them, nor, as we shall see, giving rise to any defence that what Mr Hall has done is in the public interest. No reasonable person would mount a campaign of doubt, defamation, and intrusive investigation based upon such flimsy investigative techniques.

A

Now Martin and Eve have responded differently to the attack. Martin has become an advocate for spinal injury victims. He has claimed Mount Kilimanjaro in that cause against many odds and against the advice of many medical professionals. He has taken a keen interest in the public inquiry, as we have seen, given a number of media interviews, and he himself has written a book about his ascent of Kilimanjaro. According to Mr Hall, however, in every such interview, media appearance, in Martin's book, in Martin's participation of the inquiry, Martin is lying.

B

C

This of course is the natural consequence of Mr Hall's conclusions in relation to the attack as a whole. He has to assume that Martin is lying, but it goes further than that and is more central to Mr Hall's theory. Mr Hall tackles the dishonesty head on. It is not just a consequence but a building block of his theory. In the book and the film and in a series of video dedicated to analysing statements made by those like Martin caught up in the attack, the so called statement analysis videos, Mr Hall accuses Martin and others of lying and then uses that conclusion that they have lied, that they are making up their stories, as support for his conclusion that there was no bomb.

D

E

And the Court will understand the circularity in that failed reasoning. It is worth pausing to consider some of the detail in the purported statement analysis about Martin, and I will double check this reference before I reel it off. The transcript of the statement analysis video that I am referring to is item 24, which is part 2 of the statement analysis videos from 31.46.

F

Mr Oakley: Sorry, which part?

G

Mr Price: Part 2, so it is item 24 which I, which is part 2 of the statement analysis videos, and from 31.46 is where the Defendant and his so called experts begin, expert begin to discuss Martin's public statements. And the Defendant says:

H

“Martin Hibbert has intrigued us a lot, let us say has he not, because is he not the guy that actually had a bit part in the Bill, the TV programme? So we know he had some acting experience.”

They say:

“And we also know that a few years before the bang he was having

serious problems with his back. He was in a lot of pain, and he had treatment for that. We found that on the website.”

A

And we will come to deal with that detail during the course of the trial:

“So, we know he may have already had a spinal problem before, before the concert.”

B

The film then cuts to an interview of Martin on TV talking about his injuries:

“The two, the two more serious were on, were one that hit me in the side of the neck and severed two of my main arteries, and, again I think there was a guardian angel standing over because again”

C

D

And then we cut back to the Defendant and his expert:

“He does not use the possessive pronoun ‘my’ with neck.”

E

They complain:

“Which is unusual, and he has a need to explain with, because why there was a guardian angel standing over. Not standing over him, just standing over.”

F

This sentence from the TV interview was missing two pronouns which they deem to be suspicious. There is then discussion of ballistic, speed of ballistics. Neither of the participants in that discussion, the Defendant and his statement analysis expert are said to be ballistic experts. They talk about the sensitivity that Martin Hibbert exhibits in discussing his injuries and then they play this clip in which Martin says:

G

“But I could, obviously I was losing a lot of blood but my main, my main thing really, because I did not think I was going to make it, and so I spent an hour basically making peace with myself and just thinking, you know, this is it. But I was determined to stay alive just to make sure my daughter, Eve, got out.”

H

A

That is a deeply personal account by Martin Hibbert of what he thought may have been his and Eve's dying moments. And they pick it apart on the statement analysis video:

B

“Yes, he holds over ‘stay’, ‘stay alive’, just to make sure he has a need to explain why he was determined to stay alive. But also he uses ‘just’ which is the dependent word. So, the question is, what is the other reason he is thinking of apart from making sure his daughter, Eve, got out? He is thinking of something else here.”

C

They heap suspicion upon these intimate statements by Martin. They do the same when he describes her head injury. They note how sensitive he is to talking about it. Again noting that with suspicion. And then the Defendant himself interjects to say this:

D

“And perhaps just to add in here that Eve has been absent in media coverage.”

As if that too is another plank of suspicion:

E

“Yeah, she lives with her mother, and mother has been absent from media coverage. The mother is, just have a Facebook account, but unlike many of the parents of the victims there is no mention of Manchester on there. And I did go to their street.”

F

Says the Defendant:

G

“And I could not find anyone in the street who knew she had been involved.”

H

Well that, that, My Lady, has now changed permanently since the Defendant's visit to Eve and her mother's street. Her neighbours do now know she has been involved. The Defendant, we will say, has permanently removed any protection that Eve's mother sought to build around Eve in her home environment from being reminded about the attack. We will hear from Sarah, whose goal in life is to avoid Eve just being the girl from Manchester, the girl

from the arena. There is then a detailed analysis of more words and manner of speech, and they build up a head of steam in relation to Martin Hibbert and they say this:

A

“So with Hibbert, do you think he is deceptive? I think he is deceptive here about” --

B

Steyn J: Sorry which time are you on?

Mr Price: 39.48.

C

Steyn J: Yeah.

Mr Price:

D

“I think he is deceptive here about the speed, speed of the shrapnel, and the paper being written on, on the daughter”

There has been talk about a medical paper having been written about her recovery which they find suspicious too, they do not believe it:

E

“The sensitivity of, to the injuries that they have received. Right.”

And they go on, they talk about how much he pauses in media interviews:

F

“He pauses a lot compared to when he is not speaking about what happened in the foyer.”

G

In other words, if he talks about what happened in the foyer, he pauses a lot, that means he is lying they say:

H

“He uses the word relentlessly [*when* he is talking about the deceptive language does not appear] so it is as if he is learning lines.”

“You think it is potentially”

A

“Yes, he is, he is remembering his lines and sitting thinking back to saying them.”

“Right, yeah.”

B

“Which would tie in with him having some acting experience perhaps. So, he is a little bit more difficult to spot deception.”

C

So here we have from the granule of a detail on the internet movie database suggesting that my client had a bit part once in the Bill, which, by the way, is wrong as, as my client has said in his evidence, he has not ever had part in the Bill, it is an error, but from that granular detail the Defendant and his expert have built a case that my client, Mr Hibbert, had learnt lines as an actor and is spouting them on morning television. And not only that, spouting them pretty unconvincingly, according to the Defendant and his expert.

D

They then go on to analyse an interview between Martin Hibbert and Jon Snow. They remember, I am now 42.21, My Lady, that Martin has used the word:

E

“Bullet”

In describing Eve’s injuries, and Her Ladyship will remember that is how, recorded as having described a hole in her head by Sir John Saunders:

F

“It was like she had been shot in the head”

He says. This, they say is, is suspicious. They have got him on this they reckon. 42.33:

G

“Right now we think that Hibbert, there may have been a plan originally for this to be a mass shooting incident. Yeah, bullets, and that comes up a lot in the language and the interviews of the participants. So, we think it is possible that what Hibbert means when he says, ‘the Kerslake Report is not what I expected’.”

H

A reference which will become clear when we read the whole transcript later:

A

“He was possibly told he was going to be a hero, but he has not been shot.”

B

“Yes, yeah possibly, and he is not happy with the narrative that they come up with.”

C

So what, now the theory has moved. Now the Defendant says because Martin Hibbert has described Eve’s injury as like being shot in the head, because he had, they think he had a bit part once in the Bill and is therefore an actor, and because he occasionally shows sensitivity in describing what happened to him and Eve in the foyer, that is not to be trusted. He must be reading from a different script that involved a mass shooting and he was disappointed with the Kerslake Report because it did not make him the hero in a mass shooting, which is what he had been promised. This is (inaudible) and insulting in the extreme.

D

(pause)

E

Mr Price: What about Eve? To go back to her. She has never made a public statement. There are no photographs of Eve following the attack and in public, the attack in public domain. The Court has seen one. As Eve’s mother will say when she gives evidence:

F

“We live a quiet life and try to stay out of the public arena. I do not want Eve to be that girl from the arena. So, despite her awful injuries and the problems they have caused her, I want Eve to have as normal a life as she can. I have to protect that as much as I can. That means that Eve has never done any media appearances or spoken to anyone other than family, friends, and her doctors and therapists about what happened to her. I want to keep it that way. I do not want Eve to be discussed, speculated about, studied by people who do not know her or us. We certainly do not want her injuries being scrutinised in public, and the last thing we want is people trying to conduct investigations into our life.”

H

Well that is too bad, according to Mr Hall. He thinks Sarah and Eve are lying about what has happened to Eve, and that trying to keep Eve out of the limelight is suspicious, and it is his

A right, in fact his duty, he will have to argue when we come on to consider the convention, as a journalist to investigate this. So, he did investigate. And here I am quoting from the book that Mr Hall has written, and I am taking it from page 458 of the trial bundle, internal page 220 for the book:

B **“In the ITV 100 Days documentary it was stated that the family asked the programme makers not to identify his”**

That is Martin Hibbert’s:

C **“17 year old daughter. Why was this? The time Hibbert spends talking about himself compared to the time he spends talking about his daughter is concerning to me. Most of his interviews are about his own plight, with little or no details about his daughter, who allegedly had a serious head wound and was kept in hospital for months. Hibbert claimed in the 100 Days documentary that his daughter had only been struck by a single bolt, but that he received 22 separate injuries. It would seem that somebody does not want information being shared about Eve Hibbert.**

E **Why is that? Was Hibbert really at the concert? There are no images of him at the concert that I have been able to find. When he describes the story about how he came to get tickets it sounds fabricated to me. Eve spent nine months in hospital and is now living in Bolton with her mother, Martin’s ex-wife. Martin Hibbert said, ‘my daughter has been left brain damaged and in a wheelchair, but she has the same spirit as me. She cannot speak but she can see and hear and she writes things down.’ Very little has appeared in the media about Eve Hibbert.”**

Says Mr Hall:

H **“I am not aware of any image showing her in a wheelchair. The vast majority of ‘victims’ have considerable media coverage, so I wonder why Eve had none. Is there something about Eve that must be kept**

A out of public view? This made me wonder whether Eve was really injured. [Eve's mother Sarah] Eve's mother is Sarah Gillbard (inaudible) and I located her Facebook page. Interestingly, Sarah had absolutely nothing about the Manchester attack on her page and has not mentioned Eve or Martin either.

B Most Manchester 'victims' have copious amounts of Manchester bombing paraphernalia on their Facebook pages. I found out where Eve and her mother live, and in August 2019 decided to visit them. Eve's mother's car was on the drive and there were windows wide open, indicating they were at home. I knocked three or four times, but nobody answered the door. I decided to knock on the neighbour's door to ask if they knew anything about the Manchester incident. I only got a response from three of their neighbours, and none of them knew that there was a Manchester victim living in the street."

As I have mentioned, that is no longer the case:

E "I left the camera running and after a few hours I returned. While I was away three people came out of the house. They were Sarah Gillbard, a carer, and a girl in a wheelchair. They helped the girl from the wheelchair into the back seat of the car, then put the wheelchair in the boot and drove off. My camera was not close enough to see any injuries, nor make a definite identification. From this evidence I suspect Eve Hibbert is in a wheelchair. This was quite frustrating. What is the reason why Eve is being kept so low profile? Why does Sarah Gillbard seemingly not associate herself with the Manchester bombing crowd?"

H So what has Mr Hall achieved by this visit and secret filming? How has it advanced any public interest journalism? It has not. Not a jot. And as I mentioned, what it has done, however, is expose Eve to precisely what her mother has fought so hard for so long to keep her from. It has put Eve into the spotlight. She is now the girl from the arena to her neighbours. But worse than that, much worse than that, is that it has demonstrated to Sarah and Eve that people can find them. And because the police made inquiries locally following

Mr Hall's visit, as Sarah says, now the whole street knows who Eve is and what she was involved in.

A

Any control Sarah had managed to claw back over Eve's life has been taken away again. So, the claim that the Court is about to hear is about the right to control information concerning the most profound issue in a person's life, in each case both Eve and Martin have had that removed from them by the Defendant. Martin is not allowed to utter a word publicly without that word being scrutinised and used as evidence both that he is lying and that the bomb did not happen.

B

Eve, if she tries to maintain a quiet life away from the public gaze, is accused of acting suspiciously, and that carapace that Sarah, her mother, has tried to build around her can be punctured at will by the Defendant or those seeking her out. The claim alleges that in handling and publishing the material the way that the Defendant has, that in secretly filming Eve Mr Hall has pursued a course of conduct amounting to harassment and that he has, he has done so when he knew or should have known how upsetting it would have been to his subjects.

C

D

The conduct complained of can be distilled into the following. Alleging that the event which catastrophically and fundamentally changed both of their lives simply did not happen, making those allegations concertedly, publicly, and commercially. Alleging that the Claimant and many hundreds of others are committing the most heinous dishonestly, a deception upon the whole world in fact. The statement analysis, so in relation to Martin taking each and every public statement made by him and subjecting it to this purported statement analysis.

E

F

Gathering together and making it clear that he will gather together any snippet of the Claimant's information that comes, happens to come into the public domain, or close to the public domain. Any shred or trace of the Defendant's on, or the Claimants online, adding that material as fuel to his conspiracy. The Claimants feel permanently surveilled by the Defendant and those who seek to believe his conspiracies. They cannot move, they feel suffocated, they will say, by that.

G

H

So, seeking out and finding, finding, seeking out and finding Miss Gillbard on social media and going to visit her for the reasons that I have, I have already outlined. Now, as I have

A
trailed, the most detailed submissions on the law are appropriate obviously in closing, but because it offers some guardrails, handrails, guidance, on facts about as close as one could find and not in fact that close but in the authorities reasonably close, the case I wish to take Your Ladyship now is, is *Hourani v Thompson*.

B
I think it is tab 13 of the authorities bundle, I will just double check that. It is a decision, yes is tab 13, decision of Warby J as was, and it was a, a major piece of litigation which took in a number of issues, but central to the claim was a claim in harassment. And that alleged harassment involved the setting up of a website and the orchestration of a campaign to discredit a businessman, and in doing so making very seriously defamatory allegations about C
the businessman about his involvement in the mistreatment of a woman in Beirut.

D
And it, it became relevant in dealing with the harassment claim to concentrate on the interplay between what, harassment by publication and a defence of reasonableness to a harassment claim, and the overlap between the issues in such a, a case and those in a case *under* section 4 of the Defamation Act, so publication defence. I know it is going to be said, I am not quite sure to what effect, but I know it is going to be said that this is a defamation case dressed up as a harassment claim.

E
That may or may not be the case and frankly it is neither here nor there that the interests protected are different, but there is significant overlap between the two. The relief in a harassment claim would be wider and obviously there would be no need to deal with issues like serious harm or, or whether one could compound such harm across multiple F
publications. A defamation claim would not take in some of the most serious conduct complained of, which is the attendance at Eve's home.

G
But I, these are all for closing, but there is sufficient overlap that it is necessary to consider some evidence of what would, what could, could have been a defamation claim and I will take Your Ladyship through what I consider to be the relevant passages from *Hourani* now because I, well for the reasons I do. So, it starts paragraph 128, and we will try and get a page number for that. So, that is in the authorities bundle at page 342. So, I am afraid it is H
only paginated in the pdf.

Steyn J: Yes.

Mr Price: Under the heading:

A

“Harassment.”

And the Judge sets out the terms of the act and the, the issues on which the claimant bears the burden and those issues are did, there are multiple defendants in *Hourani v Thompson* and they had slightly different roles but only one in our case, so:

B

“Did [the] defendant engage in a course of conduct? ... did any such course of conduct amount to harassment; and ... did the defendant know, or should he or it have known, that the conduct amounted to harassment?”

C

Those, I have *developed* on those issues. If I succeed on each of those issues then the defence arises and a lot of the passages that I am about to take you through now are Warby J seeking to maintain a distinction between those faces, not introduce matters that should be dealt with in the reasonableness defence at an earlier stage, holding those back. At a certain point it is impossible to do so, as we will see. So, the course of conduct is not something I think we need to dwell upon. If we go through to the legal principles in the definition of harassment, so the use of the words, this is paragraph 138.

D

E

Steyn J: Yes.

Mr Price:

F

“The use of the words “alarm and/or distress” ... is a reflection of s 7(2) of the 1997 Act, which provides that “references to harassing a person include alarming the person or causing the person distress”. This is not a definition of the tort. It is merely guidance as to one element of it. Nor is it an exhaustive statement of the consequences that harassment may involve.”

G

Then there is reference to *Hayes v Willoughby*:

H

“Harassment is “... an ordinary English word with a well understood

meaning ... persistent and deliberate course of unreasonable and oppressive conduct”

A

That is the definition that tends to be used:

“Targeted at another person”

B

I do not think there can be any reasonable doubt about that in this case:

“Which is calculated to and does cause that person alarm, fear or distress.”

C

And then I will not read the following pages, but I will ask the Court to read them now, through to paragraph 146 then I will pick it up again in a more guided fashion.

D

Steyn J: Yes.

(pause)

E

Steyn J: Yes.

F

Mr Price: So here the, Warby J has been dealing with the competing protection rights in a Harassment *Act* application case, it, through the lens of the stage of the test that deals with harm and oppression, the quality of the conduct complained of. And he then, in 147 we will see he is, he is going to go on and analyse the defendant’s submissions in that case. The defendant’s submission in that case was that was relevant at that stage of, of the test to take into account why the defendant behaved the way he did, and bearing in mind what I said about Warby J’s keenness to try to separate these issues out, Warby J said well I, strictly speaking it is not relevant at this stage because those are really factors that go, the why is a matter that goes to the Defence. There are various defences one could choose from to harassment that involve justifying a particular reason what you do. He does say this at 148, he says:

H

“In general it may be better to evaluate a given factual scenario in its totality, before reaching a conclusion on whether it amounts to harassment. But in this case I have no difficulty dealing, in isolation, with the question

A

of whether it has been proved that the defendants' conduct actually caused alarm or distress, or other emotions or impacts consistent with it amounting to harassment. To do so involves picking out for separate consideration the question of whether the claimant has proved the harm which is plainly an element of the tort."

B

And he cites Lord Phillips from Thomas:

C

"It seems to me that section 7[(2)] is dealing with that element of the offence which is constituted by the effect of the conduct rather than with the types of conduct that produce that effect."

D

And one might add rather more so than the reason why the conduct was perpetrated. And I am going to be asking the Court to do the same in this case. I am going to be asking the Court to determine fairly quickly, following cross-examination obviously, that, that what the effect is and that, that effect means for the statutory test. And what should then follow will, will be determination of whether the Defendant knew or ought to have known that his conduct was likely to have an effect, which I suspect will be the, a, a question that might take longer. And we can use the judgment in *Hourani* as, as sort of guidance if one goes to page, to paragraph 150 over the page and, and the way that Warby J's findings of facts are set out.

E

(pause)

F

Mr Price: I am going to be asking the Court to deal with the paragraph 150 question first. Did the course of conduct engaged in by the defendant in respect of each claimant, was that course of conduct objectively likely to cause the claimants alarm and distress. Now, it is self-evident in the case of *Hourani*:

G

"Public accusations of involvement in murder and [the] other vile crimes including rape [and obviously] are obviously inherently likely to cause any reasonable person considerable distress and upset."

H

And we would say by analogy, or rather by parity of reasoning the public accusations of complicity in such a heinous deception in the particular circumstances are inherently likely

A to cause any reasonable person considerable distress and upset. So, first stage, yes, Martin and Eve are upset, and second stage, any reasonable person would be upset by the public allegations of heinous deception. And not only that by the, by their intimate medical information being introduced in this way.

B And at 151 this is a, a proposition by from the *Trimingham* case:

“The personal characteristics of the target are of course relevant to this issue.”

C And here we are still talking about the objective test rather, I mean we have moved on from the subjective issue that, that, and it is, the personal characteristics that would be relevant will be that these are survivors of a, a terrorist attack. These are individuals who have only just survived a terrorist attack, are both permanently disfigured and disabled by the terrorist
D attack, and again plug those personal characteristics into the objective test and it, it is even more obvious that it is satisfied that even more obvious that the course of conduct is likely to cause considerable alarm and distress to such individuals.

E In *Hourani* the Court was persuaded that Mr Hourani was relatively thick skinned, a businessman of some experience and who was robust. Even then taking those personal considerations into account the objective test was made out. Here we do not have that. It may be going to be said that Mr Hibbert, Martin Hibbert, that he is robust, so that is worth bearing in mind. So, then I moved onto paragraph 154 and the subheading above it, and we,
F we deal now which, with the, with what the defendants knew, or which was known.

(pause)

G **Mr Price:** And, and the first sentence of paragraph 154 is important because it will come up here I have no doubt. So:

H “To avoid confusion I make clear that I take the same approach to this issue as I have to the previous one: focussing attention on the effects of the campaign, and without prejudice to the issue of whether the conduct in question was “reasonable”.”

A So, constructive knowledge that it amounted to harassment does not comprehend the reason why the conduct was perpetrated. Quite, quite, because this is the point at which the Judge finds it quite difficult to maintain the distinction, but he does seek to do so. As you will see from paragraph 157 he, in, in the interim the Judge has noted that in fact it was the intention of the campaign in the *Hourani* case to cause trouble to the claimant. But he goes on to say that in, in 157 even:

B
C “If I had not concluded that Dr Waller intended and knew that his conduct would have harassing effects on Mr Hourani I would have found that he should have known this. I am satisfied that Messrs Thomson and McCarthy both ought to have known it, also. The way the court is to determine whether a person “ought to have known” that a course of conduct amounted to harassment is specified in s 1(2) of the 1997 Act:

D “For the purposes of this section..., the person whose course of conduct is in question ought to know that it amounts to or involves harassment of another if a reasonable person in possession of the same information would think the course of conduct amounted to or involved harassment of the other.””

E
F An objective test, and he goes on to find at para 160 that:

F “A reasonable person in Dr Waller’s position would have thought, at all the relevant times, that the campaign [that he] was conducting, directing and authorising against Mr Hourani was likely to upset its target a great deal, and to cause him real and substantial distress.”

G At 161 we get the same principle from *Trimingham* about use of the attributes of the Claimant. Also the objective test, I have jumped the gun slightly on that, this is where it was used:

H “At this point it becomes particularly difficult to separate my consideration of this issue from the question of reasonableness. A reasonable person, considering what impact a campaign of vilification was likely to have on its target, would think it relevant to know whether the target was guilty as

charged, and a hardened criminal. As will become clear, I accept that this was Dr Waller's view of Mr Hourani. But I do not believe that he had good reason to do so."

A

And now we are getting into the reasonableness defence because the issue now becomes whether a, the particular Defendant knew or ought to have known what they were doing was likely to cause the upset. Now if a Defendant believes, in Mr, Mr Hourani's case that Mr Hourani is guilty of murder, can, what relationship does that have with the test about whether or not they should know that saying that he is guilty of murder would have the harassing effect?

B

C

Well, this is where the streams cross and Warby J is keen to stress that one needs to resist getting too far into the subjective attributes of the defendant *and see* what the defendant actually believes about what they were doing and look at the objective effect on the, on the claimants. But it may, if it becomes relevant to think about what the Defendant believed it may become relevant to assess the reasonableness of that belief.

D

We simply have to assess that in any event under section 1.3 both in the *Hourani* case and in this case. We are not in difficulty here because I will go on to submit the Defendant will seek to, to, to demonstrate and, to demonstrate that his conduct was reasonable, that a belief he had was reasonable, and I will say that it was not and I, I expect the Court to side with me on that. And if it was not reasonable for him to believe it then it is not a factor that he can incorporate into whether or not he knew or should have known this conduct was going to have the harassment effect.

E

F

And we can move on through *Hourani* but, to defences to harassment, which is para 175. You can ignore the first defence, preventing or detecting crime, that was rejected pretty quickly, and reasonableness comes under paragraph 184:

G

"In *Trimingham* at [53] Tugendhat J set out a useful distillation of the approach indicated by Lord Phillips MR in *Thomas* that I have set out above"

H

And I ask the Court to read down to 186, and back in the balancing territory, we are back in *Re S*.

(pause)

A

Mr Price: And then from 187 there is a very interesting and pertinent discussion, the relationship between truth and the section 1.3 defence. Mr Waller in the, in the Hourani case had rather dramatically changed his case at the outset of trial to suggest that whatever else could be said about his conduct, the allegations he was publishing were true, and therefore his conduct was reasonable. And in the event he failed to prove that they were true. But the truth or falsity of those allegations did enter the analysis of harassment in the way that Warby J describes at 187 onwards. So:

B

C

“In many cases of alleged harassment by publication the truth or falsity of what is said may not be of great consequence.”

D

And he cites a couple of cases where that is correct. Truth, and at 188:

“Truth is not a defence to harassment. But “the falsity or inaccuracy of the words (the course of conduct complained of) is not irrelevant...””

E

And then the, in the same paragraph between the pages:

“The question of whether, or to what extent, the allegations made are true is a factor going to the “comparative importance” of the specific rights being claimed by the defendants. It is capable of being a significant factor. I therefore start my consideration of this defence with that question. Were the allegations true?”

F

G

Now, we have reached this point in this piece of litigation with the benefit of that having been determined for the most part. The key evidence that the Defendant wished to dispute, having been determined Your Ladyship knows that has been litigated fully, albeit in the summary context, with a, a hearing before Master Davidson and then now two bites at the appeal cherry. And we are in a position where it is established fact the bomb happened the way I have described it during my speech, and that it had the effect on Martin and Eve and that their injuries were caused by it.

H

A For the allegations that Martin is lying about those fundamental elements, that Eve and her carers are lying about it, Sarah is lying about it, that, those are not true. The allegations are not true and that I will say is relevant to the exercise and, and it does affect, as Warby J says it does, the extent, it is a factor going to:

B “The comparative importance of the specific rights being claimed”

C By the Defendant, and a significant factor *at that*. There, the only, and I am not going to dwell on it now because I will return to it in closing but I would ask the Court to read now, again because it will frame the trial, paragraphs 201 to 215 on the relationship between harassment and section 4, or section 1.3 in the Harassment Act and section 4 of the Defamation Act, and, because we will get in, we will get into in, in the evidence that the degree to which responsible journalism plays a part in being able to rely upon such a (inaudible). So that is 201 to 215, and if the Court does not sit and read them now then that is fine, but we will --

D **Steyn J:** I, I, I am rather happy to read them over the lunch break --

E **Mr Price:** That might make more sense then. So, I mean that, I wanted to go to *Hourani v Thompson* on the law because I said I think there are parallels but just, just putting it in the broadest possible terms, here we are talking about Claimants who have been subject to incredibly serious, serious defamatory allegations about them, not only about, there is other aspects of conduct as well, that is a very significant feature in the case, by someone purporting to be exercising Article 10 rights and we will be exploring the next few days in that territory. So, I think it is *good* to have all that in, in mind, and I think that is the fullest exposition, the *Hourani* case, of the principles.

G There are just a couple of more remarks before I finish. It, we are going to also be dealing, I mean it is go, it is not going to be accepted by the Claimants that the Defendant’s statements are all statements of opinion. That, that seems to be quite an important part of *this* case. It appears to be borne out of a slight misunderstanding about how the Court determines opinion and fact. Now of course if this were a definition case we would be looking to have a, a meaning determination, but the single meaning does not apply. It is one of, one of the advantages perhaps in not bringing a defamation case as we are not constricted by what is quite an artificial Socratic rule that is particular to defamation.

A

We are not really looking at, in a technical, detailed sense, the way the putative, ordinary, reasonable reader might understand the words complained of. We are looking at the effect of using those words to the public on the Claimants. That is a slightly different exercise because the two torts protect different interests. This is not about reputational damage. It in, harassment includes issues of reputational damage, but it does not depend on them, and, but

B

if, if necessary we will, we will say that these are not all statements of opinion.

As much as the Defendant has latterly tried to say that they are, as, as I have mentioned in opening, the Defendant's analysis purports to be forensic, and he purports to rely on expert evidence. And, but even if, if, if we are wrong about that, and, and the Court does not have to reach a firm view in the way that it would in a defamation case, as no defence depends on it, even if I am wrong about that, as, as the Court knows an opinion can be hugely damaging. Can be hugely defamatory, which is why there is section 3 in the 2013 act. There would not need to be an honest opinion defence if an opinion was never defamatory.

C

D

But the expression of opinion, which is what we are concerned with here, can have a harassing effect, and in this case, certainly does. It will be relevant, I have no doubt, in tempering perhaps the position if the Defendant can say:

E

“Well look I, I am prepared to be, I am prepared for you to tell me I am wrong about this, I am prepared to accept that I am wrong about this, I could be wrong, this is just my opinion.”

F

He does not do that, he has not done that. He doggedly adheres to the position that this attack did not happen and that we are all being fooled. He is not being Socratic.

G

(pause)

Mr Price: So, My Lady, unless I can assist, those are, that is my opening and I have timetabled provision for Mr Oakley to open, which is not always --

H

Steyn J: Yeah.

Mr Price: *Conventional* but then if he would like to say something I am very happy *for him* to do so.

A

Steyn J: Yeah, thank you very much, Mr Price. Mr Oakley did you want to make any submissions at this stage?

B

Mr Oakley: Yes, Your Ladyship, a couple of points and another housekeeping point. Would it be possible for us to have a lectern? The lights are not very good here and I am struggling to see.

C

Steyn J: Yes, well I say yes (inaudible) thank you very much.

Mr Oakley: I presume my learned friend would like one as well.

D

Mr Price: Well my box is holding out, *meanwhile*.

Steyn J: Yes.

E

Mr Oakley: Forgive me, Your Ladyship, it is just a bit difficult reading this and --

Steyn J: If, if it is easier until we get a lectern to, to sit down *for you* then, then that will be fine.

F

Mr Oakley: OK thank, thank you. In that case just, just a couple of points. My learned friend read out an extensive extract from one of the videos which I think we eventually established was part 3 of The Night of the Bang. However, it is important to note that my client has been perfectly consistent in this regard and the entirety of that text actually appears in his book --

G

Steyn J: Yes.

H

Mr Oakley: Which may be found, the internal book number is page 409, in the bundle it is at page 647. That two page extract, going over the page actually, bit long, longer than that, is exactly what my learned friend read out, but it is important to note the coda at the top and his book my client said:

“What do I believe happened?”

A

He goes on:

“This is a statement of my own personal opinion based on the evidence I have been able to find which has been presented in this book. It is not necessarily a statement of absolute fact.”

B

These are his beliefs, and I accept that the way that he is able to approach his defence now is curtailed by the effect of the summary judgment application, but that is a procedural step. He does maintain his views. He does say that if evidence is produced, for example CCTV evidence or medical evidence then he is more than happy to change those beliefs, but he stands by those beliefs and he is entirely entitled to do that. And indeed this was reflected in the judgment of Master Davison which is at page 115. This is the transcript of the summary judgment application, and I believe there was a cross-application at that time for disclosure on the part of the Defendant. And what the Learned Master says at page 25 is, one, two, three, four, five lines from the bottom:

C

D

E

“I do not propose to engage with the detail of the defendant’s evidence. Suffice it to say that, although his beliefs may be genuinely held, his theory that the Manchester bombing was an operation staged”

F

Is fantastical, absurd, etc. So there is no suggest that he does not seriously have these beliefs, and my learned friend used a phrase which I adopt. His beliefs have been arrived at after he has:

G

“Scoured the public domain for interviews, particularly with Martin Hibbert.”

H

And my client will say in due course, he having been dealing with this matter for some time, that he has established that Mr Hibbert has either appeared in or been mentioned, appeared on television or radio or been mentioned in newspaper articles 168 times. So, Martin Hibbert in particular is someone who seeks out publicity and all that my client has done is reached some observations on the basis of this publicly available information. Regarding defamation,

A as I say in my skeleton I have not come to a final conclusion as to that as of yet. Now this is not in my skeleton argument, but there is a case proceeding to appeal at the moment called *Pacini v Dow Jones*. It was heard by HHJ Richard Parkes KC --

Steyn J: Yeah.

B **Mr Oakley:** And judgment was handed down on 3 July, so very recently, and this was an interlocutory application by the Defendants to strike out the claim on the basis that it was a Data Protection Act claim dressed up, sorry, a Defamation Act claim, claim dressed up as data protection. Now the Learned Judge decided at that time that it was inappropriate for the matter to be struck out by way of an application and it must proceed to trial. But there are a couple of points, and I apologise to my learned friend, this has come up as a consequence of what he has said on the defamation point and I do not wish to overburden either him or Your Ladyship with authorities, but it was pointed out at paragraph 13 of that judgment.

D (pause)

Mr Oakley: Bear with me, it is a lengthy judgment.

E **Steyn J:** Is that the one I have not yet got, is that right?

Mr Oakley: No, the citation is 2024 England and Wales High Court 1709 King's Bench Division.

F **Steyn J:** Yes, thank you.

Mr Oakley: And I may make more of this, I do not know yet.

G **Steyn J:** Yeah.

Mr Oakley: But the observation was made by the Learned Judge at paragraph 13:

H “Certain concessions have been made by the Claimants, as a result of which the scope of the application is now narrowed. It is now advanced only on the basis set out at ground 1 of the application, namely that the

A claim is purely tactical and an abuse of process, (a) because it is in reality a statute-barred defamation complaint dressed up as a claim in data protection, and brought in data protection to avoid the rules which apply to defamation claims ... in the sense identified by the Court of Appeal in the case of *Jameel v Dow Jones & Company Inc* [2005] QB 946.”

B And then at paragraph 68.

(pause)

C **Steyn J:** OK.

Mr Oakley: Under the heading:

D “Is the Claim in reality a Claim in Defamation, dressed up as a Claim in Data Protection?”

E “The issue here is not so much whether the claimant has, in principle, the right to choose his cause of action; but rather whether that right should be circumscribed to prevent [prevent] the use of a cause of action to sidestep established defences and thereby to secure from a disadvantaged defendant a remedy which would not have been available if a more appropriate cause of action were employed, and to maintain coherence in the law.”

F And then at paragraph 74.

(pause)

G **Mr Oakley:** Now this is talking about whether it was a device to get round the difficulties which a defamation claim would face. In paragraph 74:

H “Those difficulties would certainly be substantial. Ms Evans cites the one year limitation period in defamation ... the need to show serious harm ... 'libel tourism' ... and the arguable availability of a number of defences to a claim in defamation (in particular s15 [Defamation Act] reporting

A privilege). The inference is invited that a claim in data protection has been 'retrofitted' to avoid those obstacles, when in truth the essential complaint, the 'nub' of the complaint, remains one of damage to reputation."

B And my submission would be that this is clearly a case where damage to reputation is being alleged and I will come back to that, I, I merely tag this particular issue as was raised in *Pacini v Dow Jones* and who, who knows, we might get a, a judgment on the appeal before *the end*. Regarding the issue of reasonableness, as indicated my client is entitled to hold his views and he is also willing to amend them if he is made aware of evidence to the contrary. And in this regard my learned friend refers to in his skeleton argument the case of *Sube*, not sure that is how you pronounce it but *Sube v News Group Newspapers*. I too rely upon that and in particular if we look at paragraph 68, this was a decision of Warby J.

(pause)

D **Steyn J:** Yes.

Mr Oakley: It is at I think tab 14 --

E **Steyn J:** *There*, yeah.

F **Mr Oakley:** Of the cases and I did not, I did print these off but that means I now have some difficulty in finding the extract. Here we are. And the Learned Judge summarised the principles at paragraph 68:

G “(1) It is for the claimant to demonstrate that the conduct complained of is unreasonable, to the degree required by the authorities cited above; and it is not a question of assessing the reasonableness of any opinions expressed in the publications complained of: -

H “Whether conduct is reasonable will depend upon the circumstances of the particular case. When considering whether the conduct of the press in publishing articles is reasonable for the purposes of the 1997 Act, the answer does not turn upon whether opinions expressed in the article are reasonably held.”

A That needs to be highlighted:

B “The question must be answered by reference to the right of the press to freedom of expression which has been so emphatically recognised by the jurisprudence [of both] Strasbourg and this country.”

And then Warby J went on at paragraph 3:

C “In general, the techniques of reporting, including the tone and editorial decisions about content, are matters for the media and not the Court to determine”

D Subparagraph 4:

E “The court’s assessment of the harmful tendency of the statements complained of must always be objective, and not swayed by the subjective feelings of the claimant:

F “[i]t would be a serious interference with freedom of expression if those wishing to express their own views could be silenced by, or threatened with, claims for harassment based on subjective claims by individuals that they feel offended or insulted”

Subparagraph 5:

G “Applied to the tort of harassment, these principles [these principles] mean that nothing short of a conscious or negligent abuse of media freedom will justify a finding of harassment:

H “... the test [of reasonableness] requires the publisher to consider whether a proposed series of articles, which is likely to cause distress to an individual, will constitute an abuse of the freedom of [the] press which the pressing social needs of a democratic society require should be curbed.”

A And subparagraph 5 [sic]:

“It will be a rare or exceptional case in which these criteria are satisfied, in relation to media publication.”

B “In general, press criticism, even if robust, does not constitute
unreasonable conduct and does not fall within the natural meaning of
harassment ... before press publications are capable of constituting
C harassment, they must be attended by some exceptional circumstance
which justifies sanctions and the restriction on the freedom of expression
that they involve. ... such circumstances will be rare.”

D And this regard, Your Ladyship, I will say that it is the activities of Martin Hibbert himself
who on behalf of himself but also his daughter has approached the media on many, many
occasions. In that regard he is fairly unique insofar as the other people who were involved
in the Manchester incident are concerned, but the other observation that I would make is this.
I, I, I do not mean to belittle the right to bring this action in any way, but, put at its bluntest,
E Mr Hall’s research is not about the Hibberts. It is about the Manchester event. He has not
simply published either videos or his book or articles on his website about the Hibberts. This
is about the Manchester event in its entirety, and this is indicated very clearly at the index to
his book which appears, thankfully it has been adduced as well in the bundle, appears from
page 668.

F (pause)

G **Mr Oakley:** And one only needs to cast an eye over the names of all these people, name
after name after name. Mr Hall is assessing their stories and coming to conclusions, and it is
only on page 669 that we see Eve Hibbert is mentioned at pages 38, 63, and 219 to 223 of
his book and Martin Hibbert, who has approached the media on numerous occasions, at
pages 38, 53 to 55, 63, 180, 219 to 30, 385, 391, and 399. Now the real concern about this
H is the coda to, forgive me I am going to sit down again.

Steyn J: *Sure.*

Mr Oakley: The coda to Martin Hibbert’s first statement. And at paragraph 40 he says this, bearing in mind this, this claim is brought allegedly because of the distress that has been caused by the harassment personally to Mr Hibbert and his daughter and also the breach of the Data Protection principles personally *as* application to Mr Hibbert and his daughter, but this is rather a chilly paragraph in Mr Hibbert’s third witness statement:

“In December 2022 I reached out to Manchester’s mayor, Andy Burnham, to discuss campaigning for a new law to better protect survivors of tragedies from harassment and conspiracy theories. I live in hope that before too long it will be a criminal offence for people like Mr Hall to make money from conspiracy theories, especially in relation to terrorist attacks or atrocities.”

Now I fully accept that notwithstanding the motives of a claimant in bringing a case they are in principle entitled to succeed in their case if they can establish whatever parameters are of relevance, but I submit to the Court that that is a true intention of Mr Martin Hibbert in bringing this claim, and that would be an astonishing interference on the right to freedom of expression. That is what he is trying to do. He is not just trying to shut down the discussion by Mr Hall of himself and his daughter, Eve. It seems to me from his plain words that he is trying to shut down any discussion of the Manchester incident and in this regard, and forgive me I am going to sit down again, in this regard it is worth bearing in mind the response to the pre-action protocol letter which appears at the end of bundle 2.

(pause)

Mr Oakley: For the information of the Court the pre-action protocol letter dated 22 December 2022 is page 1052.

Steyn J: Sorry, 10?

Mr Oakley: 1052 that is, it is --

Steyn J: Yeah.

A **Mr Oakley:** It is worth tagging I think, but that is the protocol letter, and the response appears from page 1057 but it appears that there has, there has been a difficulty in replicating my client’s response because there is a little bit of duplication. It does not actually matter for the purposes of the observations that I am going to make now, but the response from my client of 11 January 2023 at page 1058 --

B **Steyn J:** Yeah.

C **Mr Oakley:** He deals with the filming incident, and to emphasise he will say that the filming incident took place on 1, on or about 1 September 2019 and he was actually filming from within his car on the public highway. But he goes on to say this, second paragraph page 1058:

D **“While I was in the area I was parked on a public road. During this**
E **time I left a camera on the dashboard of my vehicle which was visible**
from outside of the vehicle which recorded events along the entire
length of the public street. The recording was for my own personal use
and after the recording was made [I] I viewed the footage. I then
deleted the footage from the memory card. The memory card has since
been reformatted. Therefore I no longer hold any footage of the public
street which was recorded.”

F Mr Hall will say that is the only incident in which he approached the vicinity of Eve’s home. He did knock on the door, perfectly reasonably, he wanted to ask some questions about this, there was no reply. He has not pursued any further approach either to Eve or to Martin Hibbert. But then he goes on at page 1063 and Mr Hall says, under the heading:

G **“Your client’s personal data.”**

I will, I:

H **“I have already explained that I deleted a video recording of a public**
street which I made for personal use. Therefore I no longer hold, nor
possess that particular data. All other material that I have used in

relation to your clients was acquired from media news websites, from social media, and from other [public] publicly available websites.”

A

Now pausing there, Your Ladyship, it is important to note that Mr Hall will give evidence that he did approach Mr, Mr Hibbert, I think it was through Facebook, and there was no response. Perhaps understandably there was no response, and Mr Hall has not attempted to approach Martin Hibbert again. And similarly he did go round to Eve Hibbert’s home on that one occasion, he knocked on the door, he then filmed the street, he deleted the footage, but he has not attempted to contact Eve or her carers again. Now going back to page 1063 Mr Hall says:

B

C

“Some of this material was included in my book and video. It was necessary to include to be able to analyse and debate the claims being made, see first part of the statement below.”

D

And then there is a quote from the book:

E

“All images used in this book are necessary to be able to fully scrutinise claims made by the various parties which the book is examining. Care has been taken to only use images which are absolutely necessary to explain these particular points. All the images have already appeared in either mainstream media articles or on Google website pages. I believe their inclusion constitutes fair use.

F

G

Note, throughout the book opinions are expressed by the author and by Genevieve Lewis about the veracity of statements made by those involved in the 2017 Manchester Arena incident. All the opinions contained herein are not being expressed as factual claims. All the conclusions and assertions made in this book concerning whether individuals have lied or have been untruthful are expressed purely as the author’s opinions.”

H

And then Mr Hall goes on:

A

“The only data I currently hold in relation to your clients is a master copy of the book, ‘Manchester, the Night of the Bang’, and master copies of the videos that I have produced which have already been mentioned. These are held on a password protected computer in a locked office. All the information was gleaned from publicly available sources.

B

The information from those public sources was safely deleted after the published material was released. I am not currently processing any personal data that pertains to your clients. I do not hold any personal data that pertains to your clients other than what is described above. I have no intention to gather data or process data on your clients in the future.”

C

D

And then he goes on, bearing in mind that this is a response to a pre-action protocol letter, so proceedings have not been issued, but he goes on at paragraph 10, page 1088 of the bundle, and he requests some medical evidence. He goes on at the second paragraph:

E

“The Claimant cannot ignore *our* reasonable request therefore for strict proof to be provided. In this respect you must now supply us with the following. 1) Any or all hospital records, GP, or other medical or ancillary records. 2) A sworn affidavit from the person who took the (inaudible) X-Ray”

F

G

Etc, etc. Now Mr Hibbert in his evidence takes issue with this, but had the matter proceeded without the summary judgment application which was successful then Mr Hall would have been entirely entitled to this information if the question of the, the facts or otherwise of the Manchester incident was still at large he would have been entitled to this information. But it is my submission that it is only when Mr Martin Hibbert in particular stirs the pot, if I can put it that way, either by going to the media himself or by threatening and then issuing these proceedings the so called harassment arises.

H

When one looks at the evidence as a whole, I will be taking the Claimant’s witnesses through their statements in detail, it is abundantly clear that the problems arise when Martin Hibbert goes to the press. And I suspect the problems are going to arise again now that Martin

A Hibbert, in the course of these very proceedings, publishes a book in April of this year, having said throughout, and his form, his former wife, Eve's mum, having said throughout that they want to keep Eve out of the public spotlight then produces this book which does exactly that.

B Now we do not know about Eve because of her condition, and we have heard about the third private witness statement. I do not intend to dispute the facts set out in that and I have already indicated to the Court what my single two questions on paragraph 30, or 30, well I have not indicated what the questions are but that is the only question that I am going to ask. So, it is only, it is only really Martin that is involved in this, and he cannot complain about harassment, and he specifically cannot complain of breach of data protection when as a consequence of his multiple media appearances my client, as he is perfectly entitled to do, looks at those appearances and reaches opinions on the statements that Mr Hibbert voluntarily gives in those appearances and comes to his own conclusions. Why on earth would he not be entitled to do that?

D (pause)

E **Mr Oakley:** Now I agree, Your Ladyship, with the observation made by my learned friend in his skeleton and also orally that further submissions on the law will need to be made in due course.

F **Steyn J:** Yes.

Mr Oakley: It was a very helpful summary that my learned friend went through. I do not intend, noticing that it is now 12.30 already, I do not intend to effectively summarise what I say in my skeleton argument. I hope Your Ladyship has already seen it, but I do wonder --

G **Steyn J:** Yes.

Mr Oakley: At this stage if there were any particular points that the Court would like me to address, before --

H **Steyn J:** Not at this stage, thank you.

Mr Oakley: No, OK, I am, I am just wondering how we want to, to proceed, Your Ladyship.

It is --

A

Steyn J: Yes.

Mr Oakley: Half past, I think it is best that I have a lectern before I start cross-examining.

B

Steyn J: Yes.

Mr Oakley: Because apart from anything else when I am sitting down I cannot see the witness --

C

Steyn J: Yes.

Mr Oakley: Is it available now? Can we get started or perhaps an early, if we rise early and come back early I do not, I do not know.

D

Steyn J: Well, I mean it may be if, given that we, we only have half an hour until we would ordinarily break it might make sense to see if we can get a lectern for you over the break and --

E

Mr Oakley: Yes please.

Steyn J: So if we start at 1.30 will that cause any difficulty *with anyone*? No, OK, in that case I, I will rise now and we will resume at 1.30 and we will make sure that we have got a lectern. I (inaudible) thank you.

F

Mr Oakley: Thank you. One other thing, Your Ladyship, will the court be locked? I would like to leave my papers here, hopefully it will --

G

Steyn J: Thank you.

Mr Oakley: Thank you.

H

(parties confer)

A **Court Clerk:** Court rise.

(luncheon adjournment)

B **Court Clerk:** If I could get you to please repeat after me?

Mr Hibbert: Yeah.

C **Court Clerk:** I solemnly, sincerely and truly.

Mr Hibbert: I solemnly, sincerely and truly.

D **Court Clerk:** Declare and affirm.

Mr Hibbert: Declare and confirm.

E **Court Clerk:** That the evidence which I shall give.

Mr Hibbert: That the evidence that I shall give.

Court Clerk: Shall be the truth.

F **Mr Hibbert:** Shall be the truth.

Court Clerk: The whole truth.

G **Mr Hibbert:** The whole truth.

Court Clerk: And nothing but the truth.

H **Mr Hibbert:** And nothing but the truth.

Court Clerk: Thank you.

Mr Hibbert: Thank you.

A

Mr Price: Mr Hibbert, you have a file in front of you. Could I ask you to turn up tab 6 please?

Mr Hibbert: Yes.

B

Mr Price: And that should take you, or should have taken you to page 135, is that right?

Mr Hibbert: Correct.

C

Mr Price: And is that a statement, your first witness statement?

Mr Hibbert: Yes.

D

Mr Price: OK.

Mr Hibbert: 16 November.

E

Mr Price: That is right, 16 November. If you flick forward to page 144, that should be the final page of that statement.

(pause)

F

Mr Hibbert: Yeah.

Mr Price: So on page 144 is what looks to be an electronic signature with a date stamp.

G

Mr Hibbert: Correct.

Mr Price: Did you electronically sign that statement?

H

Mr Hibbert: I did, yes.

Mr Price: On 16 November 2023?

A **Mr Hibbert:** That is right, yeah.

Mr Price: And then over the next page on 145, sorry not, not that, 146, two pages further forward, can you see another statement?

B **Mr Hibbert:** Yeah.

Mr Price: Is that your --

C **Mr Hibbert:** 9 Jan.

Mr Price: That is it, your second statement?

D **Mr Hibbert:** Correct.

Mr Price: And if you go on to page 151.

E **Mr Hibbert:** Yeah.

Mr Price: Is there another electronic signature?

Mr Hibbert: There is --

F **Mr Price:** Did you --

Mr Hibbert: Dated 9 Jan this year.

G **Mr Price:** Did you electronically sign that statement?

Mr Hibbert: Correct.

H **Mr Price:** And then the third statement *in the* proceedings is the next page 152. On 159 hopefully you will find another electronic signature.

Mr Hibbert: Yeah, dated 28 June.

A

Mr Price: And did you electronically sign that statement?

Mr Hibbert: Correct.

B

Mr Price: And in each case for all three of these statements did you read those statements before --

Mr Hibbert: I did, yes.

C

Mr Price: You signed them?

Mr Hibbert: Yeah.

D

Mr Price: And you are satisfied that they are all true --

Mr Hibbert: Yes.

E

Mr Price: To the best of your knowledge and belief when you signed them?

Mr Hibbert: Correct.

F

Mr Price: My Lady, may those stands as Mr Hibbert's evidence in chief?

Steyn J: Yes, thank you.

G

Mr Price: Thank you, I am going to sit down, Mr Hibbert. Mr Oakley will, may have some questions for you.

Mr Hibbert: OK.

H

Steyn J: Yes, thank you. Just before Mr Oakley starts, Mr Hibbert, well, a couple of things, one is as you will have gathered it is a little bit difficult to hear in this room --

Mr Hibbert: Yes.

A

Steyn J: Over the air condition so if you can try to keep your voice up. The other thing is if at any stage you do feel that you need a break --

Mr Hibbert: Yes.

B

Steyn J: Please let me know.

Mr Hibbert: Thank you, thank you.

C

Steyn J: Thank you.

Mr Price: I should have mentioned that myself was we have discussed this, and he is likely to --

D

Steyn J: OK.

Mr Price: Need a break so if we could be *aware* --

E

Steyn J: That is fine.

Mr Price: I am grateful.

F

Steyn J: (inaudible).

Mr Oakley: Yes, we have got plenty of time, Your Ladyship.

G

Steyn J: Yes.

Mr Oakley: *Well.*

H

Steyn J: Thank you.

(pause)

A **Mr Oakley:** Good afternoon, Mr Hibbert.

Mr Hibbert: Good afternoon.

B **Mr Oakley:** Before we start, you have a Twitter or X account do you not?

Mr Hibbert: I do.

C **Mr Oakley:** And you describe yourself on that Twitter or X account as follows, amongst other things:

“Author, motivational speaker and host, and media personality.”

D That is correct, is it not?

Mr Hibbert: Well I do not describe it as a media personality, that is what X describe my profile as.

E **Mr Oakley:** Well --

Mr Hibbert: So I have not, I have not put that in. So, if you look at my heading it will say:

F **“Author, motivational speaker and host, disability advocate.”**

I think Man United fan. They are the bits that I have written. X give me the media personality because I have got the blue tick so that is what they have defined my profile as.

G **Mr Oakley:** Right, pausing there. You are happy for X, Twitter to describe you as a media personality, yes?

H **Mr Hibbert:** Yeah, of course.

Mr Oakley: And secondly you have a blue tick.

Mr Hibbert: Yes.

A

Mr Oakley: But when Elon Musk took over ownership of Twitter he dropped the previous system, did he not, whereby media personalities, politicians, etc, would receive a blue tick because of their fame and now you receive a blue tick because you pay £10 or £20 a month, that is right, is it not?

B

Mr Hibbert: Yeah I do not know, I think it is £11, £11.99.

C

Mr Oakley: OK, but you pay how much it is every month to obtain your blue tick and you are happy to be described as a media personality by X stroke --

D

Mr Hibbert: Well I am happy with the blue tick allows, because I have got a, you know, a decent following on Twitter, or X as it is called now, the blue tick defines it as it is me, it has been, I, I have been identified as me so if anybody else sets up a Martin Hibbert account they know that the one with the blue tick is the real Martin Hibbert. So yes, that is what I pay the £11 for. Confirmation that that account is me.

E

Mr Oakley: OK, well let us look at your witness statements. You have produced three witness statement, the first two were for the interlocutory proceedings, but if you could first turn to page 135 this is your first statement, it is 16 November 2023. Are you using --

F

Mr Hibbert: Sorry, yeah I am on --

G

Mr Oakley: Yeah so I, I was just wondering if you were using the computer or the hard copy.

H

Mr Hibbert: No I am not, I am doing it --

Mr Oakley: Right.

Mr Hibbert: From the file, sorry.

Mr Oakley: OK, it is just it is a bit difficult getting --

Mr Hibbert: Yeah, no.

A

Mr Oakley: Yeah, so you have that, yes?

Mr Hibbert: Yeah.

B

Mr Oakley: And I would like you to look in particular at page 136, paragraph 8.

Mr Hibbert: Yes.

C

Mr Oakley: And you say:

D

“In support of this theory, Mr Hall has examined some publicly available material concerning Eve’s and my medical status, and analysed extensively statements I have made publicly about the attack and its effects on us in order to cast doubt on our medical status and to seek to debunk my public statements.”

E

That is correct, is it not? Mr Hall has only looked at publicly available information about you, has he not?

Mr Hibbert: Publicly available that I have authorised to be seen, yes.

F

Mr Oakley: Just to be clear, there is no suggestion by you that he has obtained any of this information by deceit, by phone hacking or any other nefarious mean?

Mr Hibbert: Correct.

G

Mr Oakley: Now I, I think you were in court this morning and I indicated to Her Ladyship that my client has obviously done some research about you and estimated that there are about 168 references on an internet search to your public appearances on TV programmes etc. Would that be a fair assessment?

H

Mr Hibbert: I, I do not know the exact number. That was news to me but yeah I have been on TV, radio, newspapers --

A **Mr Oakley:** Multiple times, yes?

Mr Hibbert: But yeah but I think you, you have said something about me instigating it. Of those 168 I have not instigated one. The media have approached me, so that was wrong.

B **Mr Oakley:** But it is always possible when the media approach you to say:

“No thank you, I am not going to take part in your particular programme.”

C **Mr Hibbert:** Of course and I, I have done that several times and continue to do that. But obviously the, the story and my profile, the, you know, the, the nature of how we survived, you know, people wanted to I suppose know about it. So, so yeah so I saw it as something
D that, that, that needed to be done. At the time there was not a lot of people talking and, so yeah, so it was something that I, I did but I never instigated it. And as they do today if they have a story around the anniversary or, you know, because I am a, a, a, you know a, a, I suppose a, a mouthpiece or a voice of it, you know, they tend to come to me to, to talk about it because I have got lived experience.

E **Mr Oakley:** But you are happy in your own words, if I recollect properly, you are happy for the public to know about your story and the way you survived, yes?

F **Mr Hibbert:** I authorised the, the story, the, the pictures, but they will always ask for authorisation. They will always seek to ask my permission to use, especially the, the pictures as I say of me and Eve, and they still continue to do that today. So anything that is out there, whether it is TV or newspaper is always authorised by me. So, it is never, it is never done
G without my say so, and that continues to be the case to this very day given my relationship that I have with, you know, some journalists that have, have been with me, you know, from the start that followed my rehab, did the documentary with ITV, you know, the, I, I have formed some, some good, you know, relationships.

H But they would still ask for my authorisation, they would never print anything without me either seeing it or, you know, saying that it is OK to do. And there have been times when, you know, I have declined stories because it is not right, it is not how I, how I have said it,

or I have declined people showing pictures. So, the respect that proper journalists show me continues to this day.

A

Mr Oakley: Well you say that you authorise all the pictures, can you turn to page 755? That is in bundle --

B

Mr Hibbert: Just say that again sorry?

Mr Oakley: 755, that is in bundle 2 probably.

C

Mr Hibbert: 2?

(pause)

D

Mr Price: Mr Hibbert, by that, by bundle 2 he means the other --

Mr Hibbert: Oh sorry.

E

Mr Price: The other thick bundle.

(pause)

Mr Hibbert: 7?

F

Mr Oakley: 755 please.

Mr Hibbert: OK.

G

Mr Oakley: Now in the middle we can see a picture of you and Eve --

Mr Hibbert: I can.

H

Mr Oakley: And you released this on Twitter, this was one of your tweets, and, sorry this *number* was not good, and you wrote the following when you published this particular photograph on Twitter:

A “Picture taken at 6.46pm on 22.5.2017 in San Carlo Group and just before we made our way over to watch Ariana Grande at the arena. Less than four hours after this picture was taken we were both fighting for our lives. Always a tough day to get through, I will be waiting to answer your questions too.”

B

And that is dated I think 22 May 2021, is that correct?

C

Mr Hibbert: I am just trying to think where I am looking. Is that the, the bottom of the photograph?

Mr Oakley: Yes it is, it is very difficult to read.

D

Steyn J: I can make *mine and it is 22 May '21* --

Mr Oakley: It is?

E

Mr Hibbert: Yeah it, yeah, I can see the 2021, I cannot see the, the time.

Mr Oakley: Yes.

F

Mr Hibbert: But I can see the 21.

Mr Oakley: The, the resolution is not very good.

Mr Hibbert: No.

G

Mr Oakley: Anyway, that is the famous picture of you Eve is it not --

Mr Hibbert: Correct, yes.

H

Mr Oakley: And you published that on Twitter.

Mr Hibbert: Yeah.

A **Mr Oakley:** And any other Twitter user can retweet that, favourite it, quote tweet, they can screenshot the picture, they can post it again in whatever means they choose without your authorisation can they not?

B **Mr Hibbert:** I suppose, yes.

Mr Oakley: And at no stage throughout these proceedings or certainly after 22 May 2021 have you approached Twitter to have this picture removed, or alternatively to explore your right to be forgotten under European Data protection laws in respect of this picture have you?

Mr Hibbert: No, but none of those people that have reposted or retweeted it have put anything derogatory, so they are obviously liking what I put. So, but yeah.

D **Mr Oakley:** But nonetheless they can do should they choose because that is the way Twitter works, and you have absolutely no control over that do you --

Mr Hibbert: Correct, no that is right, that is correct.

E **Mr Oakley:** And you are happy about that situation in normal terms are you not?

Mr Hibbert: I suppose.

F
(pause)

Mr Oakley: I do not have any more questions on your first witness statement.

G
(pause)

Mr Oakley: Your second witness statement, paragraph 37 on page 150.

H **Mr Hibbert:** Is that in the first bundle again is it?

Mr Oakley: Yes, yes it probably is. All of your statements are in bundle 1 --

A **Mr Hibbert:** Just give me the tab and the thingy again sorry?

Mr Oakley: Sorry I did not hear you, say that again.

B **Mr Hibbert:** Can you just give me the tab again of where *we stay* in the tab because I have closed the binder --

Mr Oakley: I, I do not know about tabs, but it is --

C **Steyn J:** It is tab 6.

Mr Oakley: Page 150.

D **Mr Hibbert:** Tab 6.

Mr Oakley: Your counsel directed you to it earlier on, *you looked at it.*

E **Mr Hibbert:** OK.

Steyn J: Page 150 --

Mr Hibbert: I have got it, 100 and, 150.

F **Mr Oakley:** 150.

Mr Hibbert: Yeah.

G **Steyn J:** 150, OK, yeah.

Mr Oakley: It is paragraph 37, Your Ladyship. And you talk about paragraph 37:

H **“My acting career.”**

At paragraph 38:

A “Mr Hall refers to my acting career. I can only assume this referencing the IMDb page which incorrectly references an appearance in the Bill. I was not in the Bill.”

Now IMDb that is a sort of media and entertainment website is it not?

B **Mr Hibbert:** Yeah, it is not one that I have control on, so I do not, I do not have any input into that but yeah it is a, a, a film and TV show, it is a bit like Wikipedia but for --

C **Mr Oakley:** Yeah.

Mr Hibbert: For TV, that is how I think of it. I, I do not have an account or control that.

D **Mr Oakley:** But nonetheless they have referred to a Martin Hibbert. Do you know if that is meant to be you is it somebody else, an actor with your name?

Mr Hibbert: Oh it is definitely somebody else.

E **Mr Oakley:** It is definitely somebody else?

Mr Hibbert: Yeah.

F **Mr Oakley:** And have you ever contacted IMDb to say:

“This is not me, can you put a” --

G **Mr Hibbert:** No I did, I did look into it but from what I could see in the settings there was nothing for me being able to, to, to do that so I have looked into it, that, you know, like I am sure there are several Paul Oakleys in the country, I am sure there are, you know, I am not just the only Martin Hibbert in, in, in the world, you know, so, yeah --

H **Mr Oakley:** Yeah but --

Mr Hibbert: But I have, I have looked into it but --

A Mr Oakley: All right.

Mr Hibbert: There is no --

B Mr Oakley: But --

Mr Hibbert: I think because I do not have an account I cannot, I mean again I, again I, I do not really know too much about IMDb but it is not something that I can control. But I do not know who puts that information or data into that system.

C Mr Oakley: Yes. No what, what you say is true in fact, there is an acid house disc jockey with my name, but it is not me. But nonetheless this is potentially an error by IMDb is it not? It, it is not an error that Mr Hall has made.

D Mr Hibbert: Correct.

Mr Oakley: So again he is looking at publicly available information and reaching the wrong conclusion is he not?

E Mr Hibbert: Yes.

Mr Oakley: Going onto page 151 paragraph 41 your conclusion you say:

F

G “Mr Hall continues to show a complete disrespect for my family and the hell we have endured over the last six to seven years. This entire situation is very distressing and is causing a significant amount of psychological anguish to us all.”

So, to break this down first of all when you are talking about the hell you have endured over the last six or seven years that is not just Mr Hall is it? That --

H Mr Hibbert: No, it is everything. It is, it is obviously the, the trauma, the, our injuries, you know, the visits to hospital, the continued rehab, physio, mental, so no, it is everything.

A **Mr Oakley:** Yes, and I think your mother died as well did she not? Because you took her ashes up Kilimanjaro.

Mr Hibbert: Yeah, she did.

B **Mr Oakley:** Is that right? Yeah, so it, it has been a hard time for you in general. And then you go on:

“This entire situation is very distressing and has caused a significant amount of psychological anguish.”

C So, it is the whole thing, is it not, that is very distressing, it is not just Mr Hall that is giving you this psychological anguish.

D **Mr Hibbert:** That is right.

Mr Oakley: And an obvious point but there are, there are no expert reports in respect of either you or Eve demonstrating that you have actually suffered any medical or psychological anguish as a consequence of these proceedings is there?

E **Mr Hibbert:** When you say that what, in public domain or in my medical file?

F **Mr Oakley:** No, I mean if you are bringing a claim in court and you are alleging that you have suffered psychological trauma, in order to establish that you have to produce a medical report, and I am putting to you that there is no such medical report produced for the purpose of these court proceedings to say that either you or Eve had suffered from psychological trauma.

G **Mr Hibbert:** Not separately towards this, but obviously there are, you know, lots of medical, you know, data in my file but not conclusive to this, no.

H **Mr Oakley:** Turning to your third witness statement, forgive me for a moment, *I had a problem, I have got, I am looking at page 153 of that --*

Mr Hibbert: Yes.

A Mr Oakley: Paragraph 5 you say:

“It was around the first anniversary of the bombing that I first became aware of conspiracy theorists accusing Eve and me of lying about being involved in the attack and/or faking our own injuries.”

B

So, the Manchester incident was in May 2017 was it not?

Mr Hibbert: Correct.

C

Mr Oakley: So to the best of your recollection you became aware of what you call conspiracy theorists in about May 2018?

D

Mr Hibbert: Yes.

Mr Oakley: And you then say:

E

“Lee Freeman, who had done the Great Manchester Run that year, was accompanying me to media interviews. On the journey home from an interview with Good Morning Britain in early May 2018 Lee was scrolling through his social media accounts and came across a Youtuber who stated that the arena bomber had never happened as it was a carefully orchestrated exercise carried out by the government to enable them to introduce more stringent restrictions of public rights. He told me the person’s name was Richard D Hall.”

F

G

So, you were fully aware of not only conspiracy theorists but specifically Richard D Hall and his works in May 2018 were you not?

Mr Hibbert: I believe so, yes.

H

Mr Oakley: And then paragraph 6 you go on:

“According to the videos all of the survivors, including me and Eve,

A and deceased victims had been actors paid for our services. It deeply
angered and infuriated me, but I was too busy with work and
campaigning to give it too much thought at that stage. I thought it was
something that would pass. I tried to ignore it.”

B Had you ignored it, it probably would have gone away in about 2018 would it not?

C **Mr Hibbert:** Well I think at that time, because I remember it well I had just, I had just come
back, I think we had just done an interview on Good Morning Britain because it was coming
up to the first, the first anniversary and we had done, the, we had done the, the run was about
to be done, I was doing it so I was in training with Lee and the, the one bit I, I remember of
it was Richard seemed to have an issue with me talking about the number 22, which I, I
found quite funny today bearing in mind what day we started the trial on today so it has come
up again.

D But yeah, he seemed to have an issue with me talking about the number 22 in that it, the, the
bomb happened on 22 May, there were 22 deceased victims, I had 22 shrapnel wounds, 22
staples, so again it was around, it was around that but again at the time I had just come back
from Australia, my rehab was going well so, so yeah so it was a case of, you know, you kind
E of laughed it off really. I must have been doing something right, if, you know, I had a, a
conspiracy theorist coming after me.

F **Mr Oakley:** Paragraph 7 of your statement you talk about the period three years later.

Mr Hibbert: Yeah.

Mr Oakley: In the summer of 2021, where you *said it* --

G **Mr Hibbert:** I remember it well.

Mr Oakley: Again.

H **Mr Hibbert:** Yeah.

Mr Oakley: And you talk about viewing photographs with the police --

A Mr Hibbert: Yeah.

Mr Oakley: And then you say about halfway down paragraph 7:

“Whilst at Central Park GMP Headquarters”

B Was that Greater Manchester Police?

Mr Hibbert: Correct.

C Mr Oakley:

D “One of the officers mentioned to me that they needed to contact Sarah
E and asked me for her number. They could not say much more at the
time, and they did not want to because they thought I had enough to
deal with that day. I had to wait to hear from Sarah. I called Sarah on
the way home and asked her to update me as soon as she had heard
from the police. I cannot recall for definite, but I think it was the next
day that Sarah rang me. I remember her saying that Mr Hall had been
posting on the internet about how he had set up a camera outside their
house to film Eve. He wanted to see if she was really in a wheelchair.”

F So, you were told about that in 2021 were you not?

Mr Hibbert: Correct.

G Mr Oakley: But my client will say that the only incident involving a visit to Eve’s home
took place probably on around 1 September 2019. Do you have any evidence to demonstrate
that that is incorrect?

H Mr Hibbert: No.

Mr Oakley: So you do not know when Mr Hall went there, went round to Eve’s home, do
you?

A

Mr Hibbert: No.

Mr Oakley: And it is fair to say that this incident that the police refer to in the summer of 2021, it is fair to say that that is because they only became aware of this visit in 2021, did they not?

B

Mr Hibbert: Correct.

Mr Oakley: And you go on at paragraph 9:

C

“The police have come to the house, checked the back garden and checked the (inaudible) for cameras and spoke to her neighbours. They put her on a list so if ever she had to ring the police they would come straight out to her.”

D

Pausing there, when the police spoke to her neighbours what did they tell her neighbours?

E

Mr Hibbert: I am not too sure. I think they, they checked if they had seen anything or if any, I think if, if maybe if somebody had knocked on the door to obviously keep eyes open just in case they saw anything suspicious, you know, going forward. They, I think they checked the gardens just to make sure that there was no video equipment given what Mr Hall had said on his video.

F

Mr Oakley: Well I suggest that they went further when they went house to house in the summer of 2021 and they actually told your neighbours that your daughter, Eve, was a survivor of the Manchester incident, did they not?

G

Mr Hibbert: I, I have not been privy to that information, so I was not there.

H

Mr Oakley: Well certainly in the aftermath of September 2019 when Mr Hall did visit there was no indication after that that your neighbours were aware of Eve’s history and condition. No evidence of that at all is there?

Mr Hibbert: I do not know.

A **Mr Oakley:** Well none of the neighbours had contacted you to say:

“Sorry to hear about Eve, this is a terrible situation” --

B **Mr Hibbert:** Well I, I do not live with Sarah and Eve so they would not contact me, and I do not know the neighbours so they would not contact me.

Mr Oakley: But Sarah has not mentioned to you, because obviously you are still in contact with her, good contact it appears even though she is your ex-wife, you discussed this matter. Sarah has never said to you that after September 2019 there were incidents of neighbours coming up and saying:

“We have heard about Eve, we are sorry about that.” --

D **Mr Hibbert:** Not that I am aware of, not that Sarah would probably talk to me about neighbours just like I would not talk to Sarah about my neighbours. It has got nothing to do with her, but she has certainly not made any comments to me about it. But why she would do that, you know, I would not expect her to.

E **Mr Oakley:** Have the neighbours made any comments about Eve’s history and condition to Sarah or you or possibly to Eve’s carers --

F **Mr Hibbert:** Not that I am aware of.

Mr Oakley: Forgive me I, I have not finished the question yet. After September 2021?

G **Mr Hibbert:** I do not know.

Mr Oakley: Have any of your neighbours, or have any of Eve’s neighbours ever approached the family to say:

H **“We are aware of Eve’s history and condition, and we are sorry about it.”?**

Mr Hibbert: Do not know.

A

Mr Oakley: You do not know?

Mr Hibbert: No, because I do not --

B

Mr Oakley: *You i--*

Mr Hibbert: Live, I do not live with Sarah and Eve so why would the neighbours come, why would they reach out to me?

C

Mr Oakley: Well let us have a look at what Sarah says shall we? Bear with me.

(pause)

D

Mr Oakley: In Sarah's second witness statement which starts at page 163, it is only a few pages after yours.

Mr Hibbert: Yeah, OK.

E

Mr Oakley: On page 166 at paragraph 18, Sarah, who obviously does live in the same street writes this:

F

“Now the whole street knows who Eve is and what she was involved in.”

So obviously at some stage Sarah has become aware the whole street knows about Eve. You have a good relationship with Sarah. When did Sarah become aware that the whole street knew about Eve?

G

Mr Hibbert: I do know. It certainly does not say on there, but I would imagine it would have been, you know, around the time of, when the police visited.

H

Mr Oakley: So 2021 when the police went round, that is when your neighbours became aware of Eve's history and condition, yes?

A **Mr Hibbert:** Well again you are asking me about things that I could not possibly, I do not live with Sarah and Eve so I would not know what neighbours were saying on a daily basis because I do not live there. So I, I --

B **Mr Oakley:** Yes.

Mr Hibbert: Would not know.

C **Mr Oakley:** I get that, Mr Hibbert, but equally you are suing my client for harassment, it is for you to demonstrate the incidents of harassment and the consequences, and I think on the basis of the evidence that you are giving there is no evidence that the neighbours have become aware of Eve's history and condition as a result of Mr Hall's activities is there?

D **Mr Hibbert:** It, I suppose it depends what, what you class as neighbours. Obviously the, the next door neighbours who they have got a, a good relationship with, are you talking about neighbours ten, 15 houses down the road? Obviously the, the neighbours who live next door to the right who are still there from when I lived there even, *Ian*, would have known about Eve's injuries because, you know, they were good friends. But it is not to say that people at the end of the road who we did not know, or still do not know, why would they?

E **Mr Oakley:** So your close, or, or rather the family's close neighbours and friends knew about Eve's history and condition anyway did they not?

F **Mr Hibbert:** That is right, yeah, but maybe next door either side given, you know, the relationship that you would have with, you know, people that live next door. So yes.

G **Mr Oakley:** And you are demonstrating no evidence that any other person in the street, either by number of house or name, knows about Eve's history or condition are you?

Mr Hibbert: Well I, I would not know that because I do not, like I say, I do not live there.

H **Mr Oakley:** But in any event you are not aware of any potential knowledge before the police went round to talk to the neighbours in the summer of 2021 are you?

A **Mr Hibbert:** Only the, obviously neighbours next door but, you know, for me to, did the whole of the Stonehaven know about Eve? I would not possibly know that.

Mr Oakley: Sorry did you know the whole of Stonehaven know about Eve? Did you say the whole of Stonehaven --

B **Mr Hibbert:** Well, the whole of her road know about, you know? Would the, you know, I do not know who, who knew about Eve, how would I know?

Mr Oakley: Right, so I, I am getting a little bit confused now. Are you saying that the whole

C street knows about her condition anyway notwithstanding anything --

Mr Hibbert: No.

D **Mr Oakley:** That the --

Mr Hibbert: I did not say that at all.

Mr Oakley: Well I, I am trying to establish this.

E

Mr Hibbert: You are asking me to give a, an answer on what the neighbours thought. How could I possibly know that because I do not live there so I, I do not see how I can answer it because I do not know what they knew because I do not live there, I was not there to ask

F them, so how, how can I give an answer on something that I do not know the answer to? So I, I am sorry I cannot give an answer to --

Mr Oakley: No that is --

G

Mr Hibbert: What you are asking.

Mr Oakley: Fine, that is fine, if you do not know the answer I --

H

Mr Hibbert: Well I, I have said that.

Mr Oakley: Right.

A **Mr Hibbert:** Several times.

Mr Oakley: All right well --

B **Mr Hibbert:** I do not know because I do not live with Sarah and Eve and do not live on that road so I cannot possibly give an answer.

Mr Oakley: Right, and you have not asked any of the neighbours:

C **“Are you aware of Eve’s” --**

Mr Hibbert: No, because I do not live there.

D **Mr Oakley:** Wait, I will be quiet when you are speaking and --

Mr Hibbert: OK.

E **Mr Oakley:** Vice versa because the trouble is this is being recorded and if two people are speaking at the same time it gets very garbled. Right, so you have not asked any of the neighbours if they became aware of Eve’s history and condition at all as a result of Mr Hall’s activities?

F **Mr Hibbert:** I have not personally, no.

Mr Oakley: And in any event you are not aware of them knowing even in the broadest sense before the police went round in the summer of 2021 are you?

G **Mr Hibbert:** Correct.

Mr Oakley: In fact if we turn to page 232 please.

H (pause)

Mr Hibbert: What page is that in the trial bundle sorry?

A **Mr Oakley:** 232, the same bundle, 2 --

Mr Hibbert: The same, 232?

B **Mr Oakley:** Yeah.

Mr Hibbert: OK.

C **Mr Oakley:** This is a letter which was disclosed a week or so ago dated 5 July 2024 from Greater Manchester Police and it is addressed to your solicitors, do you see that?

Mr Hibbert: I can, yes.

D **Mr Oakley:** And they say this was:

“This letter is in response to a request for information dated 23 April 2024 from Hudgell Solicitors.”

E Pausing there, what information had been requested by your solicitors please?

Mr Hibbert: Just say that again sorry.

F **Mr Oakley:** What information had been requested by your solicitors please?

Mr Hibbert: What, you want me to read it?

G **Mr Oakley:** No, no, I will, I will read it again.

Mr Hibbert: Sorry.

H **Mr Oakley:** Have you seen this letter before?

Mr Hibbert: Yes.

Mr Oakley: You have?

A

Mr Hibbert: Online, I have not seen it in ...

Mr Oakley: OK, the first sentence says:

B

“This letter is in response to a request for information dated 23 April 2024 from Hudgell Solicitors.”

Mr Hibbert: OK.

C

Mr Oakley: So I am asking you what information had been requested by your solicitors to which the police replied in this letter?

D

Mr Hibbert: Well it says there, information about the, the film titled Manchester Night of the Bang.

Mr Oakley: Have you seen the letter --

E

Mr Hibbert: And circulated on the internet by a person using the name Critical Thinker.

Mr Oakley: Have you seen the letter which your solicitors wrote to Greater Manchester Police of 23 April 2024?

F

Mr Hibbert: I do not think so, it does not ring a bell. I probably have because it will, will have been in the bundle but is it the one before it? That?

G

Mr Oakley: No, no Your, Your Ladyship, I am not suggesting any skulduggery of any kind by Hudgells but perhaps the letter requesting the information could be disclosed relatively promptly. Not necessarily today. Well, let us go back to the letter from the police which is very, very recent. It talks about the amateur film titled Manchester the Night of the Bang, and then they say:

H

“A GMP review of the film on or after 29 June 2021”

A So that is about the same time as the police went round to Eve's home --

Mr Hibbert: Correct.

B **Mr Oakley:** To look in the garden, correct?

Mr Hibbert: Yes.

Mr Oakley:

C **“The GMP review of the film as part of Operation Mantaline showed that the producer, Richard Hall, suggests that the explosion at the arena on 22 May 2017 had been a hoax.”**

D Etc. And then they say:

E **“Richard Hall was shown in the film pulling up outside an address and preparing to secrete a security camera in the garden of an address which is purported to be the garden of the Hibberts and that he intended to catch them walking from the address.”**

F Now pausing there, my client will say that he is not actually shown in this film pulling up outside Eve's address and with an intent to secrete a security camera in the garden of an address. He was actually at his mother's house. Do you have any knowledge to contradict what he is saying about that? And at no stage did he purport this to be the garden of the Hibberts. That is what my client will say, do you have any information to contradict that?

G **Mr Hibbert:** Not that I am aware of.

H **Mr Oakley:** I put it to you the only incident in which Mr Hall was involved was on or around 1 September 2019 when he turned up out, in the street and filmed from his car, but there are no other incidents are there?

Mr Hibbert: Not that I am aware of.

A

Mr Oakley: And over the page, as such DJ, sorry DI, this is terrible:

B

“DI *Michael Russell* and DS *Claire Waring* attended the home address of Eve Hibbert on 21 July 2021 and were able to establish that this was not the address that Richard Hall had been parked outside and he planted the security camera in the garden on film. DI *Russell* then supplied appropriate advice to the family.”

C

And the letter goes on:

D

“Subsequently the substance of the above information was linked to the Hibberts’ address record to assist local patrols in case of any suspicious activity at the address. Our instructions are that no further activity was reported to the Mantaline team, and no further action has been taken.”

E

So, it is fair to say that the police did not attend on or, on or after 1 September 2019 when Mr Hall parked on the street is it not?

Mr Hibbert: Correct.

F

Mr Oakley: And when they eventually turned up in July 2021 there was no evidence of any additional visit by Mr Hall to the street was there?

Mr Hibbert: No, not within that time, no.

G

Mr Oakley: And between 21 July 2021 and 5 July this year, 2024, there is no other evidence of Mr Hall attending Eve’s home is there?

H

Mr Hibbert: Not that he has said on any of his things, but it is not to say that it has not been done. But there is certainly nothing, you know, that he has put on video to say that he has, he has done that or that he has not done that.

A **Mr Oakley:** Well hang on a minute, this is your case, you have to prove the incidents of harassment. Please do not just speculate. Do you have any evidence --

Mr Hibbert: No.

B **Mr Oakley:** Whatsoever, no, let me finish the question. Do you have any evidence whatsoever that Mr Hall has ever attended the vicinity of Eve's home after 1 September --

Mr Hibbert: No, I have not.

C **Mr Oakley:** 2019. No, you have not.

(pause)

D **Mr Oakley:** Going back to your witness statements, page 154, just to recap we have been talking about the summer of 2021 when the police visited in paragraph 7, yes?

Mr Hibbert: Yes.

E **Mr Oakley:** And then you call Sarah, she is waiting to hear from the police, the police go round, speak to the neighbours, and then at paragraph 11 you say:

F **"I was furious, I have never been so mad in my life. The first video I have watched was a body language expert who ripped my entire interview apart. This was around November/December 2018. They called me a liar, but just me"**

G So there you are recapping to your anger in 2018 which is about the time that you first became aware of Mr Hall is it not?

H **Mr Hibbert:** Yeah that was the, December '18 was when I had been on This Morning with Phillip Schofield and Holly Willoughby and he had, he had done one of his videos ripping, ripping the interview apart. But yeah that is, and then obviously this was a, a couple of years later.

Mr Oakley: OK but we are talking about 2018 in any event --

A

Mr Hibbert: Yeah.

Mr Oakley: Yes?

B

Mr Hibbert: Yeah.

Mr Oakley: I put it to you that your recollection that you saw these videos in November/December is actually correct and the truth is you actually saw the videos in and around May 2018 in accordance with paragraphs 5 and 6 of your statement.

C

Mr Hibbert: Correct, yes.

D

Mr Oakley: That is the reality is it not?

Mr Hibbert: Correct.

E

Mr Oakley: Going over the page to 155. I am going to ask you this question anyway, you might not know the answer and maybe your counsel can assist. You might be aware that I take issue with the vague nature of your legal pleadings, the particulars of claim in this matter, because you do not actually set out what you are complaining about specifically and in paragraph 13 you say the videos that you complain about are listed in the particulars of claim. The videos relevant to this case are, and if you cannot answer that is perfectly fine, I am not going to --

F

Mr Hibbert: OK.

G

Mr Oakley: Ask the Judge to draw inferences from that, but firstly video A, a video entitled:

“Hiding from Terror 2018 UK tour”

H

Dated 15 June 2018. Is that what is called transcript number 1? Well you, you, you might not know this --

Mr Hibbert: I, I am sorry.

A **Mr Oakley:** Are you aware of this? On I think Monday or Tuesday of last week your solicitors produced an additional bundle of about 700 pages which are transcripts of various videos --

B **Mr Hibbert:** They did send a list through but I, obviously I did not look at each one, but I know that they are in the trial bundle and obviously they are all, they are all documented but I, I did not click on each one.

C **Mr Oakley:** Well 13A refers to a video entitled:

“Hiding from Terror 2018 UK tour dated 15 June 2018.”

D **Mr Hibbert:** OK.

Mr Oakley: I do not know if you have an index of the videos in front of you but just listen to what I say --

E **Mr Hibbert:** I do not think so.

Mr Oakley: There is a document numbered 1:

F **“Hiding from Terror 2018 UK Tour dated 15 June 2018.”**

Are you aware of that video?

G **Mr Hibbert:** Well yeah I, I will have seen it at the time. I, I have not, I did not see it when they sent it last week but yeah, I am aware of, of the videos, yes.

H **Mr Oakley:** All right. Now I might be wrong about this, because there is a lot of videos, but I am putting it to you that neither you nor Eve were actually mentioned in that video by name are you?

Mr Hibbert: I would not know off, without seeing it, without seeing it now, but I know there are a lot of videos.

A

Mr Oakley: And then Eve, at paragraph 30 you refer to the video entitled:

“Statement analysis of Manchester victims dated 16 May 2020.”

B

And again you might not know this but there is a document number 24 --

Mr Hibbert: OK.

C

Mr Oakley: Which is:

“Part 2 16.5.2020 statement analysis of Manchester victims.”

D

Is that another particular video that you are complaining about?

Mr Hibbert: Well it is on the list. Like I say I do not know what is in the content looking at it now but again it was one of, you know, several videos that we had seen.

E

Mr Oakley: So please bear with me, Mr Hibbert, the reason for this is that your solicitors have effectively thrown the kitchen sink at this matter and produced 32 videos. I want to know which videos you are complaining about because it is not specified in your pleadings, but it is specified in your witness statement, OK?

F

Mr Hibbert: OK.

G

Mr Oakley: Then we have C, the video entitled:

“Tommy Mair, Jo Cox, Manchester Arena Bombing, Rendlesham UFO dated 13 June 2020.”

H

Is that item 4 which is a document:

A “Tommy Mair, Jo Cox, Manchester Arena Bombing, Rendlesham
UFO dated 13 June 2020 part 3.”?

Mr Hibbert: That is what it says there, yes.

B **Mr Oakley:** And then on 15 May 2020 this is all published via the website, the documentary film with the title Manchester the Night of the Bang. Is that the three section video?

Mr Hibbert: It will be, yes.

C **Mr Oakley:** OK.

Mr Hibbert: Or the book, or what is it? Yes.

D **Mr Oakley:** Paragraph 40 you say:

“27 March 2020 Mr Hall published a book entitled, ‘Manchester, the
Night of the Bang’.”

E Well we know about the book, are you complaining about the whole book or just the references to you and Eve?

F **Mr Hibbert:** I suppose it is his comments around the arena, you know, how it happened as, you know, my representative said before about, you know, the, that we were lying and that obviously pictures of me and Eve, pictures of my injuries without any truth in it whatsoever.

G **Mr Oakley:** Yeah but I want to tighten down a little bit on that. Are you asking the Court, and again it is not very clear from the particulars of claim which have been produced on your behalf, are you asking the Court to effectively ban publication of the whole book?

H **Mr Hibbert:** No, I do not think the, the whole book. I think it is obviously, the book is based upon, you know, there is no evidence, there is no factual evidence, it is all lies and hearsays and obviously I am named in it as well as my daughter, Eve, there is pictures, and it is just a, a book full of lies basically.

A **Mr Oakley:** All of the pictures in the book which are connected to you and Eve are publicly available pictures which you have released either personally or with your authorisation on the internet are they not?

B **Mr Hibbert:** That I have given authorisation.

Mr Oakley: Pardon?

C **Mr Hibbert:** That I have given authorisation to, yes, on TV and in media, yes.

Mr Oakley: So you are happy for anybody to make use of these photographs which you have released as long as it is only in a positive way, is that correct?

D **Mr Hibbert:** No, not necessarily. But the, the rhetoric, if the BBC or the ITV got in touch to say:

E **“Look, can we use the picture of you and Eve at San Carlo to talk about something that is ridiculous?”**

F I would decline it, so, you know, the relationship that I have got with the media and proper journalists that deal with respect and truthfulness, you know, they will allow me to, to see those photographs and see what they are writing about before I give that authorisation. But if somebody said, you know, we are going to talk about something that is not right and we are going to put your name in the mud then of course I would decline it, like I have done in several other interviews where, I, you know, it just was not right what they were saying.

G **Mr Oakley:** But you do not purport to exercise any copyright over the use of these photographs do you?

H **Mr Hibbert:** No, there is no copyright, but I own the pictures, they are my personal pictures and even today, you know, when I am doing interviews with the BBC or ITV or Good Morning Britain they will still ask for authorisation, I will still have to sign forms for them to use those photographs and, you know, that is proper journalism, proper respect that they will still do that even today, even though that picture has been used countless times by the

A BBC and ITV. They will still seek authorisation, they will still have an audit trail of my signature or my authorisation to use that photograph for that particular segment or report. And again there has been times when I have asked them to take Eve out of the picture, or if it was just about me like when I was climbing Kilimanjaro, you know it was pictures of, of me as opposed to, you know, me and Eve.

B **Mr Oakley:** But you have just said, think I remember correctly those pictures have been used multiple times by the BBC and ITV, is that correct?

C **Mr Hibbert:** Correct, with my authorisation, so they have never used them without my authorisation.

Mr Oakley: And it is fair to say that those pictures which you took or were taken on your behalf are out there in the internet now, are they not?

D **Mr Hibbert:** I am not sure. I would not, I would not be able to answer that honestly.

E **Mr Oakley:** Well even though perhaps as a matter of courtesy the BBC, ITV, whoever have asked your permission to publish, use the pictures, republish them, whatever, there is no legal need for anybody to ask your permission to publish or republish these photographs which are floating around on the internet. Nobody needs to ask your permission do they?

F **Mr Hibbert:** No, but it is good journalism.

Mr Oakley: Going back to paragraph 15 of your witness statement and you say:

G **“Since then Mr Hall has published further videos regarding either me, Eve, or these proceedings, including videos dated 16 June 2023.”**

Taking these in turn the video of 16 June 2023 is simply Mr Hall asking his viewers for donations to assist him to defend this legal action. That is all he is doing there is it not?

H **Mr Hibbert:** OK, if you say so.

A **Mr Oakley:** Well no hang on a minute, it is not if I say so, this is your witness statement. You are making specific complaints about a number of videos, and I am exploring with you what your complaints are. Have you seen this video of 16 June 2023?

Mr Hibbert: I will have done, yes.

B **Mr Oakley:** Right.

C **Mr Hibbert:** Like all, like all the videos I will have seen them at some point. You know if you, if you ask me what was in them or when I saw them, you know, would be able to answer that? Probably not, but yeah the videos --

Mr Oakley: Probably not, so the contents of the videos have not really stuck in your mind then in that --

D **Mr Hibbert:** Well there has been, there has been that many, they are all, the rhetoric of them are all around the same thing.

E **Mr Oakley:** Well, Mr Hall certain has certainly produced a great number of videos --

Mr Hibbert: Correct.

Mr Oakley: Has he not?

F **Mr Hibbert:** Oh yes.

G **Mr Oakley:** He, he, he undertakes investigative journalism of the esoteric sides of life and your solicitors on Monday or Tuesday last week whenever it was sent round these 32 documents, yes, 32 documents, and some of them have absolutely nothing to do with you or Eve. That is right, is it not?

H **Mr Hibbert:** I am not sure.

Mr Oakley: Well have you seen these videos?

Mr Hibbert: I will have done, yes.

A

Mr Oakley: Have you seen all of the 32 --

Mr Hibbert: But you are asking, you are asking me to look at a video where you have just given a date. How could I possibly, you know, I do not know what was on that video now as you ask me now. Obviously --

B

Mr Oakley: Because *we* --

C

Mr Hibbert: I rely upon my legal team with, you know, what they are putting through, but I will have seen the videos, of course, because I will have mentioned that to my legal team at the time.

D

Mr Oakley: Consider that you are bringing this claim, you have to prove your complaints. Are you saying that you are making specific complaints about these videos that I am going through or are you saying that it is your legal advisors who said you *ought to do* --

E

Mr Hibbert: No, I will have seen these videos, and I will have spoken to my legal team at that time. Like I say there has been so many videos, you know, I have lost count of the conversations that I have had with my legal team. And it could be a, a snippet of a video, it could have been a video that was ten, 15, 20 minutes, but those conversations will have taken place at the time.

F

Mr Oakley: All right well let us, let us consider these, this mass of videos in a bit more detail. We have already dealt with video 1:

G

“Hiding from Terror 2018 UK Tour.”

There is no mention of either you or Eve in that video is there?

H

Mr Hibbert: Again I would not know look, without looking at it now.

Mr Oakley: Number 2:

A "Tommy Mair, Jo Cox, Manchester Arena Bombing Rendlesham
UFO Part 1"

No mention of you or Eve in that video is there?

B **Mr Hibbert:** Again, same, I would not know without looking at it now.

Mr Oakley: Part 2, document 3:

C "Tommy Mair, Jo Cox, Manchester Arena Bombing Rendlesham
UFO Part 1"

There is no mention of you and Eve in that video is there?

D **Mr Hibbert:** OK.

Mr Oakley: Well have you looked at these videos?

E **Mr Hibbert:** I will have done at the time, yes.

Mr Oakley: OK, so --

F **Mr Hibbert:** I have not looked at them today or yesterday if that is what you are asking.

Mr Oakley: Did you, did you look at the videos or the transcripts before they were sent to my client and the Court at the beginning of last week?

G **Mr Hibbert:** The, the ones that are in the trial bundle?

Mr Oakley: No, no, the trial bundle was produced I think on the Thursday or Friday *of* the week before --

H **Mr Hibbert:** Right.

A **Mr Oakley:** The following Monday 32 documents which are said to be transcripts of various videos were forwarded to Mr Hall, and I have seen them --

Mr Hibbert: Right.

B **Mr Oakley:** And they were forwarded to the Court, yeah?

Mr Hibbert: OK.

C **Mr Oakley:** Right, OK. Did you approve the combination of these videos as part of your case before the Court?

Mr Hibbert: Yes I did, of course.

D **Mr Oakley:** Right, OK, so you have seen these videos --

Mr Price: My Lady, I hesitate to interrupt the cross-examination but in fairness to my friend who, who perhaps is not across the detail --

E **Mr Oakley:** Well --

F **Mr Price:** Because of his recent introduction to the case, some of the 32 videos that are in the trial bundle are there at the insistence of the Defendant so the line of questioning is not entirely fair and would need to be a little bit more detailed. The videos relied on for the claim are those mentioned in the pleading.

Steyn J: Those mentioned in the particulars of claim.

G **Mr Price:** In, in the particulars of --

Steyn J: Yes.

H **Mr Price:** Claim. Now there may be criticism as to the way in which they *arise* and the way in which they mentioned, but that is the position, that is the claim, and the, the, the, what is in the trial bundle is a result of discussion between the parties.

A **Steyn J:** So are any of the videos other than the ones mentioned in the particulars of claim ones relied on by the Claimant?

Mr Price: Not, not as, not in the particulars of harassment, no.

B **Steyn J:** No, *OK, thank you.*

C **Mr Oakley:** I, I am grateful for that clarification and also for my learned friend's kindness. I am struggling to get to grips with all this and I am sure we can sort it out. I will move on shortly, but I think, I think the point needs to be made, not least because Your Ladyship has also been presented with this file of transcripts, some of which will not be necessary. I, document 30 on this list is a *promise* made by RDH, that is Richard Hall, in video 205 published 28 April 2015. Now that was obviously before the Manchester incident. Is that part of your case?

D **Mr Price:** That is the Defendant's document, he has --

E **Mr Oakley:** Yes, OK there is --

Mr Price: Asked for it to go into the trial bundle --

F **Mr Oakley:** There is, there is my answer. There is another one of the same kind, number 14 which I presume has the same reaction, *OK, he is* nodding. And then number 15 film the Boston Unabombing, that is *one of his*, OK, fine, I will not take that any further but I am going to go back to your witness statement. Paragraph 15, Your Ladyship I think the air conditioning has been turned off, could it be turned on again please?

G **Steyn J:** Yes, OK.

Mr Oakley: So --

H **Steyn J:** Thank you.

Mr Oakley: Paragraph 15 of your witness statement refers to a video 22/24.11.2023 date unclear.

A

Mr Hibbert: Can you just give me the page number again sorry?

Mr Oakley: It is page 155.

B

Mr Hibbert: 155, OK.

Mr Oakley: And video 22/24.11.203 date unclear. Which --

C

Mr Hibbert: Oh right.

Mr Oakley: Which specific video are you complaining about, do you know?

D

Mr Hibbert: I presume it is the, the videos that are in the paragraph.

Mr Oakley: Yes I know but I am trying to establish what, what you are complaining about, and I cannot do it on the basis of the information that I have and you do not expand on what is in these videos which is why I am asking you the question.

E

Mr Hibbert: Yes, I do not know just by looking at the dates, I would not be able to give you that, that answer.

F

Mr Oakley: OK, well, well maybe you can ask your lawyers and they can clarify later.

Mr Hibbert: OK.

G

Mr Oakley: But you then go on 13.12.2023, that is video 31 is it not? Which is 13.12.2023 Manchester on camera, is that right?

H

Mr Hibbert: OK, yeah, I will take your, if you are saying that. I have, I, all I have is a date. I have got 13.12.2023, 22 February '24, 25 April '24, that is all, that is all I have in this paragraph.

Mr Oakley: And there is no mention of, of either you and Eve in that video is there?

A

Mr Hibbert: OK.

Mr Oakley: Well I, is it your evidence that there --

B

Mr Hibbert: I do not know.

Mr Oakley: You do not know?

C

Mr Hibbert: From what you are, all I have got here is a, is a date.

Mr Oakley: Then we have 22.2.2024 which is number 32, same date:

D

“Proof on CCTV apparently.”

That followed the summary judgment application did it not?

E

Mr Hibbert: OK.

Mr Oakley: Well, did it? You are, you are saying OK, are you, are you agreeing to --

Mr Hibbert: Yes.

F

Mr Oakley: Right, OK, and indeed you yourself went on I think Good Morning Britain in the immediate aftermath of the summary judgment application to talk about the case --

G

Mr Hibbert: Correct.

Mr Oakley: Did you not?

H

Mr Hibbert: Yes.

Mr Oakley: And then the final one you refer to, I have not been able to find this so I may have made a mistake, but it is dated 25 April 2024. Which video is that please?

A

Mr Hibbert: Again, all I have got is a date so I am not privy to that, that information, but again it would have been a, a conversation that I will have had with *Kerry* or one of the legal team of one that I had seen. It was probably maybe, oh again, with, off the top of my head I, there has been that many videos I would not know but I will have had a conversation with *Kerry* or one of the legal team.

B

Mr Oakley: OK, but all this appears in your witness statement, which is very recent, it is less than a month old, it is dated 20 June 2024, and this was the opportunity in producing this trial witness statement for you to set out what your case is, but it is fair to say that you cannot get down to specifics, or you do not get down to specifics either in your witness statement and you cannot help the Court any more with that today can you?

C

Mr Hibbert: Not with just dates on a paragraph, no.

D

Mr Oakley: OK but you bring the case, it is for you to prove it.

Mr Hibbert: Say that again sorry?

E

Mr Oakley: You bring the case, it is for you to prove it.

Mr Hibbert: *Or* my legal team, yes, of course.

F

Mr Oakley: OK. Paragraph 18 of your witness statement, page 156:

G

“I cannot begin to describe the feelings I had as I scrolled through his website or when someone told me there is another video. How could anyone think we were making any of this up?”

Well in reality, Mr Hibbert, yourself regularly accessed Mr Hall’s website to see if he has put up any videos do you not?

H

Mr Hibbert: Not off the, not off the cuff. A lot of the time his followers will put me in on the, you know so it comes up on Twitter. Friends or family will, will see them but no, no I, I do not go out of my way to, to go onto his website.

A **Mr Oakley:** Mr Hall's followers put things up on Twitter, so do you, no shame in this, I do, do you search for yourself on Twitter?

B **Mr Hibbert:** Not really. I do not really use Twitter and X now just because of, of what has happened and, so you will see I, I very rarely post anything on there like I used to do, and it has become a, it is not a very night site, X now. So for that reason just because if I did post anything or Good Morning Britain or whatever news report I was on it would just be Richard's followers putting videos and not very nice comments underneath that and it is, you know, from a mental health point of view it is not something that, you know, I want to go through every time I go on there. So, I very rarely go on X now.

C **Mr Oakley:** OK so, so just to be clear as a, as an account holder on Twitter/X it is not something you use very regularly and you would not in the normal course of events become aware that one of Mr Hall's followers had posted something about you because you do not pay that much attention to X or Twitter. Is that what you are telling the Court?

D **Mr Hibbert:** Well yeah because obviously if I go into Twitter it will just be notifications at the bottom where, you know, I have been copied into videos or not very nice comments or, you know other things that people post on Twitter, so I am not saying that I, I do not go on it. I certainly do not use it as, as much as, as I did previously just because it is not a very nice system anymore, certainly since Elon took over.

E **Mr Oakley:** So just to be clear, just to break this down and your answers, I put it to you that you yourself regularly look at Mr Hall's website to see if he has published anything else in connection with you and I think you were saying no, is that correct?

F **Mr Hibbert:** Correct.

G **Mr Oakley:** And your, you refer to the possibility that some of his followers might post items about you on Twitter, but you were not particularly aware of that because you do not really use Twitter anymore, is that correct?

H **Mr Hibbert:** No but you, you are taking what I am saying out of, out of context. Obviously I, I use Twitter, I am not a, I am not on it 24/7. I do not look up myself as you were asking

A me before, but that is not to say that I do not go on it. I am probably more Instagram now just because it is a nicer vehicle just because of the number of notifications and bad messages I was getting, trolling I was getting, it just was not a nice thing that I wanted to put myself through. But I still have an account, obviously I, you know, I still post things every now and again or repost things but, you know, just because of the reaction I was getting to posts and when I was doing interviews and things I just, I did not want to look just because I, just the B negativity that would be on there from my interviews from Richard and his followers.

Mr Oakley: Right, the negativity from Richard and his followers. Now, Mr Hall on one occasion at the beginning of his investigations did contact you on Facebook to see if you would give an interview did he not? C

Mr Hibbert: No, I --

D **Mr Oakley:** Well he, well he --

Mr Hibbert: I have, I have never been contacted by Richard through Facebook.

E **Mr Oakley:** OK, right, well --

Mr Hibbert: So I would have to see that because I, I certainly have not, I cannot recall a message, and I certainly cannot recall replying back to one.

F **Mr Oakley:** OK you, you, you cannot recall, but I am conceding if you like that on one occasion he did contact you on Facebook, but you have no recollection of that at all?

Mr Hibbert: I do not think he did.

G **Mr Oakley:** You do not think he did?

Mr Hibbert: No.

H **Mr Oakley:** OK, well developing that a little bit, at no stage as has Mr Hall contacted you on Twitter or by email or by any other means to say:

A “Hey Mr Hibbert, I have just published another video about you, have a look at it.”

He has not contacted you at has he?

B **Mr Oakley:** From what I know he does not have a Twitter account. I do not think he has an Instagram account, so I do not know how he would be able to contact me through Twitter and Instagram. But no, from what I am aware he has not contacted me personally.

C **Mr Oakley:** He has not contacted you by any means, even by Royal Mail to say:

“I am publishing another video about you, have a look at it.”

D He has not contacted you at all has he?

Mr Hibbert: Not personally, no.

E **Mr Oakley:** Not personally. So, he has not contacted Eve either has he?

Mr Hibbert: Personally, no.

F **Mr Oakley:** So has, you say personally, has he, well I am going to put it to you he has not tried to contact you through third parties either has he?

Mr Hibbert: Not that I am aware of.

G **Mr Oakley:** And go back to paragraph 18 of your witness statement you say:

“I cannot begin to describe the feelings I had as I scrolled through his website or when someone told me there is another video.”

H Who has told you about new videos being produced by Mr Hall --

A **Mr Hibbert:** Well loads, my, my own followers, people that I do not know, arena survivors, friends, family, notifications obviously on Twitter when I go on and I am, my name is, is there from one of his follows so I am aware, and they will put a link to the video. So yeah there are several ways of, of finding one out and then obviously it takes you to Mr Hall's website, so yeah there are lots of different ways.

B **Mr Oakley:** Now for, forgive me, because I may have missed it, but I cannot recall anything in the bundle demonstrating people contacting you to tell you that there is a new video. Is there anything in the bundle?

C **Mr Hibbert:** Not that I am aware of.

(pause)

D **Mr Hibbert:** I think we might have, do we, do we have WhatsApp messages and things like that? Is he, things like that?

Mr Oakley: Sorry you, you cannot ask --

E **Mr Hibbert:** Sorry, I was just say, would that, you know, things like WhatsApp messages from friends, so there is, there is maybe things like that that people have sent as well as on Twitter and things, if that is what you mean?

F **Mr Oakley:** OK.

Mr Hibbert: So there is, there is proof I suppose, you know?

G **Mr Oakley:** There is proof?

H **Mr Hibbert:** And obviously there is, on, you know, we could go on Twitter now and we could see the notifications. Is that what you mean? Proof is there of those people telling me about the videos.

Mr Oakley: Right, I do not think we can take it any further at the moment. I asked you is there anything in the bundle that you are aware of --

A **Mr Hibbert:** Right.

Mr Oakley: Demonstrating contact --

B **Mr Hibbert:** No.

Mr Oakley: By third parties.

C **Mr Hibbert:** No.

Mr Oakley: No, OK. Now that can be clarified, I am not going to make a big fuss about it, if there is something in the bundle that I have overlooked I am sure your lawyers will tell me in due course --

D **Mr Hibbert:** OK.

E **Mr Oakley:** And submissions can be made. But on the face of it, it seems that this case, which you bring, and you must prove, does not have any evidence of people, third parties contacting you to say there is a new video. That is right is it not?

Mr Hibbert: Nothing that, that is in the bundle, no.

F **Mr Oakley:** So in general terms and specifically had it not been for these legal proceedings you would not be aware if Mr Hall had produced as new video or (inaudible) at all would you?

G **Mr Hibbert:** Well yes, because people would tell me.

Mr Oakley: But there is no evidence of that in the bundle is there?

H (pause)

A **Mr Oakley:** Paragraph, now, Your Ladyship, I am probably going in, to go into a long and meaty series of questions now. I am conscious that the witness may need a break. Is, I, I am happy to crack on if he is, but I thought I would raise this --

B **Mr Hibbert:** I could just, I am getting a spasm in my legs so I could just, if I could just go to the toilet just to do what I need to do --

Steyn J: Yes, we, we will --

C **Mr Hibbert:** That would be good.

Steyn J: How long do you need?

D **Mr Hibbert:** It will literally be five minutes. I have just got, I have got my medical things in my bag so it just --

Steyn J: Well let us --

E **Mr Hibbert:** Literally to --

Steyn J: Take ten minutes now and we will resume in ten minutes' *time*.

F **Mr Oakley:** Yes, and also from the looks of it I think I am *going to be* all afternoon with Mr Hibbert.

Steyn J: OK.

G (adjournment)

Mr Oakley: Thank you.

H **Steyn J:** OK.

(pause)

Mr Oakley: Now, Mr Hibbert, I am looking at your witness statement and we got to page 156, is that still open?

A

Mr Hibbert: 156?

Mr Oakley: Yes.

B

Mr Hibbert: OK.

Mr Oakley: Paragraph 20 you say:

C

“This man, Richard D Hall, had been intrigued by the lack of information about Eve. There was one simple reason. In those early days Sarah naturally wanted to shield Eve from media attention. When I was well enough to be involved in our daughter’s life again I agreed 100%. I thought that by doing media myself it would take the spotlight away from Eve.”

D

So, you are talking about the early days, and you say because of your condition and because of Sarah’s concerns in particular you wanted to stay away from the media but at some stage you decided that you were going to get involved in the media did you not?

E

Mr Hibbert: Not necessarily that way. I, I had done, I had been involved in an ITV documentary, 100 Days After the Bomb, where they filmed my rehab and recovery and I suppose interviews and, and, and things came from that, so it, again it was not something that I instigated it was just, you know, opportunities that arose from, I suppose at the time me being the only person being vocal about the arena and, and what had happened.

F

G

Mr Oakley: Turn to page 164 please. This is Sarah’s second witness statement, 26, 27 June. Paragraph 6 she says:

H

“I do not want Eve to be ‘that girl from the arena’. Despite her awful injuries and problems they have caused her I want Eve to have as normal a life as she can. I have to protect that as much as I can. That means that Eve has never done any media appearances or spoken to

A anyone other than family friends and her doctors and therapists about what has happened to her. I want to keep it that way. We do not want Eve to be discussed, speculated about, studied by people who do not know her or us. We certainly do not want her injuries being scrutinised in public and the last thing we want is people trying to conduct investigations into our life.”

B

Well at some stage that changed, did it not? And you were willing as a family to open Eve’s condition up to greater scrutiny were you not?

C

Mr Hibbert: No we, we try and keep, you know, Eve, Eve out of it. Sometimes, you know the, the reporter might ask permission to ask about Eve or how she is doing. Sometimes we will, you know, if, if it is, you know, a nice story we will, we will do that but again it is, you know, we, you will not find anything about Eve online other than, you know, maybe bits where, you know, I have been interviewed and I have given a, a nice update about how, how she is or how she is doing, her age, you know, when, when she turned 21 because we did not think we would see that.

D

E

So, if it is a nice news story and, and we feel that it is good but we never talk her, about her condition or how, how she is doing. Probably did early days maybe about how she succumb to her injury, you know, if she, when she started talking again because she was mute for, for two years. So, again things that I wanted to celebrate as a, as a dad then yeah of course, but, you know, we, again Sarah’s wishes for, you know, Eve to be kept out of the media and, and we had to work very hard to do that, and continue to do so.

F

Mr Oakley: Have I got this right? You said firstly, and if I am wrong please tell me:

G

“You will not find anything about Eve online.”

And then you said:

H

“We will not talk about Eve or her condition.”

Have I got that right?

A **Mr Hibbert:** You are taking things out of context. There is obviously things there because I have mentioned, like I said, you know, good news stories when she start, when I came back from Australia, and she started talking again because she had been mute for two years so I had never heard her speak. You know, that was a good news story. You know when she surprised me by walking upstairs with her mum and the carers, you know, that was a lovely thing to see because *the* medical team said she would never be able to do that. So, of course

B I want to sing and shout about that but in the main we, we keep Eve out of it, and it is a battle, but there are, there are things out there but there is, there is not very much in terms of pictures and just, just probably quotes that I have given during, during interviews but it is purely how she is doing, her age, and just little, little snippets like that.

C **Mr Oakley:** Well I am putting it to you that your family decision, that is you and Sarah, to keep Eve out of the spotlight, and only to mention good news stories which are lovely things to see, that all changed in April of this year when you published your book, did it not?

D **Mr Hibbert:** No, I would not say so.

Mr Oakley: OK, you did publish a book did you not?

E **Mr Hibbert:** I did, yes.

Mr Oakley: It is called:

F **“Top of the World: Surviving the Manchester Bombing to Scale
Kilimanjaro in a Wheelchair.”**

Yes?

G **Mr Hibbert:** Correct.

Mr Oakley: And according to Amazon, and there is a slender bundle in front of you, that one, page 3 of that little bundle it says it was published on 25 April 2024, is that right?

H **Mr Hibbert:** Yeah, that is right, yeah.

A **Mr Oakley:** And following that there, is the text of three extracts from a serialisation within the Daily Mail from 20 to 22 April 2024. It is correct that your book was serialised in the Daily Mail?

Mr Hibbert: Correct, yes.

B **Mr Oakley:** Yes. So it was obviously authorised by you to appear in their newspaper and online, yes?

Mr Hibbert: Of course.

C **Mr Oakley:** And just as a matter of interest, there is no criticism about this, but were you paid for the serialisation?

D **Mr Hibbert:** No, I was not personally, no.

Mr Oakley: Not personally?

E **Mr Hibbert:** No, I believe the, what do you call it, the publishers may have, but again I was not privy to that, I am, but I, I certainly was not paid personally.

Mr Oakley: So I was not quite clear about your answer, are you saying --

F **Mr Hibbert:** Well no, I was not, I was not paid, no.

Mr Oakley: No, hang on, please again I will, I will be quiet when you are speaking and vice versa.

G **Mr Hibbert:** OK.

Mr Oakley: Did the publishers get paid anything? Is that, is that what you are saying?

H **Mr Hibbert:** Possibly. I, I would not know, I would not know --

Mr Oakley: You do not know.

A **Mr Hibbert:** The, the exact amount.

Mr Oakley: Now I sent this to your legal team at about 7 o'clock last night, did you know that?

B **Mr Hibbert:** Yes I did, yes.

Mr Oakley: So you have had a chance to look at these extracts have you?

C **Mr Hibbert:** Yes, briefly, yes.

Mr Oakley: And you accept that this is a, well this is not a fair summary of it, this is the serialisation of your book which appeared in national newspaper, The Daily Mail, is it not?

D **Mr Hibbert:** That I authorised, yes.

Mr Oakley: Yes. Well I am going to suggest that in actual fact you have now opened Eve to public scrutiny within that book have you not?

E **Mr Hibbert:** No, I disagree with that. I am a proud dad, the book is about, *roughly* about my life so of course I am going to talk about my daughter which is the best thing that has ever happened to me. Would, would it not be strange if I wrote a book about my life and did not include my daughter? Well there is nothing --

F **Mr Oakley:** I --

G **Mr Hibbert:** There is nothing, and again obviously Sarah read it, there is nothing, you know, I could have gone, I could have written a lot more about it, what is there about Eve is nothing, you know, critical or it is, it is, it is nice.

H **Mr Oakley:** Nothing critical, it is nice. OK, well let us, let us, let us take this by themes. Now I would like you to listen carefully because I am going to be --

Mr Hibbert: I am on about the, what you are --

A Mr Oakley: Well *wait, wait* --

Mr Hibbert: What you are showing me now --

B Mr Oakley: Mr Hibbert --

Mr Hibbert: There is nothing there --

C Mr Oakley: Mr Hibbert --

Mr Hibbert: That is critical.

D Mr Oakley: Mr Hibbert, you are talking over me again, do not do that. Right, I am now going to be talking for a while --

Mr Hibbert: OK.

E Mr Oakley: I am going to be referring you to various themes --

Mr Hibbert: OK.

F Mr Oakley: In these extracts, and I want you to listen carefully. There will be some questions at the end but I want to read out the extracts first of all. Do you understand?

Mr Hibbert: Yeah, of course.

G Mr Oakley: So let us take Eve first of all. Page 6, now you talk about you being injured and then you say very last paragraph Eve, I quote:

H **“She was just a few metres ahead, just out of reach lying on her front on her left cheek. Her eyes were closed, blood trickled from her gaping mouth as she gasped for breath, a horrifying hole around her right temple exposing brain tissue. Instinctively I tried to move towards her, but nothing happened. It felt like I had been encased in cement. Stay**

calm, stay calm I urged myself. ‘You are OK’, I wheezed, ‘I am here, Daddy is here’. She continued to gasp like a fish out of water.”

A

Then the bottom of the page:

“‘Help my daughter’ I rasped. Frustration welled up. A movement caught my eye, turning what little blood was left in my veins to ice. I could see Eve’s hoodie, her jeans, her trainers, but someone had placed a white covering over her head. They think she is dead. A furious strength erupted up through my oesophagus and out through my mouth. I gasped [to help my] to get my helper’s attention. ‘She is alive, she is breathing’ I panted, staring intently at my daughter’s covered body. Nothing happened, no one turned, and I tried again, louder this time, ‘she is alive’. The effort drained me. Another flurry of movement and the covering was pulled out. I could see Eve’s beautiful torn face once more. ‘Stay’ I gasped, praying she could hear me. ‘Stay with me, Eve, I am here.’”

B

C

D

And then we go on.

E

(pause)

Mr Oakley: Page 16 at the bottom.

F

Mr Hibbert: Page?

Mr Oakley: 16.

G

Mr Hibbert: 16?

Mr Oakley: Yes.

H

Mr Hibbert: OK.

Mr Oakley: At two lines from the bottom:

A

“Unknown to me Eve was still at death’s door and the coroner’s office rang her ward each day for an update on her condition, preparing to make a grim announcement that the total fatalities had risen to 23. On several occasions my family were summoned to her bedside to say their goodbyes as she was not expected to see morning. I thanked God that I was not fully conscious as I do not know how I would have coped.”

B

And page 18, third paragraph from the bottom:

C

“I was going to see Eve. The next few hours the journey by ambulance are all a bit of a blur. Stuart tells me that Eve’s doctors explained that she was still in a coma and desperately poorly with severe head injuries. They also warned us that she would look very different. She had a tracheotomy to help her breathe and her head was bandaged and very, very swollen. Eve’s mum, Sarah, was already there sitting at her bedside.

D

E

Stuart wheeled me into the ward where my brave daughter was hooked up to countless machines, tubes and wires keeping her alive. I remember starting to cry and not being able to stop. You were able to hold her hand and talk to her and just be a dad again Stuart tells me now. We stayed as long as you needed and felt able to. Before leaving there was one final thing I had to do. ‘It was clear you were not leaving without giving Eve a kiss’ says Stuart. ‘We made a hoist to support you up into a position where you could lean over. You got to kiss your daughter’s cheeks’. I wonder now, could she sense me there? Felt my lips and (inaudible) tears for the few seconds I hovered, inhaling her presence then, weeping, I was lowered back into the chair and wheeled out. Deep down I knew that Eve was not expected to make it. I had just said goodbye to my daughter.”

F

G

H

And paragraph 20.

Steyn J: Do you mean page 20 --

A
Mr Oakley: I do, Your Ladyship, page 20. Second-ish paragraph from the top:

B
C
“I threw myself into the rehabilitation because Eve needed me. She was my reason for getting up in the morning, pushing myself into the gym, working myself to exhaustion with my physiotherapist. Every Wednesday the Red Cross picked me up for the two hour round journey to see her in Manchester. By then she was conscious but still desperately poorly. I would sit by her bedside for up to four hours unable to speak or even smile as she would reach out her hand and grasp mine.

D
E
F
Then she would tap the back of my hand with her fingers, tap, tap, tap, tap, tap, tap. Thinking back to those visits still upsets me. As a parent you want to fix anything upsetting your child but there was nothing I could do. *Maybe* my medical team objected to my time away from the ward or risk of something happening on the journey. Several times I was stunned to be told, ‘get Eve out of your head, you need to focus on yourself’. On one occasion the red mist rose, ‘oh fuck off’ I snapped furiously. The nurse fled and refused to care for me from then on. I apologised for my language but not the sentiment behind it. Nobody ever told me to forget about Eve again.”

And then page 21, third paragraph from the bottom:

G
“Eventually she found a house in Chorley, just outside Bolton.”

H
I think that is Sarah:

“Which had a downstairs wet room and bathroom, and it was also closer to Bradford where Eve eventually returned to live with her mum, Sarah, the following February after nine months in hospital. By then she was 15 and a long road lay ahead. She was still non-verbal, being fed by a tube, and would require care 24/7 for life. Walking,

talking and eating would need to be learned all over again, but I had no doubt she would get there.”

A

(pause)

Mr Oakley: And then page 29, about halfway down the page you are talking about your trip to Australia, and you say:

B

“The highlight of that trip came when I received a video from Sarah and Eve, who had started at a special school. I crumpled, but more was to come. Seeing Eve was top of my homecoming to do list, and nothing prepared me for her greeting me with the words, ‘hi Daddy’.”

C

And then last paragraph:

D

“She spoke slowly, carefully but she was speaking. So much pride and love surged through me that I could hardly breathe. My brave daughter had been to hell and back but after two years here she was performing miracles.”

E

Those are deeply private and deeply personal recollections about your daughter Eve and her condition, are they not?

F

Mr Hibbert: Correct.

Mr Oakley: But nonetheless you felt it was appropriate to publish them and thereby inevitably leaving Eve, your daughter, open to comment and scrutiny. That is the truth, is it not?

G

Mr Hibbert: No I think obviously writing an autobiography about my life how would I not talk about two of the biggest things that have happened in my life? The birth of Eve and being injured in the Manchester Arena bomb. You know as I have said and I have been very vocal, you know a lot, lot has been written about me over the, over the last, you know, six, seven years, so this book was to, to put the record straight about, you know, my life, where

H

I came from, the highs and lows, and obviously having Eve, you know, why would I not talk about Eve?

A

Mr Oakley: Well --

Mr Hibbert: And I think with, certainly what I have wrote in there, there is nothing that people would criticise. I could have certainly wrote a lot more and Sarah, my ex, you know, was very adamant on, you know, not going into a lot of detail so that, you know, we felt that what I put was both respectful to Eve but gave a truthfulness to what happened that night and to this very day.

B

C

Mr Oakley: Well I think you will agree with me that none of those things, apart from possibly the last extract that I read out, are good news stories or lovely things to see as you described them are they?

D

Mr Hibbert: Certainly not the, obviously what happened at the arena, but obviously I talk about her birth and obviously being a dad, obviously splitting up, sadly, with the mum, but obviously, you know, life is, the book was not just about good news, it had to show, you know the, the bad things that we went through as well and that had to be, that had to be put in there.

E

Mr Oakley: But I am also going to suggest to you that it is self-evident that in publishing the book you are turning on your head your previous approach as a family as summarised by Sarah in paragraph of the statement on page 164:

F

“We do not want Eve to be discussed, speculated about, studied by people who do not know her or us. We certainly do not want her injuries being scrutinised in public.”

G

Now you obviously hope, and this is an understandable hope, that any speculation about Eve in the aftermath of the publication of your book will be positive, yes?

H

Mr Hibbert: Yes.

Mr Oakley: But whether it is positive or negative the fact remains that in publishing that book you have opened up Eve to be:

A

“Discussed, speculated about, and studied by people who do not know her or us”

B

Have you not?

Mr Hibbert: No, I disagree with that. I am her dad. What Sarah meant is we do not want people who are not authorised to have those conversations or to have those, I am her dad. I am her father. I am not a stranger, I was there with Eve that night, so why would I not write about that? Because it is fact, it is the truth. What Sarah is saying, we do not want people who do not have the authorisation or, you know, the authorisation or the need to do it, to talk about it when they do not have the facts. That is different.

C

D

Mr Oakley: Well that may be the case, that might be your intention, but in reality if you put the information out there you have absolutely no control over how people discuss Eve’s condition, or her treatment, or her improvement. You cannot authorise people’s thoughts about Eve, you having put her out into the public domain, can you?

E

Mr Hibbert: No, I will give you that, yeah, that is fine.

Mr Oakley: Pardon?

F

Mr Hibbert: I said that, that is correct.

Mr Oakley: Well that is Eve, let us deal with you as well, and I am going to undertake the same exercise. Going back to the extracts.

G

(pause)

Mr Oakley: At page 9 you talk about the treatment in Manchester on 22 May and then you say at the bottom:

H

A

“But the night of the bombing was not the first time my life nearly ended. I had come terrifyingly close just four months earlier, and then it was not down to a deranged terrorist, it was entirely down to me.”

Then you talk about your early life and then at page 11 you say:

B

“Over the coming years Sarah and I drifted apart until, heartbroken, we agreed to call it a day in July 2009 shortly before Eve’s seventh birthday. Not having Eve in my life every day broke me. It was like a bereavement.”

C

So just pausing there, that obviously was before May 22, 2017, was it not?

Mr Hibbert: Correct.

D

Mr Oakley:

E

“I lived for Fridays and the moment I hovered excitedly at the school gates so I could scoop her up in my arms. Driving her back on Sunday afternoon, kissing her goodbye for another five days was soul destroying. I had no interest in finding another partner but then I fell in love with Gabby, a colleague at a new job I found with RBS. At Easter 2012 this incredible woman accepted my marriage proposal.

F

Life was good, I had a daughter I adored, fiancé I loved, a wedding on the horizon, and a job I had hankered after. But on the lone Sunday evening drives back to Bolton after dropping off Eve dark thoughts would descend. ‘You are a rubbish dad, a terrible fiancé, you are bad at your job, no one likes you.’ I could not eat, I could not sleep. I would wake early panicking over what new catastrophes the day would bring. Gradually with the help of happy pills”

H

Is that antidepressants?

Mr Hibbert: Yes.

Mr Oakley:

A

“The despair softened, but after our wedding in August 2014 it came back but it was stronger this time. I felt like I was taken over by a bad sad Martin, a negative, hateful version of myself, and those feelings reached a crescendo on those frequent motorway drives to see Eve. One particular bridge on the M62 became like a siren luring me towards it. As I approached an urge to plough straight into it rose up within me.

B

C

At times I my hazard lights on and shaking, sweating and crying, pull over onto the hard shoulder until the moment passed. I furiously fighting the baddie inside me. I broke down in front of both mum and Gabby, confessing how bad things were, but I assured them that I would be OK, the tablets would kick in again, it would pass. But I had not counted on bad sad Martin becoming so powerful, not thinking about the impact taking my own life would have on my loved ones, I chose the time and place, a Friday afternoon in early February.

D

E

On the Wednesday I dug out a favourite photo. It was me on my stag night just three years earlier surrounded by my friends. I envied the happy-go-lucky Martin smiling at the camera. It was like looking at a different person. I clicked on forward and then typed, ‘I love you’ and sent it to mum and my younger brothers Danny and Andy. The next morning, on what I planned to be my penultimate day on this earth my phone beeped.

F

G

It was a message from Danny, ‘mum, do you think Martin is going to commit suicide?’ As the words registered my stomach lurched, a wave of nausea washed over me. The message was clearly intended for mum [but by] but by mistake Danny had sent it to me. I felt like a sleepwalker waking to find they were on a cliff edge, so close, so bloody close. My chest heaved, I gasped for breath. With trembling hands I managed to type a response, ‘do not be stupid Danny.’ Shakily, I

H

exhaled. Trying to calm my breathing I was sure of one thing, I needed help.

A

Googling treatments for depression I came across eye movement desensitisation and reprocessing used to treat troops suffering with PTSD. It had also great results for treating depression and anxiety. EMDR therapists used different methods to stimulate the brain and open up the memory box containing things that upset you so you can process your way through that. EMDR helped me manage my feelings. Bad, sad, sick Martin would always be there but I could talk to him, reason with him, distract him and calm him.

B

C

More than anything I realised I was blessed. I had a beautiful daughter, a wife, family and friends who all loved me. I decided not to return to banking and, being a football fanatic, set up my own sports management agency. In short, I intended to live life to the full following my final EMDR session. Exactly four weeks later I was blown up by a suicide bomber.”

D

E

Then moving on to, well actually there is a bit at the bottom of page 15, but this is a caption, it says:

“The hospital X-ray showing the bolt that severed Martin’s spinal cord. Medics compared his injuries to being shot 22 times at point blank range.”

F

Now I accept that this document is just text, but you were obviously aware of this.

G

Mr Hibbert: Of course, yeah.

Mr Oakley: That photograph is the famous X-ray photograph of, of your chest which had has been published and republished many times, is it not?

H

Mr Hibbert: Correct.

Mr Oakley: Moving on to page 16 you talk about your treatment:

A “I was rushed to Salford Royal Infirmary and put into intensive care
by the neurosurgeon Mr Ankur Saxena, *if I had arrived earlier*
B *(inaudible)* had been *inverted* to a major incident. Abedi’s rucksack
contained more than 3,000 nuts and bolts packed tightly around the
bomb and I had been blasted by 22 pieces of this deadly shrapnel. One
bolt that tore through my neck at high speed should have exited on the
other side, virtually decapitating me.”

C Then page 17, talk about you being unconscious for long periods and then family coming
round, and you say, second paragraph from the bottom:

D “A group of them gathered round my bed that morning wearing a
solemn expression while *he* explained that my spinal cord had been
severed and I would never walk again. Gabby’s grip tightening. No
one spoke for a moment. So this is it, this is what they have all been
too afraid to tell me. I took a deep breath and exhaled slowly. ‘OK, so
what happens now?’ I asked.”

E Then page 18, the third paragraph from the top:

F “Less than two weeks after the bombing Ariana Grande’s One Love
benefit concert took place. By then I had graduated to the major
trauma ward. A TV magically appeared. My two brothers arrived
with beers for themselves, and I was hoisted out of bed and into a chair
so that I could feel involved. *For me* it was incredibly painful, but I felt
G as if I was rejoining the human race.”

Paragraph 19, about a third of the way from the, the bottom:

H “After five weeks at the Salford Royal Infirmary it was time to take
the next step on my journey. There was a bed for me at the spine
rehabilitation centre in the coastal town of Southport. After Gabby
first visited me on the ordinary ward there a few of the other patients

A wheeled across to introduce themselves and told me to forget about my marriage because their wives and girlfriends had either left them or hardly visited anymore.

B The next day Gabby could tell something was up. 'I did not sleep well,' I said, then I took a deep breath, this was going to kill me, but I explained what they had said, 'so if you feel you need to go, I am giving you a get out of jail card.' My voice trailed off, I waited before she gave a sigh of relief, pick up her bag, and wished me well. Her hand took mine, 'listen to me, Martin Hibbert', she said firmly, 'I love you, I am going nowhere. Do you hear me? We are in this together.'"

Then page 22 about a third of the way from the bottom, I think is a caption as well, it said:

D "Martin Hibbert remembers very little about the bombing or the days and weeks that followed."

Is that correct?

E **Mr Hibbert:** No I, obviously I have got memories. You know if you said, you know, was it, did I know every hour of every day, you know, the, the various amounts of medication and trauma, so it is, you know, it is not as, as, as you would expect, being blown up in a bomb.

F **Mr Oakley:** Right well I am not asking for an account of the whole history. I am referring you to these words, and I accept that you may not have written them, they may be a caption having been produced by a journalist at the Daily Mail, but what this journalist says, if indeed that is correct, is:

G "Martin Hibbert remembers very little about the bombing or the days and weeks that followed."

H **Mr Hibbert:** No I mean obviously I, I --

Mr Oakley: Is that correct?

A

Mr Hibbert: No I, I, I remember the bombing, obviously I lose consciousness at a certain time and then it is a few days later but I, you know, I was, I was awake after I had been injured in the bomb. So, so yeah, so I, you know, I, I have good memory of up to the bomb and, you know for at least a, you know, an hour or so after that until I get, obviously lose consciousness and get put into an ambulance.

B

Mr Oakley: OK that, that was just a, a side question. I am going back to the text of your book again. You refer to some treatment carried out by a practitioner called Ken Ware, pioneer of a technique called NeuroPhysics therapy.

C

“My layman’s take on how this works is that the body has a tremendous capacity for self-repair and (inaudible) to *keep* the central nervous system learn to bypass the damaged area and forge new pathways through the body. It is like a huge tree falling across a motorway, with enough incentive and the right conditions in place drivers will eventually find a way around the obstruction. According to Ken that is exactly how the body works too. There is no guarantee that it would work but Ken agreed to take me on as a client. The following March Gabby and I flew to Australia and spent two weeks with him at a centre in a remote rural area inland from Queensland’s Gold Coast.

D

E

F

His clinic looked like a normal gym, but we were not working with any weights. It was a slow and precise action of the movements that would get my brain waking up, and after 30 years of fine tuning therapy Ken knew exactly what he was doing. His eyes were constantly watching, assessing, and flickering from me to my reflection in the mirror, taking in my arms, hands, legs, feet as he made minute adjustments and tweaks.

G

H

These movements might have been tiny, but they played an enormous part in encouraging messages to bypass the injury *or* (inaudible) my spine. Back in the hotel after the first day of therapy Gabby was brushing her teeth in the bathroom when I called out to her, my face

A flushed with excitement. ‘Watch this’ I said, pointing to my big toe. ‘Move’ I commanded it. Gabby’s eyes widened. She stopped brushing and her expression told me everything I needed to know. I had not imagined it, my toe had just flexed.

B From then on my progress was phenomenal. Soon I could sit unaided, move *the* rowers on a leg *pull* machine and even pedal on an exercise bike. Finally came the challenge I dreamed of achieving and Gabby stared open mouthed as I managed to pull myself into a standing position, my legs wobbling like a new born fawn (inaudible). I was standing.

C I managed a few more seconds before slowly lowering myself down. ‘Wow’ I gasped in [belief] disbelief. Had that really happened? At the spinal unit just getting in and out of bed using my upper body strength had been a triumph. I was in a different world now, but it was the same brain doing it. Ken had given me the platform and the belief. This was just the start.”

E (pause)

F **Mr Oakley:** So again, Mr Hibbert, these are deeply personal accounts not only of your injuries but of the medical treatment that you recount, and you have put them out into the public sphere have you not?

G **Mr Hibbert:** Yeah, I wanted the book to inspire, to motivate, to show grit, determination. So yes, it is an honest, truthful account of my life, as an autobiography should be.

H **Mr Oakley:** Well I am going to suggest that inevitably in line actually with Sarah’s description in her second witness statement, by putting this out in the public domain, by making a choice to do so, you yourself are going to be discussed, speculated about, and studied by people who do not know you, and your injuries are being scrutinised in public are they not?

A

Mr Hibbert: Not that I know of from the messages and the reviews. It is inspiring disabled people, people with spinal cord injuries that it is a life changing, life, it is not a life ending, it is life changing and that they can still have a good life. I wanted to be honest, I wanted to show that people can have a life, and to do that you have got to be honest. I have got to show that, the good and the bad. But from the reviews that I am getting, it was a best seller, it is doing that, it is inspiring, it is motivating, and I have not had any negativity towards it.

B

Mr Oakley: But when you put deeply private, deeply personal information of this kind out there, either in a book or on the internet, it is inevitably going to be discussed is it not? And you cannot authorise, I think that is the word that you have used before, you cannot authorise the way that people discuss your deeply private information can you?

C

Mr Hibbert: Correct.

D

Mr Oakley: And it goes further in fact because you, you, you have opened up about your mental health and your suicidal thoughts that had nothing to do with the incident, but you have also opened up with other things. Page 14.

E

(pause)

Mr Oakley: Second paragraph:

F

“As little boy growing up in a small, terraced house on the outskirts of Bolton I would be visited at night by a mystery lady who would appear at the end of my bed, gazing inquisitively into my eyes until I hid under the blankets. When I peeped out, she would be gone. I never told anyone about these spooky experiences until one day my paternal grandfather, Bill, got the family photos out.”

G

(pause)

H

Mr Oakley: Oh the, the next bit is a caption I think:

“‘Here is your mum and dad on their wedding day’, he said, but I was fixated instead on an older woman in the family line up. ‘She comes to

A see me at night’, I said, pointing at her with a chubby finger. My
B grandad frowned, ‘ey? What are you on about?’ He asked. I looked
up at him, describing her nocturnal visits. Grandad Bill’s voice
became shaky, ‘that is your guardian angel, lad,’ he said. ‘She will
always look out for you.’ My secret visitor was his mum who died
before I was born and I am convinced that she was watching over me
when more than 40 years later my 14 year old daughter Eve and I lay
dying on the cold, hard ground of Manchester Arena.”

C So once again you are more than happy to disclose deeply private and personal family in,
information to the world at large in the publication of your book, are you not?

D **Mr Hibbert:** Well yeah but of course like I said before it was an autobiography about my
life and I felt that people needed to know who I was, where I had grown up, you know, the,
the man that I had become and why I am the person that I am today. All this is because of
that. So I needed to, like I said I wanted to inspire, motivate, I wanted to show where I came
from and the highs and lows of my life, but it was not all, you know, great, you know? There
were, there were lots of highs and lots of lows and I wanted to be honest and truthful.

E (pause)

F **Mr Oakley:** But again inevitably your belief in ghosts, or at least a ghost is something that
is potentially going to be discussed, speculated about, and studied by people who do not
know you. I think, and I may be wrong, but I, I think on one occasion you may have described
my client, Mr Hall, as a crank, is that right?

Mr Hibbert: As what sorry?

G **Mr Oakley:** A crank. May not have been you. All right, well in disclosing such deeply
private and personal information as you do about your belief in a ghost it is perfectly possible
that the public at large will comment in unflattering ways about you. That is a risk that you
are taking by putting out this very private information into the public domain is it not?

H **Mr Hibbert:** Well nobody has done that, so I would say no.

Mr Oakley: Well there is certainly a risk that that will happen, is there not?

A

Mr Hibbert: I suppose there is a risk. There is a risk with everything that I have put in the book. But again it is, it is the truth, it is, it is my lived experience, as an autobiography should be.

B

(pause)

Mr Oakley: Let us, let us move away from the very personal things that you are disclosing in this book. Bear with me my, my little yellow tags have got a bit bent.

C

(pause)

Mr Oakley: Page 25. The heading is interesting. It says:

D

“A cold hard fury welled inside me. Manchester bombing conspiracy trolls had set up a camera to see.”

And then you say, third paragraph:

E

“According to the conspiracy theorists, the attack during an Ariana Grande concert on May 22, 2017, was a carefully orchestrated exercise to enable the government to introduce more stringent restrictions of public rights. Now I am from the onslaught. Although sticks and stones may break my bones, words can never hurt me.”

F

So, the reality is that throughout these proceedings when you first became aware of Mr Hall in, I think that was the anniversary in May 2018 you have not actually, in reality, been adversely affected on your own part have you?

G

Mr Hibbert: Yeah, it is, obviously like I say it is, it is sticks and stones where I was brought up, it is, you know, it is kind of in the playground is it not? But, you know, it was in, certainly in 2018, you know, I obviously had, you know, a lot on, I was in Australia, I was training to do the Great Run, you know, I had, you know, other things. But at that time Mr Hall's theories and his followers were not at me every day. So again it was, you know, I suppose

H

A something I was new to so yeah I did, I did brush it off. But it, it, that is not to say that it, it did not affect me and to think well, you know, people are saying that I am lying. It is, it is not a nice thing to, to have.

Mr Oakley: Sorry did you just say:

B **“Mr Hall’s theories and his followers were on at me every day”?**

Mr Hibbert: Well yeah, but you know the, sending the, the videos or whatever it was on Twitter or whatever it was.

C **Mr Oakley:** So you are saying before this Court that every single day you were receiving adverse messages on --

D **Mr Hibbert:** No, it was not every single day.

Mr Oakley: That is, that is what you said, you said every day. So what, what is it? How often did you receive any messages, if at all?

E **Mr Hibbert:** Like I say it was like I said before, it was, you know, notifications, it was just oh for God’s sake, not another one. But again it was not, you know, I did not, you know, cry in a heap on the floor but it was just like oh God, another one you know? So yeah you do brush it off because I have got, you know, things to do, I have, I have got, you know, at that time I had a business, I was, you know there was a lot of exciting things. I did not want to be brought down by this conspiracy theorist so, you know, I did well at, you know, covering that up I suppose.

G **Mr Oakley:** Well let us go, go on, page 25:

H **“But in the summer of 2021 Eve’s mum, Sarah, rang to tell me that one of the conspiracy theorists, Richard D Hall, had set up a camera outside their house in Bolton to film Eve and see if she was really in a wheelchair.”**

A Now we have covered this already. I was putting it to you that the police may have come round in the summer of 2021 but actually the only incident was on or about 1 September 2019. Do you remember?

Mr Hibbert: Yes.

B **Mr Oakley:** And then you say with reference to 2021 over the page, and there are some captions there, I am looking about halfway down the main text:

C **“A cold hard fury welled inside me. ‘He has done what?’ With trembling hands I did some Googling and discovered that Hall had more than 16 million views and 80,000 subscribers on YouTube. That is a lot of people being sucked into this nonsense and worried what he would do next and that his followers might also be tempted to join in and carry out their own research.”**

D

Just pausing there, and I appreciate this is a book, it is not your witness statement, but that is actually incorrect. You had done your Googling, and you have become aware of Mr Hall in the summer of 2018 had you not? Not 2021.

E **Mr Hibbert:** I was, I was aware of him in 2018, I, I did not go out of my way, but yeah I was aware of him in 2018.

F **Mr Oakley:** And then you say:

“Following a Panorama documentary investigating these disaster trolls I went on TV to discuss it, and the publicity led to action.”

G You were actually contacted by Panorama to go on this programme were you not?

H **Mr Hibbert:** No, I was contacted by Marianna Spring, a BBC correspondent through Twitter.

Mr Oakley: But she, she works for Panorama does she?

Mr Hibbert: No.

A

Mr Oakley: OK, whoever contacted you, did you feature in this Panorama documentary?

B

Mr Hibbert: Well at first Marianna got in touch because initially she was doing some investigation into trolling, she asked, she was contacting people that were involved in the arena attack and had I experienced any trolling. I mentioned Mr Hall and Marianna explained that that is who they were focusing their investigation on. So, we actually did a podcast where she actually came up to London to my house, we did a, I forget, the Disaster Trolls I think it was called, we did a, an interview and then I think from that she took that back to her bosses at the BBC and they felt that it would, what is the word, it would be worthy of a Panorama investigation.

C

D

Mr Oakley: So you were in a podcast first of all and you agreed to take part in the podcast and then you agreed to take part in the Panorama documentary, is that right?

E

Mr Hibbert: Correct.

Mr Oakley: And then afterwards you again made a choice to go on TV to discuss it and all the publicity led to action, according to your book. So, on those three occasions, the podcast, the Panorama documentary itself, and the aftermath, you chose to appear on the media to discuss this matter, did you not?

F

Mr Hibbert: I was invited to, yes.

Mr Oakley: Yes and then you, and you did not have your arm twisted did you? You actually took part and (inaudible) was broadcast was it not?

G

Mr Hibbert: Of course.

H

Mr Oakley: At the same time my client will say when he gives his evidence that he was contacted by Panorama 11 times to take part in their programme, and he declined to take part in their programme. You too have, could have declined to take part in the podcast, Panorama, and in TV shows in the aftermath could you not?

Mr Hibbert: Of course.

A **Mr Oakley:** Then you go on to talk about the aftermath, Mr Hall's YouTube channels and market store being closed down, and then you say:

B **“And a group of us survivors have started legal action to ensure that he can no longer defend his poisonous claims. Hopefully by this summer the case will have concluded completely.”**

C Now forgive me because I have not been involved in this case very long. Are you and other survivors bringing multiple claims to shut down Mr Hall?

Mr Hibbert: Not that I am aware of.

D **Mr Oakley:** So why did you write that?

E **Mr Hibbert:** I think initially potentially because I think Richard mentions other survivors I think it initially that, that could have been the case, but it was, I think again it, we, we are going back a, a couple of years, but it is certainly just me and Eve now.

F **Mr Oakley:** And going over the page, page 27, you talk about the Kerslake Report. Now as I understand it the Kerslake Report was commissioned by Andy Burnham, the Mayor of Manchester, is that correct?

G **Mr Hibbert:** Correct.

H **Mr Oakley:** And then there was a subsequent report, the Saunders Report, which was a national inquiry report. Is that right?

Mr Hibbert: Yes, there are three volumes, yes.

H **Mr Oakley:** Yes. But at the bottom of this page you say you, you refer to you *turning* to the (inaudible) *to get* the title and then:

“There is a lot to be proud of in response to the attack’ Lord Kerslake

wrote in the executive summary. Was he talking about the same event?"

A

And then over the page, page 28:

“Soon I had formed a support group of survivors and families of aggrieved and we started demanding answers to our questions. Why had not suicide bomber, Salman Abedi, been spotted and stopped? Why were not emergency services more prepared? Why were the first aid kits so inadequate? On May 22, 2018, Gabby and I went to Manchester Cathedral for a service of remembrance. Police and fire chiefs involved in the response to the night greeted people as they arrived. I could not bring myself to shake their hands. Anyone watching this might have thought I was churlish, ungrateful, downright rude even as I fixed my eyes at the (inaudible) up ahead. I knew who Eve and I owed our lives to, and it was not them.”

B

C

D

So I put it to you that it is perfectly open for you to criticise say the Kerslake Report or the emergency respondents, but apparently it is not OK for Mr Hall to raise similar criticisms of the inquiries. Why is that?

E

Mr Hibbert: Just say that again sorry?

F

Mr Oakley: Well I have just read out your criticism of Kerslake.

Mr Hibbert: Yeah.

G

Mr Oakley: And your criticism of fire crews etc. You are publishing those views. I am asking you why if it is OK for you to be critical of a public inquiry, or in this case the fire crew, but it is not OK for Mr Hall to be equally critical --

H

Mr Hibbert: I was being --

Mr Oakley: *In* different ways --

Mr Hibbert: Yeah.

A
Mr Oakley: About the inquiries that have taken place. What is the difference?

B
Mr Hibbert: Well I was being critical not necessarily of Lord Kerslake, I was being critical of what was being said because a lot of it was not what I had seen that night and my experience that I had seen. So again I was, I was not making it up like Mr Hall does, I was coming back to Lord Kerslake and the team to say look this, it did not happen as you are saying it because from my experience this is what happened because I was there.

C
Mr Oakley: OK.

Mr Hibbert: So I know what, what happened --

D
Mr Oakley: OK so you are convinced of the truth of your criticisms and your justification, and you are saying that Mr Hall has made it up. There is no evidence that he has made it up. Mr Hall is going to say he believes in his theories and his criticisms absolutely. So in those circumstances you are entitled to freedom of speech and Mr Hall is equally entitled to freedom of speech is he not?

E
Mr Hibbert: Of course.

F
Mr Oakley: And you are not suggesting, because that is not your case, you are not, you are not suggesting that he is somehow deliberately falsifying his views and posting things that he does not believe. That is not your case is it?

Mr Hibbert: No.

G
Mr Oakley: Your Ladyship I have finished the book. I think we have got about ten minutes left I can, I can probably progress a little bit more through the witness statements, but I do not think I am going to finish shortly.

H
Steyn J: OK, we normally finish at 4.30. Do you need a break or --

Mr Hibbert: Yeah no I think I am OK for now --

A **Steyn J:** You are OK?

Mr Hibbert: Yeah, yeah.

B **Steyn J:** OK, well do you want to get through what you conveniently can this afternoon.

Mr Oakley: Yes well if, if we are going on till 4.30, who knows I, I might manage to finish --

C **Steyn J:** OK.

(pause)

D **Mr Oakley:** Forgive me, Your Ladyship, I, I may have actually covered some of the other questions in --

Steyn J: We will see, yeah, yeah.

E **Mr Oakley:** The comments about the, the book, just trying to *fit* it.

Steyn J: Yes.

F (pause)

Mr Oakley: Paragraph 25 of page 156 please.

G **Steyn J:** So we are back in the *draft and* --

Mr Oakley: Yes, this is the third witness statement.

H **Steyn J:** *In* --

Mr Hibbert: Number 1?

Steyn J: *In, in there, exactly.*

A

Mr Hibbert: And what was that again sorry, page?

Mr Oakley: Page 156 paragraph 25.

B

(pause)

Mr Oakley: You say:

C

“It is not just the survivors he attacks. He says that of the 22 people that lost their lives that night 19 are alive and well living new lives abroad.”

D

Is the purpose of you bringing these proceedings to shut down any criticism by Mr Hall of the incident in Manchester or of the people said to be involved, or is it just about your own case, you and Eve?

E

Mr Hibbert: I think this is obviously about me and Eve.

Mr Oakley: OK. We have touched on the Panorama incident already and the podcast which are dealt with at paragraph 29 onwards. I am not going to go over that again but paragraph 32 you say:

F

“Marianna’s podcast was so good her boss decided to film a Panorama documentary investigating disaster trolls. The Panorama programme screened in October 2022 triggered a huge reaction. I was invited onto TV to discuss it, and I became increasingly worried for the safety of myself and Eve.”

G

H

So in your own words the Panorama interview triggered a huge reaction, an interview, sorry, a programme in which you chose to get involved. It was nothing to do with Mr Hall was it? Because he refused to get involved in the Panorama piece. So any huge reaction that followed the broadcast of the Panorama piece in October 2022, that was nothing to do with Mr Hall, but it had a significant amount to do with you and your choice to take part, did it not?

A **Mr Hibbert:** Yeah no, of course. I think it was probably more the reaction to, you know, what I was saying, you know? I think there was a, a lot of surprise because the, you know, the case that had happened in America a year or so previously, you know, a lot of people were surprised at what I was saying so I was, you know, thankfully, you know the, the, the feedback was good. But, you know, there was a, you know a worry, you know kind of we
B lived at Yorkshire at the time, Jo Cox was murdered and obviously the events that led to her sad murder again was around, you know, conspiracy theories and followers, you know, doing, dirty, you know doing the, the dirty work. So again there was a lot of, you know, things going around at the time and, you know, I was, I was worried about, you know, the
C reaction to what I was saying.

Mr Oakley: Exactly the reaction to what you are saying:

D **“I became increasingly worried for the safety of me and Eve.”**

But you instigated this. Mr Hall did not instigate it, did he?

E **Mr Hibbert:** Well yes because he did all the videos and, and had made my life hell a few years before so this was bringing it out and being honest and truthful about what had actually happened from May 2018, so all I was doing was talking about the trolling that I had had. I was only being honest and truthful. I was not making it up, I was not, you know, telling things that had not happened. I was giving a lived experience of what Richard Hall and his
F followers had done from May 2018 and I was bringing that into the open domain.

G **Mr Oakley:** But in May 2018 your evidence was that you were effectively quite happy to let sleeping dogs lie and hope that it would go away and sticks and stone would break your, your bones etc, but in October 2022 you made an active choice to stoke up the embers and build up the fire again. This was all down to you was it not?

H **Mr Hibbert:** No, I disagree, I think if, going back to 2018 if that had been the only thing then sticks and stones it would have, it would not have mattered. But obviously 2018 to 2022 is four years and that trolling, those notifications, the messages got worse and more, and, and more and more so --

Mr Oakley: Worse and, pausing there, worse and more and more and more, where --

A

Mr Hibbert: Yeah.

Mr Oakley: Are those in the bundle? Where is your evidence of that? I asked you a question.

B

Mr Hibbert: I do not know.

(pause)

C

Mr Oakley: Paragraph 33 on page 158 you say:

“My wife, Gabby, did not want to be on her own. She would get her elderly mum to come over, so she was not on her own. It has affected every aspect of our lives.”

D

So this was in the aftermath of your Panorama appearance and your consequential media appearances, was it not?

E

Mr Hibbert: No.

Mr Oakley: So when was this?

F

Mr Hibbert: It was obviously the, the trolling, the, you know the messages that we were getting, obviously the videos that he was putting up, obviously the video of Richard going to Eve’s house, you know, it was all that. It was all that.

G

Mr Oakley: No, it was not all that at all. Your witness statement follows a clear and readily understandable chronological order, and what you say is, paragraph 32:

“The podcast was so good her boss decided to film a Panorama documentary ... triggered a huge reaction ... I was invited on TV to discuss it and I became increasingly worried for the safety of myself and Eve ... wife Gabby did not want to be on her own and get her elderly mum to come over so she was not on her own.”

H

A And then:

“I understand that as a result of the publicity Mr Hall’s YouTube channels and market store were closed down. I do not really know how, but I found this out from Marianna.”

B All of this happened in October 2022 did it not? As is evident from --

C **Mr Hibbert:** No it, the, well Gabby, Gabby’s mum was coming round before, before that date.

Mr Oakley: OK so, so --

D **Mr Hibbert:** Before 2022.

E **Mr Oakley:** Your, your, your, you are kind of having, I do not know, a flashback like they have on Family Guy, you have, is your evidence to the Court that they, that you are just interjecting randomly this paragraph 33 when you recount the chronology of events which actually took place in October 2022?

F **Mr Hibbert:** Well no what I am saying is because of what has happened from 2018 it has affected not just myself but my wife where, when I like now when I am in London Gabby’s mum will be with her all week and she will stay at the house. But that has been, that has been the case from probably late 2018 where Gabby did not want to be on her, on her own because of the trolling, because of the videos, because of the website videos and the things that were being said.

G **Mr Oakley:** OK, well --

H **Mr Hibbert:** So that is why, that is why she did not want to be on her own and that was not the case before that.

Mr Oakley: Neither you nor Sarah mention any difficulties, going back to if I, I am going back to 2018. The difficulties that you raise, and it is you who brings this case, you have to

A demonstrate that there is effectively a continuing, well first of all that there is harassment in,
in the first instance but secondly that it is continuing, OK? But you do not refer to any
incidents in 2018 whereby your wife Gabby or you in similar terms felt so worried that you
had to have somebody else come over so that you were not on your own. There are no other
explanations or, you do not recount any other fears going back to 2018 in connection with
B Mr Hall's activities do you? On the contrary you say quite clearly that in 2018 you are going
to forget about matters in the hope that they go away. So you are just making it up now are
you not?

C **Mr Hibbert:** Not at all.

Mr Oakley: OK.

D **Mr Hibbert:** It is, it is Gabby's mum at the end of the day. If she wants her to come round
I do not see the issue with that. If it makes Gabby, my wife, feel comfortable if I am not
there then I am going to do it. I am not going to put it in my diary every time that it happens.
If that makes Gabby feel better and safe and secure knowing that her mum, mum is there
then I am going to do it as her husband and I do not have an issue with that.

E **Mr Oakley:** Well going back to the very clear and obvious chronology which is in your
witness statements dealing about, dealing with the autumn 2022, paragraph 35 you then say:

F **“Around the same time I spoke with my legal team at Hudgell
Solicitors and they sent Hall an initial letter asking him to stop and
pointing out the damage and harm he was doing to everyone.”**

G That letter, there is no need to turn to it, but that letter is at page 1052 and is dated 22
December 2022, so it is pretty plain that in the autumn and after October 2022 when you did
the Panorama programme it is at that stage that you contact solicitors, yes?

Mr Hibbert: Yes.

H **Mr Oakley:** And of course by that time it was far too late for you to bring a defamation
claim was it not?

A **Mr Hibbert:** Well no I think, I think, you know, probably have to go back a bit there because obviously I had wanted to, you know, when, when I had found out about Richard's video in the 2021 but around that time I had announced the Martin's Mountain project to climb Kilimanjaro and, you know, I was doing a lot of media interviews for the charity that I am vice-president of, I was raising £1,000,000, I was doing a lot of training, we were in the middle of Covid, things were getting cancelled so, you know, the, the physical and mental **B** things that would have been needed, I would not have been able to have given, you know, anything legal, I just would not have been able to have done that.

C So if I had not have been climbing Kilimanjaro all this probably would have happened in 2021 but, you know, it was decided that, you know, I could not commit to it and that we would, you know, I would maybe look at starting that when I came back from Kilimanjaro which was going to be July, June July 2022. So, conversations had already taken place before the Panorama investigation, a couple of months previous.

D **Mr Oakley:** Well going back to paragraph 35 you say:

E **“He [that is Mr Hall] responded by saying any reasonable person would not believe my account and that he continued to believe neither Eve nor I were at the arena. He demanded medical evidence from us.”**

F Yes he did indeed, and if we look at Sarah's second, sorry, first witness statement of 16 November 2022 at page 161 paragraph 7 she says about five lines from the bottom:

G **“I have not disclosed Eve's full medical records for the purpose of this application. I understand that if this application”**

H And that is the application for summary judgment:

“Succeeds I will not need to do so. I understand that if this application fails more medical information may become disclosable.”

H So had the matter proceeded and had the summary judgment application not been successful you would have had to disclose these medical records, would you not?

Mr Hibbert: If the law would, if the legality of it would suggest, then yes, of course.

A

Mr Oakley: Yeah so --

Mr Hibbert: If it was made then yeah of course --

B

Mr Oakley: There is, there is no particular malice on the part of Mr Hall in asking for those medical records because he would have be perfectly entitled to them under the provisions of disclosure, would he not?

C

Mr Hibbert: Yeah it is just that obviously we, certainly with, with regards to Eve we did not want that being in the public domain for obviously the reasons we have discussed.

Mr Oakley: Now bearing in mind that he is a layperson, he did actually respond, did he not?

D

If you go to the second bundle it is at the end.

(pause)

E

Mr Oakley: Now at page 1058, and I read this out this morning so I will not, I will not read it all out again, I will just remind you of it. He talks about --

Mr Hibbert: I do not think I, oh I am sorry, just on --

F

Mr Oakley: 10, 1058 it is --

Mr Hibbert: Oh yeah, yeah, sorry.

G

Mr Oakley: Almost at the very end.

Mr Hibbert: Yeah.

H

Mr Oakley: He talks about the video recording in the street which took place on or about 1 September 2019 and he talks about deleting the footage and then reformatting the memory card. That information has, has never been published. And then at page 1063 he goes on to say that he does not hold or possess the data of the video recording. He refers to his book,

A tells you that it was a password protected computer in a locked office, currently not processing any personal data. Does not hold any personal data that pertains to the Hibberts other than what is described above:

“I have no intention to gather data or process data on your clients in future.”

B And then at page 1092:

“I am not currently, nor do I intend to in the future, process your client’s personal data. I am not currently, nor do I intend to in the future, pursue any activity that could amount to harassment of your clients. I have explained in this letter I do not hold your client’s personal data other than what was acquired from publicly available sources.”

D And then he goes on:

“In order to try and narrow the differences in relation to what you seek I will be willing on this one occasion to make an exception to what is standard journalistic practice and hereby make a conditional offer to remove the images of your clients that are contained within videos currently hosted on my website. This suggestion is on the basis that no monetary gain is sought. This suggestion is also on the basis that I do not admit any wrongdoing by making such an offer.”

E So as a layman he has come back to your solicitors and explained the situation fully and offered to take certain steps to deal with your concerns does he not?

G **Mr Hibbert:** In, yeah, I suppose, yeah.

H **Mr Oakley:** After receiving his reply did either you or your solicitors make a complaint to the Information Commissioner about the way in which Mr Hall had dealt with your complaint?

(pause)

A **Mr Oakley:** Were you nodding your head there?

Mr Hibbert: Sorry are you asking a, I am sorry, did you ask --

B **Mr Oakley:** Yes.

Mr Hibbert: Say that again sorry.

C **Mr Oakley:** Right let, let me, let me explain this. If you have a concern about your data --

Mr Hibbert: Yes.

D **Mr Oakley:** Under the Data Protection Act you can contact the data controller and if you do not get a satisfactory response you can then make a complaint to the Information Commissioner. It is a cheap, swift, technically expert way of dealing with matters of this kind. I am asking you if after your solicitors receive that response from Mr Hall you actually did make a complaint to the Information Commissioner.

E **Mr Hibbert:** I did not personally, no.

Mr Oakley: Did anybody?

F **Mr Hibbert:** Not that I am aware of.

Mr Oakley: Why not?

G **Mr Hibbert:** I do not know. As I say I was not aware that, you know, that, that was possible. Obviously I liaised with my legal team, they are the experts so, you know, they would do what they needed to do.

H **Mr Oakley:** You were not aware that that was possible? Now you have gone to solicitors, and I am not for one moment asking what you discussed with your solicitors, that is none of my business, but you were aware of the Data Protection Act were you not?

A **Mr Hibbert:** Of course.

B **Mr Oakley:** And you were aware, or you could easily have become aware, that if you have concerns you can go through the statutory process, you do not need to go to court, you can go through a statutory process to resolve that. You should have been aware of that should you not?

C **Mr Hibbert:** If my legal team would have told me then I probably would have been made aware, but I did not know that, you know, before.

D **Mr Oakley:** And if you had a substantive complaint it would probably been, probably have been dealt with by now by the Information Commissioner without having to come to court and incur massive costs for lawyers and seek damages of £50,000. If that was your real concern you could have sorted it out with a complaint to the Information Commissioner could you not?

E **Mr Hibbert:** Well I do not know that because I was not aware of it, you know, after speaking to my legal team that I know and trust.

F **Mr Oakley:** In fact your real intention is to effectively crush Mr Hall is it not? As we see from paragraph 40 of your witness statement. I have mentioned this:

F **“I live in hope that before too long it will be a criminal offence for people like Mr Hall to make money from conspiracy theories, especially in relation to terrorist attacks or atrocities.”**

G So you would like people like Mr Hall to go to prison would you not?

H **Mr Hibbert:** No, I just do not want people like Mr Hall videoing my daughter outside her house, and as a father I think I am right in that.

H **Mr Oakley:** Right, I am not sure this is in the bundle. I am going to ask you some questions about your appearance on Good Morning Britain on the day after your successful summary

judgment hearing. Now first, the first question is did you go on Good Morning Britain after the summary judgment hearing?

A

Mr Hibbert: Of this year?

Mr Oakley: Yes.

B

Mr Hibbert: Yes.

Mr Oakley: And in the course of that interview you said the following, did you not:

C

“No one messes with my daughter.”

You said that, did you not?

D

Mr Hibbert: I cannot remember if I said it like that but yeah I, I have said, you know, that obviously I am her, her father and that, you know, I want to protect my daughter, so, so yeah, no one ...

E

Mr Oakley: And you also said:

“I do not take prisoners, and he is going to take the full force of that.”

F

You said that, did you not?

Mr Hibbert: Yeah in the legal sense which Ben Shepherd actually said as well which you have missed off.

G

Mr Oakley: Yes, Ben Shepherd only raised that point after you had --

Mr Hibbert: Because I was on live TV.

H

Mr Oakley: Made your comment. Yes you, you had to be corrected by Ben Shepherd, did you not?

A **Mr Hibbert:** No, not at all but you are on live TV and, you know, you lose your trail of thought. You know, I have never been in trouble in my life so, you know, it meant from a, a legal point of view hence why we are here. The full force of the law.

Mr Oakley: And you also said:

B **“He is going to learn a very painful lesson and I do not take prisoners.”**

Those were your words were they not?

C **Mr Hibbert:** Correct, yeah painful as in the pocket, painful as in this, this is not nice, so, so yes.

D **Mr Oakley:** So your actual intention is not really to deal with data protection issues because you are being quite open and disseminating very private information to the world at large anyway. It is actually to punish Mr Hall, is it not?

Mr Hibbert: No, not at all.

E **Mr Oakley:** And you could have sorted this matter out perfectly amicably by making a complaint to the Information Commissioner, could you not?

Mr Hibbert: No.

F

Mr Oakley: No you could not have done that, why not?

Mr Hibbert: Because it has gone too far. It has, it has lasted so, it has lasted too long.

G

Mr Oakley: It had not gone too far in December 2022 had it?

Mr Hibbert: In what respect?

H

Mr Oakley: Well your solicitors make a complaint about breach of data protection law in December 2022. Mr Hall responds, and if you did not like that response you could have

made a complaint to the Commissioner, perhaps in early 2023. You could have done that could you not?

A

Mr Hibbert: I took guidance from my legal team.

Mr Oakley: Right, let us move on, paragraph 36 of your statement, page 158. As part of this claim, sorry, I will wait till you have it.

B

Mr Hibbert: OK.

Mr Oakley:

C

“As part of this claim we made an application for summary judgment on certain points. I attended the Royal Courts of Justice and was surprised to discover approximately 50 of Mr Hall’s followers had travelled to support him in court. I was intimidated. I made my friend, Steve Lloyd, sit right next to me. I had no idea what would happen or whether the crowd would turn on me. At the end of the hearing I waited for the room to clear before I left.”

D

E

Are you feeling intimidated today?

Mr Hibbert: Yeah I did this morning, yes. It is not too bad today but the, the room that day there was a lot and, you know, the, it, it, as I came in there was a lot of people and it did feel, bearing in mind there was only myself, Steve, and two of my legal team, it did feel, obviously coming to this place, you know, the Royal Courts of Justice, I had never been before. So yeah, it was a very intimidating room and atmosphere.

F

G

Mr Oakley: And in general terms you accept, do you not, that there is something called the principle of open justice, so people are perfectly entitled to come into court in most cases and see what is going on, are they not?

H

Mr Hibbert: Oh of course and there were no, nobody there for me, they were all here for Mr Hall, so they were all his followers, which is intimidating. Had it been on the other foot I am sure Mr Hall would have felt intimidated if I would have had 50 of my followers.

A **Mr Oakley:** That, that was a hearing before the, the Master I think was it not? Master Davison?

Mr Hibbert: Pardon?

B **Mr Oakley:** That was Master Davison?

Mr Hibbert: Yes.

C **Mr Oakley:** Did you or your legal team complain to Master Davison that you felt intimidated and ask him to clear the court?

Mr Hibbert: I am not aware.

D **Mr Oakley:** Well you, you would know if you would have complained to him, do you not?

E **Mr Hibbert:** I did not personally. I think, again I cannot remember if I had, I had certainly mentioned, you know, to the team afterwards that it, you know, it were, it felt very intimidating. I, I mentioned to my friend, Steve, who was sat at the side of me, he, he could see I was trembling, he put his arm on me. So, so yes.

F **Mr Price:** My Lady, my friend is straying into difficult territory *because* he was not present. I do not want to give evidence.

Steyn J: *Yeah.*

G **Mr Price:** But the Court was cleared.

Mr Oakley: Oh was it?

H **Mr Price:** Yes.

Mr Oakley: Ah this, this is another difficulty with me, with me being invited at, at short notice.

(counsel takes instructions)

A

Mr Oakley: I will maybe make submissions about that having taken further instructions, My Lady. I will close off that line of enquiry at the moment, but I think I have made the point that there is a principle of open justice.

B

Steyn J: Yes.

Mr Oakley: Right, leading on from that you say:

C

“At the end of the hearing I waited for the room to clear before I left. In March of this year my sports physiotherapist received an anonymous letter asking for information about me and my injuries. I have enclosed this at page”

D

Well it is actually page 228. Turn to that please.

Mr Hibbert: 2?

E

Mr Oakley: 228.

Mr Hibbert: OK.

F

Mr Oakley: You have obviously seen this letter have you not --

Mr Hibbert: I have, yes.

G

Mr Oakley: I am not going to read the whole thing out, I am conscious of, of time, but there are no actual threats in this, it is simply a letter asking for further information because the writer has obviously become aware of these court proceedings, have they not?

H

Mr Hibbert: Correct.

A

Mr Oakley: And had it not been for these court proceedings this letter probably would not have been sent. It has been stirred up by your perfectly legitimate decision to bring these matters to court. Is that correct?

B

Mr Hibbert: Yes, but I think for somebody to go to the lengths to write a letter, again the only way that they knew about Jim was through Mr Hall and his research into my prior back complaints. But to get an anonymous letter, you know, through the post like that I know Jim, my physio, was, you know, really shook up by that, as I was, as Steve was, my best friend who, who collected the letter. You know for somebody to do that, you know, it is like what is next?

C

Mr Oakley: Well that, that may be the case, but this letter was received I think sometime in March 2024, am I right? There is the, the envelope which I think, next page, it seems to say 20 March 2024 on the postmark, you see that?

D

Mr Hibbert: Yes, yeah.

E

“Hibbert has fought like a tiger to keep his medical records from court disclosure. The judiciary, curiously, has supported him [in that throughout] in that throughout this case. Hibbert is protected by dark forces of the State, hence my anonymity.”

F

If you bring a case to court you get some publicity. This letter has only been sent to, to your sports physiotherapist as a consequence of the court proceedings. It is nothing to do with Mr Hall is it?

G

Mr Hibbert: Well yes because he brought about finding Jim Mason and putting my testimony on his website, so without that he would not have known to write to Jim. So for, for somebody to do that, to go to those lengths, is scary for me.

H

(pause)

Mr Oakley: Going back to your witness statement, paragraph 37:

A “It feels as though no one in my life is safe from Mr Hall and his
followers. Now I will not go back to a carpark on my own, I will always
ask someone to accompany me. I will always use a taxi rather than
B public transport, although I accept some of these reasons are related
to my disability, not just Mr Hall. I constantly worry about Eve. I
worry Mr Hall or someone influenced by him will turn up at her
house. I worry about her worrying about Mr Hall, who she calls the
stalker man. She has so much going on she should not have to deal
with this as well. It is exhausting having to look over my shoulder all
C the time.”

Well we looked at the police letter from 5 July 2024 and they do not record any other
incidents. You do not mention any other incidents of actual stalking, visiting your respective
D homes, letters sent in the post by Mr Hall or anything of that kind do you?

Mr Hibbert: No well this is all, this all stems from Mr Hall visiting Eve’s house.

E **Mr Oakley:** Back in 2019?

F **Mr Hibbert:** Yeah, and then, you know, the, the what ifs. You know, we see every day in
the news about things happening, you know, the world is not a very nice place so all, all this
is from Mr Hall’s videos. You know the, the fact that one day he felt it was right to travel
from Merthyr Tydfil to Bolton to where Eve lives, and he felt it was right to video Eve
outside her house. I do not know anyone that would do that, so if he can do that what, what
else could he do? What could his followers do?

G **Mr Oakley:** But all that go, that visit --

Mr Hibbert: So that, that is four years.

H **Mr Oakley:** No it is nearly five years actually is it not --

Mr Hibbert: Well five years, sorry.

Mr Oakley: And there have been no other incidents of any kind that either you or Eve's mum has reported to the police --

A

Mr Hibbert: But it is countless, countless videos, countless harassment online, the, the trolling. You know this is not just, you know, Richard puts out a video, it is everything else. Five years of that. It would bring --

B

Mr Oakley: Right.

Mr Hibbert: Anybody down and it would make you think, you know, this is just here all the time, you know? Are they, are they, are they outside my house? Do they know where I live? Are they here today? Are they, are they watching Eve when he goes to, when she goes to school? You know it, it, the, the limitations to what those videos and the trolling and the, the nasty things, what that does mentally it is, it is, it is exhausting, and it does, it does change the way that you look at the freedoms of just walking down a street. You look at it differently and thinking, you know, does this person know who I am? Are they, are they one of Richard's followers? Yeah, what are they going to do? It is, it is exhausting, it is mentally exhausting.

C

D

E

Mr Oakley: There have been no complaints that you have reported to the police about any recent activity of Mr Hall or any of his followers. There is nothing of that kind is there?

F

Mr Hibbert: Well because we have been doing the, through the legal work, the, the police probably would not be interested.

Mr Oakley: There have been no incidents of harassment after the only incident really in September 2019 have there?

G

Mr Hibbert: Harassment online, obviously the harassment in videos, the, you know, debunking my interviews constantly, my live TV interviews. It is coming up saying that I am liar, that I am not disabled, that I was in a car crash. You know, I could talk for hours, you know, it is exhausting.

H

A **Mr Oakley:** Well all the threats to your physical safety at paragraph 37, those are entirely in your own mind, are they not? There was no objective evidence of any such threat to you or your family is there?

B **Mr Hibbert:** No but I think you have got to the, you know, these videos, the trolling, you know, five years of that. This is not just a one off video that he did in 2018. This is constant, you know, video after video after video, you know, constantly ripping apart my interviews, things that I have said, constant for five years, you know? I think that would bring anybody down, and it does, it changes the way that you think, you know, to the point where I was even scared of going back to my car on my own. I am a 48 year old man and I am scared to go to the car on my own.

C **Mr Oakley:** I put it again to you that all these physical fears that you have are entirely in your own mind. There is no objective evidence of any such threat --

D **Mr Hibbert:** It is not, no, that is wrong because I am getting notifications online from followers, from his followers.

E **Mr Oakley:** Your Ladyship, I, I will tie up very, very quickly, probably just a couple more questions.

Steyn J: OK, thank you.

F **Mr Oakley:** Now, Mr Hibbert, you say paragraph 37 at the bottom talking about Eve:

“I worry” --

G **Mr Hibbert:** Sorry, what, which one is this sorry?

Mr Oakley: Paragraph 37 at the bottom talking about Eve:

H **“I worry about her worrying about Mr Hall who she calls the stalker man.”**

Steyn J: Page 158 --

A Mr Oakley: Yes, it is --

Mr Hibbert: Thank you.

B Mr Oakley: It is the same page as before, Your Ladyship.

(pause)

C Mr Oakley: You are talking about Eve, and you say:

“I worry about her worrying about Mr Hall, who she calls the stalker man, and she has so much going on she should not have to deal with this as well.”

D She actually has called him a, a stalker man because that is how her mum has --

Mr Hibbert: Has --

E Mr Oakley: Described him is it not?

Mr Hibbert: I do not know where, where that came about. I do not know if that came from her mum or that is just her way of expressing how she feels.

F Mr Oakley: Well that is the evidence of Daisy *Burke* in her witness statement of 27 June 2024. It starts at page 176 and flipping over to page 178 to paragraph 13 about four lines down this witness says:

G **“She refers to him as the stalker man because that is how Sarah has described him to her. She says things like, ‘he has made a lot of money from the book, and I cannot live my life, it is unfair.’”**

H Now Eve is, in the legal sense, forgetting about her physical condition but in the legal sense she is under a disability and that means that she cannot take control of normal life activities,

dealing with normal stresses and strains that come from life. Can I ask you this? Do you actually, personally, Mr Hibbert, discuss this matter with Eve?

A

Mr Hibbert: No.

Mr Oakley: So how has she become aware of it?

B

Mr Hibbert: We had, obviously she is aware of, you know, obviously Sarah is going to be giving evidence tomorrow, you know, there is, there is snippets that we have had to, you know, talk to her about just because, you know, she has a, a 20 year, one year old girl even though she has got a significant brain injury. So, you know, we, we, we tell her bits but, you know, we probably do not go into great detail because she, you know, she, she would be very scared.

C

Mr Oakley: Can she read?

D

Mr Hibbert: Bits, it is not great. She has got the brain capacity of an eight, nine year old. So she can do bits, it is not great.

E

Mr Oakley: So she would not be able to read and understand complicated legal correspondence?

Mr Hibbert: No I mean she, she would read it but again because of her brain injury she, you know, her attention to, her attention span would be very small. But she can, she can do, she can write WhatsApp messages and read WhatsApp messages so I will speak to her on WhatsApp and, so she can do, she can do that. But yeah, like legal jargon and, you know, it just, it just, it, it would not, you know, it, it would not be good.

F

G

Mr Oakley: Do you disabuse Eve of her fears about the stalker man, Mr Hibbert?

Mr Hibbert: Yeah we try and, you know, say that, you know Daddy is, Daddy is going to court to, you know, to talk, tell the truth and be honest and hopefully, you know, the, the, the law, you know, goes the right way. So we, you know, we, we keep her hopefully happy so that she does not get worried and obviously with her brain injury, with her anxiety,

H

A depression, PTSD, you know it, it is a difficult thing to manoeuvre without, you know, setting her off and then having to go to hospital.

Mr Oakley: Have you told Eve that Mr Hall has no intention of coming round to the vicinity of her home again?

B Mr Hibbert: I have not personally. I do not know whether Sarah has. Again I, I would not be able to answer that.

Mr Oakley: I think that will do, Your Ladyship.

C Steyn J: Is that, that can be *the focus* (inaudible).

D Mr Oakley: Yes, I, I think so. I would, with permission, like to be brought up to speed by my client not least with the Master Davison, but yes I, I think it, think it does probably bring it to an end.

E Steyn J: Yes, thank you. I mean we have reached the time we would normally finish but I do not know whether --

Mr Price: I do not have any re-examination, My Lady --

F Steyn J: No, no re-examination?

Mr Price: I would therefore be keen for my client to be released.

G Steyn J: Yes, OK.

Tuesday 23 July 2024

H Court Clerk: Court rise.

Steyn J: Good morning.

Mr Price: Good morning My Lady.

A **Court Clerk:** This hearing will be conducted both in court and remotely, and will be recorded by His Majesty's Courts & Tribunals Service. These are legal proceedings and you must not make or transmit any recording of any part of the hearing, to do so would be an offence and could amount to contempt of court. The hearing will be conducted over Cloud Video Platform, but that does not change the serious nature or importance of the hearing. On **B** the matter of *Hibbert and another v Hall*, on Tuesday 23 July of 2024, trial part heard.

Steyn J: Good morning Mr Price.

C **Mr Price:** My Lady, I am going to call my next witness, my second witness --

Steyn J: Yes.

D **Mr Price:** If I may.

Steyn J: Yes, just, before you do, I, I, I have got a further bundle from you, from the *Claimants' solicitors called a trial bundle, I believe that* that is from the Claimants.

E **Mr Price:** Yes.

Steyn J: I just wanted to check, I think you were going to add the claim form to the evidence, so I wonder if it could be added --

F **Mr Price:** I, I think that --

Steyn J: *So that* --

G **Mr Price:** Has been actioned --

Steyn J: So that has --

H **Mr Price:** My Lady.

Steyn J: Been actioned, *has it?*

A **Mr Price:** Just, just before we came in, so it may not have synced it --

Steyn J: No.

B **Mr Price:** To your computer, but it, it is there. We can provide it in any other format that is --

Steyn J: Yes.

C **Mr Price:** Necessary.

Steyn J: OK.

D **Mr Oakley:** Your Ladyship, I have received overnight, and I cannot access my emails just now, but my learned friend has very kindly given me some extracts from Ofcom guidance and also some *obviously* very recent social media posts in connection with this matter. I can quite easily deal with the social media posts, but regarding any submissions that are going to be made about any Ofcom guidance, I am clearly, it is, it is perhaps not unexpected, but I am clearly going to have to take some time to research the law on this, whether or not it applies to this case, and similarly, my client, we were copied in at about 11 o'clock last night, but I have not had a chance to discuss it with him either.

E **Steyn J:** Yes, well, we are, we are not going to reach those, at least today, are we?

Mr Price: Not submissions, My Lady.

G **Mr Oakley:** Well --

Steyn J: And so, I mean if there comes a point at which you need more time than you naturally get in a break, certainly today, then --

H **Mr Oakley:** Yes, I, I am just wondering actually, now, unfortunately I left my mobile phone, my, my mobile phone at home today so I have not been able to speak to my client, the

indication in the email sent last night was that he might be asked questions about this Ofcom guidance, so in those circumstances, before he gives evidence I would be --

A

Steyn J: Yes.

Mr Oakley: Very grateful for *a moment* to discuss matters with him.

B

Steyn J: Yes.

Mr Oakley: Thank you.

C

Steyn J: Yes, OK. Thank you.

Mr Price: Yes, well I will, a couple, a couple of points I can clarify with Mr Oakley directly I will not trouble the Court with, but that will probably short circuit any --

D

Steyn J: Yes.

Mr Price: *Difficulties.*

E

Steyn J: OK. Thank you.

Mr Price: *Fine.* So Miss Burke is here. She is at the back of the court. If I could ask you to come forward, please.

F

Steyn J: Thank you.

G

(witness comes forward)

Court Clerk: There is some water there.

H

Miss Burke: Thank you.

Court Clerk: Could you please repeat after me. I solemnly, sincerely and truly.

Miss Burke: I solemnly and sincerely and truly.

A

Court Clerk: Declare and affirm.

Miss Burke: Declare and affirm.

B

Court Clerk: That the evidence which I shall give.

Miss Burke: That the evidence I shall give.

C

Court Clerk: Shall be the truth.

Miss Burke: Shall be the truth.

D

Court Clerk: The whole truth.

Miss Burke: The whole truth.

E

Court Clerk: And nothing but the truth.

Miss Burke: And nothing but the truth.

F

Court Clerk: Thank you.

Miss Burke: Thank you.

G

Mr Price: So Miss Burke, you have got a folder in front of you. I did not, it looks like it may have turned up already, but are you at page 176, bottom right hand corner?

Miss Burke: Yes.

H

Mr Price: Is that a, a document you recognise?

Miss Burke: Yes.

Mr Price: Now you have made two statements for these proceedings, is that the first?

A

Miss Burke: Yes.

Mr Price: If you flick forward to 180, I believe. Or 1, 1, 7, 180 I think, you will see a signature, an electronic signature --

B

Miss Burke: Yes.

Mr Price: On, on the left hand *of the page*, did you cause that signature to be made on, on this document?

C

Miss Burke: Yes.

Mr Price: And turning over to the facing page, what is, I think, called 1, 8, 180A.

D

Miss Burke: Yes.

Mr Price: Is that your second witness statement?

E

Miss Burke: Yes.

Mr Price: And I think then over the page, it runs to 180C, so it is three pages long, and is there a second electronic signature on that page?

F

Miss Burke: Yes.

Mr Price: Again, did you cause that to be made to that document?

G

Miss Burke: Yes.

Mr Price: And are those documents that you have read recently?

H

Miss Burke: Yes.

Mr Price: Are they your statements in these proceedings?

A

Miss Burke: Yes.

Mr Price: And are they true to the best of your knowledge and belief?

B

Miss Burke: Yes.

Mr Price: Thank you Miss Burke. May, may those stand as Miss Burke's evidence in chief?

C

Steyn J: Yes, thank you.

Mr Price: I am going to sit down and the barrister for Mr Hall is going to ask you some questions about your statements.

D

Miss Burke: Thank you.

Steyn J: Thank you. Just, just before you do, do you see that there is a jug there and some cups, if you would like some more water do please feel free to --

E

Miss Burke: Thank you.

Steyn J: *Take* some of that, and just the other point is that the air conditioning can be quite loud, so if you can try to keep your voice so everyone can hear, thank you.

F

Miss Burke: OK.

G

Mr Oakley: Good morning Miss Burke.

Miss Burke: *Good morning.*

H

Mr Oakley: Could you turn to page 176 please, which is your first statement. And then, you set out an introduction about your relationship with the, and there is a heading at page 177:

“Richard D Hall”.

A Miss Burke: Yes.

Mr Oakley: *Following on page 178.* And you say in paragraph 10:

B “My first recollection of the Defendant was briefly seeing his name in
a video on social media. I use TikTok. I had heard of him as being a
conspiracy theorist. I didn’t, at this point know he had made
comments on videos or videos about Eve. I didn’t feel it was
appropriate to seek any more information or details on him or Eve, be
C it on social media or any platform. I cannot remember when this was.”

D Now, I appreciate that your witness statement was, oh actually it is quite recent, June, no it is not, yes it is, 2024, but you have obviously had the opportunity to consider the matter in more detail over the past few days, if you cannot answer this question that is fine, do not guess, but can you perhaps tie down the timescale over which you first became aware of Mr Hall?

E Miss Burke: No.

Mr Oakley: And it is fair to say, is it not, that you did not discuss matters with Eve at that time.

F Miss Burke: No.

Mr Oakley: I suggest to you that in fact this was before October of 2022, in any case, because you then go on to deal with the Panorama interview. Would that be right?

G Miss Burke: Yes.

H **Mr Oakley:** So, as far as you are aware, between whatever period you first became aware of Mr Hall, and the October 2022 Panorama interview. Was Eve herself made aware of Mr Hall’s activities?

Miss Burke: Yes.

A **Mr Oakley:** And when was that please?

Miss Burke: I do not know.

B **Mr Oakley:** Well, you say she was aware at some time between those two periods, but your witness statement, at paragraph 11, the first sentence says this:

“The next time I heard of Richard D Hall was from Sarah.”

C **Miss Burke:** Yes.

Mr Oakley: And that is with reference to the Panorama interview, yes?

D **Miss Burke:** Yes.

Mr Oakley: So I am suggesting to you that because you say:

“The next time I heard of Richard D Hall was from Sarah.”

E In reality Eve had not, certainly had not been made aware by you of his existence before the Panorama interview.

F **Miss Burke:** Not by me, no.

Mr Oakley: Not by you. So, going back to paragraph 11 you say:

G **“I received a message one evening followed by a phone call the next day from Sarah.”**

When was that please?

H **Miss Burke:** I cannot recall the day, but it was a working day that I would have been at work with Eve.

A **Mr Oakley:** Roughly, I appreciate this was some time ago and I am not expecting the precise day and date, but was this around October of 2022?

Miss Burke: Possibly.

B **Mr Oakley:** So you received a message in the evening and the phone call from Eve's mum the next day:

C **“She told me that Richard D Hall’s documentary about the Manchester bomb had been featured on Panorama and that Eve was aware of this.”**

Miss Burke: Yes.

D **Mr Oakley:** Did Sarah tell you that she had allowed Eve to watch this documentary?

Miss Burke: Not that she had watched it, no.

E **Mr Oakley:** But Sarah had certainly discussed the matter with Eve had she not?

Miss Burke: Yes.

F **Mr Oakley:** So it was Sarah who had raised the issue with Eve, and Eve had not become aware of it by Mr Hall's activities. That is, that is the way it was, is it not?

Miss Burke: I am not sure.

G **Mr Oakley:** Did Sarah give an explanation as to how Eve had become aware of the Panorama interview?

Miss Burke: No.

H **Mr Oakley:** At paragraph 13, you say:

A “Since knowing about the Defendant’s interest in her, attempts to contact her and the fact that he is publicly denying that the bomb attack injured Eve and others, Eve will often ask ‘Why me?’, or say ‘I don’t understand why he’s done it.’”

B Just to be clear, Eve became aware of Mr Hall’s attempt to contact her some time after the event. That was probably the summer of 2021 was it not?

Miss Burke: Possibly.

C **Mr Oakley:** Could you keep your voice up please?

Miss Burke: Possibly.

D **Mr Oakley:** Going back to your statement, you say:

“Eve will often ask ‘Why me?’, or say ‘I don’t understand why he’s done it.’”

E So does Eve raise this issue with you?

Miss Burke: Yes, she has done.

F **Mr Oakley:** OK, and do you infer from that that her parents have raised the issue with her and discussed it with her?

Miss Burke: It has happened, yeah.

G **Mr Oakley:** Going back to your witness statement:

“She refers to him as ‘the stalker man’, because that is how Sarah has described him to her.”

H In your role as a professional, do you think it is *prudent* to suggest that someone is stalking or hunting you?

A **Miss Burke:** If it is happening, yeah.

Mr Oakley: But what if it is not happening?

B **Miss Burke:** I am not sure.

Mr Oakley: To the best of your knowledge, at any stage did Sarah disabuse Eve of the idea that Mr Hall was stalking her?

C **Miss Burke:** I am not sure.

Mr Oakley: You are not sure?

D **Miss Burke:** No.

Mr Oakley: Have you discussed the, the question with her?

E **Miss Burke:** What was that --

Mr Oakley: With Sarah --

F **Miss Burke:** Sorry?

Mr Oakley: That is. Pardon?

Miss Burke: What was the question, sorry.

G **Mr Oakley:** I am, I am wondering if Sarah had ever tried to disabuse Eve of the concern about the stalker man, whether you had discussed matters with Sarah as to the approach to be taken to this particular issue.

H **Miss Burke:** No.

Mr Oakley: You never discussed it with Sarah?

A **Miss Burke:** I am not sure what you mean, sorry.

Mr Oakley: Well, you say here:

B “Eve will often ask, ‘Why me?’, or say, ‘I don’t understand why he’s done it.’ She refers to him as ‘the stalker man’, because that is how Sarah has described him to her.”

Miss Burke: Yes.

C **Mr Oakley:** And as I understand it, you have not instigated any discussions about Mr Hall with Eve yourself, is that --

D **Miss Burke:** No.

Mr Oakley: Right?

E **Miss Burke:** That is right, yeah.

Mr Oakley: But it appears from your statement that you are aware that at least Sarah, and possibly Martin, have discussed it with Eve. Is that, is that right?

F **Miss Burke:** Sarah, yes.

Mr Oakley: So, you and Sarah would discuss this between yourselves, have you?

G **Miss Burke:** Slightly, yeah.

Mr Oakley: OK. And have you ever suggested that Sarah disabuse Eve of the idea that Richard is in fact stalking her?

H **Miss Burke:** No.

Mr Oakley: And again, please, please keep your voice up. Going back to your statement, halfway down it says:

A

“She’ll say things like, ‘He’s made a lot of money from the book and I can’t live my life, it’s unfair.’”

B

Now Martin Hibbert yesterday said that Eve had a reading age of approximately nine, would that be accurate?

Miss Burke: Yeah.

C

Mr Oakley: And she has difficulty focussing or concentrating for long periods.

Miss Burke: Yes.

D

Mr Oakley: Does she have access to the internet?

Miss Burke: She does.

E

Mr Oakley: Is that access supervised?

Miss Burke: Yes.

F

Mr Oakley: So, to the best of your, well, let me ask this question first, have you ever supervised her --

Miss Burke: Yes.

G

Mr Oakley: When accessing the internet, yes?

Miss Burke: Yeah.

H

Mr Oakley: And has she ever attempted to look up anything on the internet about the activities of Mr Hall?

Miss Burke: Not that I know of.

A

Mr Oakley: If she did try to access information about Mr Hall while under your supervision, would you allow her to do that, or would you stop her from doing that?

Miss Burke: She has not done it, so I could not really say what I would do.

B

Mr Oakley: Now, as I understand it, you are not a 24 hour live in carer, is that correct?

Miss Burke: That is correct.

C

Mr Oakley: So for some of the time Eve is going to be interacting with her parents without you being present, yes?

D

Miss Burke: Of course.

Mr Oakley: And, but given Eve's limitations in literacy and the restrictions that you place upon her accessing the internet, when she says things like:

E

“He’s made a lot of money from the book and I can’t live my life, it’s unfair.”

It is pretty obvious that she has gleaned that information from talking to her parents. That must be right, must it not?

F

Miss Burke: No.

G

Mr Oakley: So how else could she possibly have known about Mr Hall and his activities?

Miss Burke: Because Eve is not *channelled* from what is happening, so she is very, very aware that Richard has made a book.

H

Mr Oakley: Yes, and I am putting it to you that she has been made aware of that fact by her parents telling her so. She has not discovered it herself has she?

Miss Burke: I am not sure.

A

Mr Oakley: Well, you have agreed with Mr Hibbert's assessment yesterday, that she has a reading age of nine and difficulty concentrating for long periods, and you have told the Court that certainly when she is under your supervision you would not let her access any information --

B

Miss Burke: I did not say I would not. It has not happened so --

Mr Oakley: Oh.

C

Miss Burke: I --

Mr Oakley: OK, I, I apologise. You did not say you would not. So in principle you would let her access *online* --

D

Miss Burke: No, I said I do not know what I would do because she has not done that in my --

E

Mr Oakley: OK.

Miss Burke: Presence.

F

Mr Oakley: But if she did would you, as a professional, experienced carer, would you allow her to access this information?

Miss Burke: Like I said, I do not know what I would do because she has not done that yet.

G

Mr Oakley: I am asking for your --

Miss Burke: I am --

H

Mr Oakley: Opinion.

Miss Burke: Not sure.

A **Mr Oakley:** Well, well, well no, hang on, because you are, you are a professional --

Miss Burke: Yes.

B **Mr Oakley:** This, this is a, a very committed job --

Miss Burke: Yes.

C **Steyn J:** Mr, Mr Oakley, she is not here as an expert witness, so *it matters not what her opinion is*.

D **Mr Oakley:** Well, well no but I, I fully, fully accept that she is committed to what she is doing, she has lots of experience with Eve, so I would like to explore the question of how, in those circumstances, when one obviously wants to protect a vulnerable young adult, how they get access to this particular information. It is, it is not a *professional* --

E **Steyn J:** *You, you are* seeking, you are seeking expert evidence, you are not seeking actual evidence from this witness, which is --

Mr Oakley: I --

Steyn J: Which is what she is here to give.

F **Mr Oakley:** Yes. To, to, to clarify I am not seeking CPR 35 compliant expert evidence in any way. I am asking about her particular knowledge and experience with Eve and the way she would approach treating a *caring brief* because of her knowledge and experience of her as a client, it, it goes, it goes no further than that.

G **Steyn J:** OK, well *I think that, I, I think* this particular question that you have asked her, I think you have asked her a couple of times *and the witness has answered, in fact*.

H **Mr Oakley:** OK I will, I will move on. Going back to paragraph 13 of your witness statement you say:

“I know she overhears conversations Sarah has with the solicitors, or conversations she has with Martin.”

A

So it would be fair to say from that, that her parents do not try to shield her from those conversations, do they?

B

Miss Burke: No.

Mr Oakley:

C

“Eve will often have her earphones on, but is actually listening to other people’s conversations. Sarah also tells Eve about the case in very raw terms. Sarah knows Eve listens to conversations and wants her to know that she can always talk to her.”

D

So there really is no effort by her parents to shield her from this particular issue, is there?

Miss Burke: Based on Richard, no.

E

Mr Oakley: Paragraph 14 of your statement:

“After the documentary was released Sarah told Eve about it. She didn’t want her to hear about it from anyone else.”

F

So you are quite plain about that. She learnt, she learnt about it from her mother, but who else would potentially tell her about it? And the reason I ask is because there is a letter from Expanse Learning, at page 230.

G

(pause)

Miss Burke: Yeah.

H

Mr Oakley: Now this is a letter from Expanse Learning. Are these the people in charge of Eve’s college?

Miss Burke: Yes.

A

Mr Oakley: And it is a specialist college, is it not?

Miss Burke: It is, yeah.

B

Mr Oakley: And it would appear that at some time in May of 2024 they took certain steps to shield her *of the*, from the consequences of the Panorama documentary.

Miss Burke: Yes.

C

Mr Oakley: So it would have been perfectly proper for either you, or Eve's parents, to contact the college and tell the college that this particular matter was not to be discussed and any conversations emanating from pupils or from staff should be shut down. That approach could have been taken, could it not?

D

Miss Burke: That was not the approach, no.

E

Mr Oakley: That was not the approach.

Miss Burke: No.

F

Mr Oakley: So there was no attempt by either you or Eve's parents to contact the college and, and say:

“Please shield her from knowledge about Mr Hall.”

G

Miss Burke: It was not about the knowledge, it was from the press.

Mr Oakley: Well, this letter, and it is, it is a very odd letter because on page 231 it is apparently dated 2 May 2024, that is this year.

H

Miss Burke: Yes.

Mr Oakley: But there is no other correspondence with the college that has been disclosed.

A **Miss Burke:** No.

Mr Oakley: So prior to, on the face of it, 2 May 2024, were any efforts taken by Eve's parents or you to contact the college and say:

B "This is, this is bubbling away in the background, please can you shield Eve from it"?

C **Miss Burke:** Sarah did contact the college to put things in place to keep Eve safe. It was not to shield her from knowing about it or hearing about it. It was to keep her safe.

Mr Oakley: And was that on or about 26 April 2024?

D **Miss Burke:** No, that was on the release of the Panorama documentary.

Mr Oakley: And how did Sarah contact the college on the release of the Panorama documentary?

E **Miss Burke:** She first informed me and then she called the college when it opened in the morning.

Mr Oakley: So this was done by telephone?

F **Miss Burke:** Yes.

G **Mr Oakley:** But that approach, in or around October of 2022 does not seem to have resulted in the response by letter from Expanse Learning. The only letter we have is this one of 2 May 2024. So did the college ever write to Eve's parents, or you, upon the release of the Panorama documentary?

H **Miss Burke:** Not to me, but I cannot speak on behalf of Sarah.

Mr Oakley: Paragraph 15 of your statement, you say:

“Eve has told me that she is worried the Defendant will try and find her again.”

A

When did she tell you that?

Steyn J: Mr Oakley, *sorry I did not, you referred to 15--*

B

Miss Burke: What page is that sorry?

Steyn J: *What is the page reference?*

C

Mr Oakley: Apologies Your Ladyship. Page 178. We are still looking at your first statement.

D

Miss Burke: Yeah.

Mr Oakley: So, the same page as before, paragraph 15:

E

“Eve has told me that she is worried the Defendant will try and find her again.”

Do you see that?

F

Miss Burke: Yeah.

Mr Oakley: When did she tell you this?

G

Miss Burke: I am not sure.

Mr Oakley: Well, it appears that the history of this matter goes back to the summer of 2018, according to Mr Hibbert. So between the summer of 2018 and certainly May of 2024, could you perhaps pin that conversation down a little bit more tightly?

H

Miss Burke: No.

A **Mr Oakley:** It was during college?

Miss Burke: Yes.

B **Mr Oakley:** Was that in connection with Mr Hall's activities or was it in connection with sporting activities?

Miss Burke: As in the cameras were there.

C **Mr Oakley:** Yes, well you, you talk about:

“there are lots of things going on all the time with media and cameras.”

D So I am asking you, the time that she was upset, was that anything to do with Mr Hall or was that, for example, to do with a sporting event?

E **Miss Burke:** The specific incident was Eve had saw out of the window that there was press and it was time for Eve to go and get her lunch, which was a common part of her routine, and when Eve had saw the cameraman she had refused to go and get lunch.

F **Mr Oakley:** So going back to the college letter at page 230, that would have been some time around April of this year, would it not?

Miss Burke: What was that, sorry?

G **Mr Oakley:** We have a letter from the college, and this is the one we have already looked at, at page --

Miss Burke: Yeah.

H **Mr Oakley:** 230. It is dated on page 2, 2 May 2024.

Miss Burke: Yeah.

A **Mr Oakley:** And at the top it refers to a telephone conversation, or a conversation anyway, on Friday 26 April, yes?

Miss Burke: Yes.

B **Mr Oakley:** And what you just told the Court really parallels what it says in this letter, and I will read it to you, the bottom two paragraphs:

C **“Shortly after, Eve refused to visit the neighbouring Morrisons store to collect her lunch, an activity she previously engaged in and enjoyed. Instead, Eve requested that Daisy collect her lunch from Morrisons whilst she waited in the classroom. Eve seemed paranoid and anxious about the thought of leaving the college site and the possibilities of being seen and photographed outside of college.”**

D

So I am putting it to you, I do not know, I am just looking at the documents, but I am putting it to you that this event, which is mentioned in the letter and described by you, took place in around April of this year did it not?

E

Miss Burke: No, this was last year.

Mr Oakley: When?

F

Miss Burke: I do not know.

G **Mr Oakley:** So last year. She was obviously upset, on your evidence, about the presence of cameras, but do you know why the cameras were there on that occasion?

Miss Burke: No.

H **Mr Oakley:** I put it to you that it was absolutely nothing to do with the activities of Mr Hall, was it?

Miss Burke: I do not know.

A **Mr Oakley:** Going back to paragraph 15, about half way down you say, this page 178 by the way, are you there?

Miss Burke: Yeah.

B **Mr Oakley:** You say:

C **“Eve saw a cameraman and asked me if they were there for her. She had seen cameras around there before, but now she associated them with the Defendant’s attempts to take video footage of her and she became very distracted by it, and since that day she has never voluntarily gone over to Morrisons for lunch.”**

D Now, you never told Eve about the Defendant’s activities, did you?

Miss Burke: No.

E **Mr Oakley:** So her awareness of the Defendant’s activities of whatever kind, have come from her parents. That must be right.

Miss Burke: Must be.

F **Mr Oakley:** Did you say, must be?

Miss Burke: Yes.

G **Mr Oakley:** And, and please do, do keep your voice up, the, the, the reason is, as Her Ladyship explained, these proceedings are recorded but also we need to hear what you are saying as well, there is air conditioning on. Paragraph 16 of your statement, on page 179, you say:

H **“Eve does not understand that there are two sets of legal proceedings, so any time Sarah has to talk to any solicitors she worries about her mum.”**

A The reason we are here today is obviously one set of legal proceedings. What is the other set of legal proceedings?

Miss Burke: I am not aware of them.

B **Mr Oakley:** You are not aware of them?

Miss Burke: No.

C **Mr Oakley:** But you say in your statement:

“there are two sets of legal proceedings”.

D So why did you --

Miss Burke: Yes *there* are.

E **Mr Oakley:** Write that?

Miss Burke: Because I know that there are two sets of legal procedures for, I do not know what the other one is about.

F **Mr Oakley:** Is it, are the, are the other legal proceedings anything to do with Mr Hall?

Miss Burke: Like I just said, I do not know what they are about.

G **Mr Oakley:** So, if they are about something completely separate, Eve’s upset and disquiet could equally have been caused by her knowledge of those proceedings, could it not?

Miss Burke: I am not sure.

H **Mr Oakley:** Paragraph 17, this is with reference to Eve hearing about the, Eve hearing about the two sets of legal proceedings and your observation is:

“She gets very anxious and her bottom lip will quiver, which is Eve crying. The blast robbed her of [of] the ability to shed tears.”

A

Is this her regular reaction when she hears about the two sets of legal proceedings?

Miss Burke: If she is upset. If she is upset.

B

Mr Oakley: But I am asking, does this happen on a regular basis?

Miss Burke: Yeah.

C

Mr Oakley: So, that would be a clear indication, would it not, that either you or her parents ought to ensure that she does not hear about these two sets of legal proceedings. That would be the normal thing to do, would it not?

D

Miss Burke: Why?

Mr Oakley: Well why, if it is upsetting her and she cannot deal with it and she has the reading age of a nine year old and difficulty concentrating, you would want to shield her from knowledge about these two sets of legal proceedings because you, you obviously would not want her to be upset.

E

Miss Burke: Why?

F

Mr Oakley: You would want her to be upset?

Miss Burke: Well she is still a person. She still deserves to know what is going on, whether it --

G

Mr Oakley: Well --

Miss Burke: Upsets her or it does not.

H

Mr Oakley: You ask me why.

Miss Burke: Yeah.

A

Mr Oakley: I do not answer, answer questions, but I am going to ask you that question. Why?

Miss Burke: Why does she deserve to know?

B

Mr Oakley: Yes.

Miss Burke: Because it is about her.

C

Mr Oakley: But she cannot possibly deal with it. She quite properly has a litigation friend to bring these proceedings. It is, it is said that she is upset by Mr Hall and his activities, but it seems from your witness statement that her upset actually comes from her parents talking about the case within her earshot. That is the reality, it is not.

D

Miss Burke: Not necessarily, no. Eve's --

Mr Oakley: Why?

E

Miss Burke: Very aware of what is going on, whether she --

Mr Oakley: But --

F

Miss Burke: Understands it fully or she does not.

Mr Oakley: But she has the reading age of a nine year old, so she cannot read any legal papers or documents which have been produced in this case, yes?

G

Miss Burke: She can read them, whether she understands them, that is a different story.

Mr Oakley: So is she actually given, by her parents or you, the legal documents in connection with this case?

H

Miss Burke: I am not sure.

A **Mr Oakley:** Well, you can be sure about yourself. Have you given her --

Miss Burke: No.

B **Mr Oakley:** Right. So I am going back to this point, on the basis that there is nothing whatever that she can do about this case, for obvious reasons, why on earth are not either you or her parents shielding her from knowledge about it?

Miss Burke: Because I do not think that is right.

C **Mr Oakley:** And do you agree with her parents, do they take a similar view to you?

Miss Burke: Absolutely.

D **Mr Oakley:** Paragraph 21 of your statement, you say two things in the first sentence:

“She will mention the Defendant or her injuries at least once a week.”

E Now, when she refers to her injuries, is she speaking about those in general terms?

Miss Burke: I am not sure what you mean.

F **Mr Oakley:** Well, there are two parts to this sentence:

“She will mention the Defendant or her injuries”

G So you are mentioning two different issues in the same sentence.

Miss Burke: Yes.

H **Mr Oakley:** And I am asking you if she will refer to her injuries just as general conversation.

Miss Burke: No, there is usually a trigger.

Mr Oakley: Usually a trigger, and what, what sort of triggers are we talking about?

A

Miss Burke: Her class friends doing something that she cannot do.

Mr Oakley: So her own inherent physical limitations then.

B

Miss Burke: Sometimes, yeah.

Mr Oakley: But nothing to do with the activities of Mr Hall.

C

Miss Burke: That was just that side of the sentence about her injuries.

Mr Oakley: I am coming on to that in a moment. I am just asking, we have all read the witness evidence, including the restricted evidence, and I am just asking you, because I do not know, if, in general terms, she will complain about the effects of her injuries and you have mentioned one instance when she cannot do things that her school mates can do. Are there any other instances when she complains about the effects of her injuries?

D

Miss Burke: Many aspects in her, in her life, and I would not say it is complaining.

E

Mr Oakley: Not necessarily complaining, and, and to be fair, I have not suggested that they are complaints. All you say in your statement is she will mention the injuries --

F

Miss Burke: She will.

Mr Oakley: So give us some examples please, you, you have talked about her school friends being able to do things that she cannot do, what, what other examples are there?

G

Miss Burke: Eve's personality, she seeks a lot of reassurance. So there does not necessarily have to be something as such that you see as a trigger, it can just be one word that she might have heard that then sets her brain off into a train of thought.

H

Mr Oakley: So she might hear a single word and that will make her --

Miss Burke: Possibly.

A **Mr Oakley:** Start talking about the effects --

Miss Burke: Yeah.

B **Mr Oakley:** Of her condition. What about other triggers, other things that she sees, I do not know, people going skiing down a mountain, skateboarding, abseiling, things, things like that.

Miss Burke: She wishes she could still do them.

C **Mr Oakley:** But these general mentions by her of her condition are nothing to do with Mr Hall are they?

D **Miss Burke:** Some are related to, yes.

Mr Oakley: OK, what ones are related to Mr Hall?

E **Miss Burke:** The claim that Eve got her injuries from a car crash. She will often talk about that.

Mr Oakley: And she became aware of that allegation from her parents, did she not?

F **Miss Burke:** I am not sure.

Mr Oakley: Well she did not become aware of that allegation from you, or did she?

G **Miss Burke:** Not from me, no.

Mr Oakley: *Did she, excuse me one moment.*

H (pause)

Mr Oakley: Going back to the first part of your sentence

“She will mention the Defendant . . . at least once a week.”

A Is that correct?

Miss Burke: Yes.

B **Mr Oakley:** And in what circumstances does she mention the Defendant? You talked about the car crash, when was that, or when, when did she discuss the car crash, rather?

C **Miss Burke:** I would say the past four months she has been mentioning it near enough every week.

Mr Oakley: And she must have got that information from her parents, yes?

D **Miss Burke:** Must have.

Mr Oakley: And in what other circumstances does she mention the Defendant at least once a week?

E **Miss Burke:** She seeks comfort, knowing that she is going to be OK.

Mr Oakley: And do you give her that comfort?

F **Miss Burke:** I do, yeah.

Mr Oakley: And do you tell her that there is no one stalking her?

G **Miss Burke:** I do not.

Mr Oakley: So you leave that concern over her head do you?

H **Miss Burke:** That is not something I can comment on.

Mr Oakley: Well, if a child or a young adult under a disability complains about monsters under the bed, for example, you do not say:

“Yes there are monsters under the bed”

A

Do you?

Miss Burke: She is not complaining about monsters under the bed though.

B

Mr Oakley: No, I am drawing an analogy.

Miss Burke: It is not --

C

Mr Oakley: I am saying --

Miss Burke: The same.

D

Mr Oakley: No, but I am saying if a child expresses an unsubstantiated fear of whatever kind, then a responsible adult will disabuse the child of that fear would they not?

Miss Burke: Every parent does it different.

E

Mr Oakley: So are you saying that it would be OK to tell a child that there are monsters in the bed, in line with my analogy --

F

Miss Burke: No.

Mr Oakley: Or that Mr Hall is in fact stalking her? That is OK is it?

G

Miss Burke: It is an opinion.

Mr Oakley: Pardon?

H

Miss Burke: It is an opinion.

A **Mr Oakley:** Well I am, I am asking for your opinion because you are the one giving evidence. Is it your opinion that it is OK not to disabuse a child or, or a vulnerable young adult of such things?

Miss Burke: No.

B **Mr Oakley:** Sorry I missed that, say again?

Miss Burke: No.

C **Mr Oakley:** So you do not think that they ought to be disabused of such fears, is that right?

Miss Burke: No.

D **Mr Oakley:** Paragraph 21 goes on:

E **“However, if Sarah has an appointment with the solicitors, or if she knows I am speaking to her, it will be every day that she talks about these things, the same questions, ‘Why me?’, ‘Why does he not like me?’, ‘Why doesn’t he believe me?’”**

So it is fair to say from your words in that paragraph that both you and Sarah in fact are completely open with Eve about the process of this litigation, yes?

F **Miss Burke:** Yeah.

Mr Oakley: And in your conclusion at paragraph 24 you say:

G **“I know that this kind of behaviour from Eve isn’t solely down to the Defendant, it is also down to the bomb and her injuries, but every time he writes something or publishes something it’s something else we have to deal with it.”**

H So on the basis of those words, every time Mr Hall has published something of which the, of which Mr Hibbert and Sarah are aware, they tell Eve about it do they?

A **Miss Burke:** I am not sure.

Mr Oakley: Well what does, what does this passage mean? You say:

B “every time he writes something or publishes something it’s something else we have to deal with.”

Miss Burke: Yeah, that she is aware of.

C **Mr Oakley:** And she becomes aware of these issues because her parents tell her about them, do they not?

Miss Burke: If she has not seen them herself, yeah.

D **Mr Oakley:** And she would not see them herself because of her reading age, her lack of concentration and the fact that, at least in your hands, her internet access --

E **Miss Burke:** It is not --

Mr Oakley: Is supervised.

Miss Burke: That she cannot read. She can read.

F **Mr Oakley:** Yes, she can read at the level of a nine year old. OK let me, let me ask you this question. To the best of your knowledge there will be legal papers flitting backwards and forwards, letters from solicitors, etc, pleadings, witness statements, do her parents actually
G give those to Eve to read?

Miss Burke: I am not sure.

H **Mr Oakley:** Going on to page 180, this is the last part of paragraph 24. You talk about her learning about the Defendant’s campaign and how it has affected Eve:

A “It has also caused her real lasting and persistent anxiety and enormous distress. I also know that if Eve hears the Court has acknowledged this and told the Defendant to stop making these claims about her, she will be comforted by that.”

B Now you may or may not know this because, obviously, you are not a party you are just, you are just a witness are you not, and I, I am not being disparaging of you in any way, but have you seen the correspondence at the back of the second bundle?

Miss Burke: No. No.

C **Mr Oakley:** You have not seen it? Can we just go to page 1057 in the second bundle?

Miss Burke: Is that this one?

D **Mr Oakley:** OK?

Miss Burke: It that this one?

E **Mr Oakley:** There is two that look similar. If you look at the numbers in the bottom --

Steyn J: It is not the one that your witness statement is in.

F **Miss Burke:** That one?

Steyn J: That one, *thank you*.

G (pause)

Miss Burke: What page was that?

H **Mr Oakley:** It starts at page 1057.

(pause)

Mr Oakley: And this is a letter of 11 January 2023 to Martin and Eve’s solicitors. Do you see that?

A

Miss Burke: Yeah.

Mr Oakley: Have you seen this letter before?

B

Miss Burke: No.

Mr Oakley: If you turn to page 1092. We can see this is the last page of Mr Hall’s letter, and under the heading:

C

“Remedies”

It says:

D

“I am not currently, nor do I intend to in the future process your client’s personal data. I am not currently, nor do I intend to in the future pursue any activity that could amount to a harassment of your clients.”

E

To the best of your knowledge did Eve’s parents tell her that Mr Hall had said quite clearly that he was not going to pursue any activity that could amount to harassment of her?

F

Miss Burke: I am not sure.

Mr Oakley: So, it is fair to say, is it not, that even though Mr Hall has set out his position very clearly, Eve’s parents have not passed that information on to Eve, have they?

G

Miss Burke: I am not sure.

Mr Oakley: *Right.* From your knowledge, your, your intimate knowledge of caring for Eve, if she was told that Mr Hall had said he was not going to undertake anything that could amount to harassment of her, possibly in simpler terms, but if she was told that would that have comforted her?

H

A **Miss Burke:** I am not sure.

Mr Oakley: Well, I put it to you that it is self evident that it would comfort her and in fact her parents ought to have told her that, but from what you are saying they have not actually told her that, have they?

B **Miss Burke:** What was that, sorry?

C **Mr Oakley:** Right. I am suggesting to you that if her parents had informed her of what Mr Hall has said in his letter, perhaps not using the exact words, but if they had said something along the lines of Mr Stalker Man is not going to come anywhere near you, there is nothing to worry about, that would have reassured her, would it not?

D **Miss Burke:** Yeah.

Mr Oakley: And they have not done that have they?

E **Miss Burke:** I am not sure.

Mr Oakley: I am just going to take some water. Turn to page 180A, if you would please, (inaudible)

F (pause, parties confer)

Mr Oakley: This is a new witness statement, which was produced by you on 18 July, so it is extremely recent.

G **Miss Burke:** Yeah.

Mr Oakley: And you say at paragraph 3:

H **“This is my second witness statement in these proceedings. The purpose of this statement is to update the Court in relation to an incident which occurred after the service of my previous statement.”**

A Miss Burke: Yes.

Mr Oakley: And you then go on:

B “Eve has had four weeks of learning at home due to an issue with her wheelchair. Her first day back after this period [was 8, was, was] was 8 July 2024. She was understandably nervous.”

C Pausing there. Was her nervousness due to the fact that she had been at home and she had defamiliarised herself with the regular school activity?

Miss Burke: Partly, yes.

D Mr Oakley: So when you say she was understandably nervous, the nervousness was understandable because she had gone back to school after a fairly significant break, yes?

Miss Burke: Yes.

E Mr Oakley: So that was nothing to do with Mr Hall was it?

Miss Burke: Part of it was that, obviously, it is on her mind.

F Mr Oakley: Well, paragraph 7, you go into more specifics, and we are talking about the very recent incident, so your memory ought to be fresh, and you say:

G “Whilst using the bathroom around 11am, Eve saw red paint splattered on the tiles in the bathroom. Eve became instantly triggered and started to panic. Eve repeatedly said, ‘Daisy, I don’t like it, I don’t like it.’”

H Did this incident happen at home or at school?

Miss Burke: At school.

Mr Oakley: And were you there at the time, did you --

A

Miss Burke: Yes.

Mr Oakley: Witness this? Yes. So the obvious inference to draw from this is that she saw red paint and she perhaps thought it was blood. Would that be correct?

B

Miss Burke: Yes.

Mr Oakley:

C

“I tried to reassure Eve that it was just red paint and I showed her that I was able to wipe it off the wall. I tried to calm her down. Eve appeared to zone out and became vacant. I tried to distract Eve and asked her about her weekend. Eve was very brief in her responses to me. She told me her dad had been round.”

D

But it is fair to say her reaction to the red paint was based on its similarity to blood. That was nothing to do with the activities of Mr Hall was it?

E

Miss Burke: No.

Mr Oakley: Paragraph 10, you say:

F

“Once Eve returned to class she asked me for a chat. She appeared anxious. I asked her what was on her mind and Eve said, ‘My dad came round on the weekend and we spoke about Stalker Man.’”

G

So even at the beginning of this month Martin Hibbert was still telling his daughter significant details about this case, was he not?

H

Miss Burke: It was a conversation between him and Sarah, which she overheard.

Mr Oakley: I am sorry I did not hear that, could you --

Miss Burke: It was --

A

Mr Oakley: Repeat?

Miss Burke: A conversation between Martin and Sarah, that Eve was talking about.

B

Mr Oakley: Well, according to your witness statement, your actual words are, and they are in quotation marks, they were fresh in your mind:

**“My dad come round on the weekend and we’ve spoken about Stalker
Man.”**

C

So Martin Hibbert did indeed discuss the matter with his daughter, did he not?

D

Miss Burke: Possibly.

Mr Oakley: Well that is, that is what you say.

E

Miss Burke: Like I say --

Mr Oakley: Certainly, because these are your words, unless you are saying your witness statement is wrong.

F

Miss Burke: No.

Mr Oakley: So your witness statement is accurate?

G

Miss Burke: Yes.

Mr Oakley: So even at that stage Martin Hibbert is still describing Mr Hall to his daughter as the stalker man, yes?

H

Miss Burke: I am not sure that phrase comes from Martin.

Mr Oakley: Well, these are your words and they are in quotation marks.

A **Miss Burke:** That is what Eve said, yes.

Mr Oakley: Right. So Eve did not go on to say:

B “Daddy told me that this man was not going to come round and bother me.”

She did not say anything of that nature did she?

C **Miss Burke:** No.

Mr Oakley: Paragraph 11. I knew that Sarah and Martin had been planning to mention the trial to her so that she did not hear about it inadvertently from someone else. Who else could she possibly hear it from?

D **Miss Burke:** Social media or her friends from school.

E **Mr Oakley:** Well, social media, you have already said that you *have been* very willing to restrict her access to social media, yes? Or the internet generally.

Miss Burke: There is only so much restriction you can do. Like you claimed, I am not there 24 hours of the day.

F **Mr Oakley:** No, I, I accept that. I fully accept that, but when you are there, if she was accessing this sort of information on social media, or elsewhere, you could say:

G “Stop doing that.”

Or, or at, at its very simplest you could take away whatever device she was looking at could you not?

H **Miss Burke:** I could, but I would never do that.

Mr Oakley: You would never do that?

A **Miss Burke:** I would never take something from her, no.

Mr Oakley: Even if she was looking up things that were upsetting or harmful --

B **Miss Burke:** I can advise Eve --

Mr Oakley: Or frightening?

C **Miss Burke:** What is the best thing to do. I cannot tell her what to do, she is still her own person, as much as I can advise what is right or wrong for her to do.

Mr Oakley: So you would just let her get on with it if she found something disturbing --

D **Miss Burke:** That is not --

Mr Oakley: Or upsetting?

E **Miss Burke:** What I said.

Mr Oakley: Well, you are saying that you would not stop her from doing it, so that amounts to the same thing, does it not?

F **Miss Burke:** I would not directly take the phone out of her hand, no I would not.

Mr Oakley: That would be a sensible thing to do, would it not, to avoid her being upset?

G **Miss Burke:** Probably snatching it out of her hand would make her upset.

Mr Oakley: No, no, I did not say snatch. You can take it away, you can say:

H "I'm taking this away, we're having some down time."

And just take it gently from her. You do not need to snatch it from her do you.

Miss Burke: A conversation would probably go down better.

A

Mr Oakley: Pardon?

Miss Burke: A conversation would probably go down better.

B

Mr Oakley: What do you mean by that?

Miss Burke: I can advise Eve that it probably is not the right thing to be doing.

C

Mr Oakley: And what if she persists in looking up upsetting things of whatever nature on the internet? If she, if she gets it into her mind to carry on doing so would you just let her?

Miss Burke: No, I would phone her mum.

D

Mr Oakley: You would phone her mum?

Miss Burke: I would, yeah.

E

Mr Oakley: And if she was looking up upsetting things on the internet would her mum say:

“Take her phone away from her”?

F

Miss Burke: Possibly, yes.

Mr Oakley: But not necessarily?

G

Miss Burke: Well, most often she would probably say that.

Mr Oakley: That ought to be done in all circumstances if one was being sensible, yes?

H

Miss Burke: Yes.

Mr Oakley: So, at paragraph 11 of your statement:

“I know that Sarah and Martin have been planning to mention the trial to her.”

A

They did in fact mention this upcoming trial to her, did they not?

Miss Burke: Yes.

B

Mr Oakley: They did not need to do that, did they?

Miss Burke: Why?

C

Mr Oakley: Because they could and should have shielded their daughter from knowledge of these proceedings. That is why. Do you not think that would be a sensible thing to do?

D

Miss Burke: No.

Mr Oakley: OK. Paragraph 12, you say:

“I retrieved my notepad so I could make notes while Eve spoke to me.”

E

Do we have a copy of those notes?

Miss Burke: Not on me, no.

F

Mr Oakley: But you took the decision rather than to shut the conversation down, to explore the issues that she was raising and make notes about them, yes?

G

Miss Burke: Yeah.

Mr Oakley: So in paragraph 13 you say:

“Eve asked if I was writing everything down to tell the Court. I told her that the Court might need it, but that I wanted to keep a log at college to keep her safe.”

H

So you made, obviously, a deliberate decision to take these notes, yes?

A

Miss Burke: Yes.

Mr Oakley: And they have not been disclosed to the Court have they?

B

Miss Burke: I typed them up onto a document. They have been sent forward, but the actual paper copy I do not have, no.

C

Mr Oakley: Your Ladyship, that document ought to be disclosed, and I would suggest that there is no question of privilege arising from it, bearing in mind that the witness has mentioned it in quite explicit detail, including, it would appear, some direct quotes from that document.

D

(parties confer)

Mr Oakley: I wonder if my learned friend has any observations? Sorry, I am not trying to interrupt.

E

Mr Price: My instructions are that these notes are in the custody of the college, who may release them if so ordered, and that there is an extract that was sent to my instructing solicitor in an email, but it strikes me I would need to consider whether that is privileged.

F

Mr Oakley: Yes, of course.

Steyn J: Yes.

G

Mr Price: *But, that, that,* that extract, but --

Steyn J: Well could, could you look into it?

H

Mr Price: I, I, I will.

Steyn J: (inaudible)

Mr Price: I will seek to agree a way forward with my friend. It, it seems to me that it may not be proportionate to make an order against the, the college to --

A

Steyn J: Yes.

Mr Price: To disclose them, but *if so* (inaudible)

B

Mr Oakley: No, no, I am not suggesting that at the moment, but when one types documents they are generally saved, and I suspect that this witness probably has access to it as well. It was not a handwritten note by the sounds of it.

C

Steyn J: Yes.

Mr Price: I will investigate, My Lady.

D

Mr Oakley: Thank you. So in paragraph 13 you talk about you writing things down and this was quite a detailed conversation between you and Eve, was it not, because you say in paragraph 14:

E

“Eve said, ‘Don’t tell him, he will laugh.’ I asked Eve who she was talking about and Eve said, ‘Richard.’ I said to Eve, ‘What do you mean he will laugh?’ Eve said, ‘If he knows I was talking about him in college he will laugh.’ I asked Eve why she thought Richard would laugh at her. She replied, ‘Because he will think I’m stupid and he will know that I’m bothered by him, so he will laugh.’”

F

And then you say:

G

“I tried to reassure Eve that her feelings were valid. Eve said, ‘I don’t like him, he’s been to my house Daisy, he’s tried to look for me. I just want this all to be over.’”

H

So although you try to reassure Eve that her feelings were valid, that is in respect of her concerns that Mr Hall would laugh at her, is it not?

Miss Burke: Yes.

A

Mr Oakley: You did not tell her that any worries she had about Mr Hall contacting her were completely invalid did you?

Miss Burke: No.

B

Mr Oakley: Paragraph 17, you say:

“The Defendant continues to play on Eve’s mind, it makes her upset and anxious. We all cannot wait for this to be over.”

C

But the easiest and the quickest way for this to be over for Eve would be to tell her, would it not, that Mr Hall has no intention of approaching her and there is no threat from Mr Hall. That would be the sensible thing to do, would it not?

D

Miss Burke: If they were his intentions, yes.

Mr Oakley: Well, how long have you been Eve’s carer?

E

Miss Burke: I was a carer for two years and then I was a, a, a learning support assistant for two years.

F

Mr Oakley: So, does that mean you have known Eve and been caring for her for four years in total, is that right?

Miss Burke: Yeah.

G

Mr Oakley: During those four years in total, you are not aware of any incident during which Mr Hall has attempted to approach Eve, are you?

H

Miss Burke: Yes.

Mr Oakley: I do not quite understand your answer. Are you aware of any such incident when he has attempted to approach her, or are you not aware of any such incident.

A **Miss Burke:** Not that he has approached her, but Eve has told me about him turning up in a van at her house.

Mr Oakley: And that was in September of 2019, was it not?

B **Miss Burke:** Yes.

Mr Oakley: So between September of 2019 and today, which is nearly five years, there have been no other incidents in which Mr Hall has attempted to come to Eve's home or similar, no incidents of that kind at all are there?

C **Miss Burke:** No, not that I know of.

D **Mr Oakley:** Thank you, I do not have any more questions Your Ladyship.

Steyn J: Thank you Mr Oakley.

E **Mr Price:** One moment please, My Lady. Nothing, nothing in re-examination.

Steyn J: No, thank you very --

Miss Burke: Thank you.

F **Steyn J:** Much.

Mr Oakley: And I am just wondering Your Ladyship --

G **Steyn J:** Yes.

Mr Oakley: And I do not want this to take too long, but if the document, the log could be obtained swiftly, within the next few minutes --

H **Steyn J:** Yes.

A **Mr Oakley:** Perhaps I could, well, perhaps my learned friend could take instructions, well actually no, because she *has given* her evidence. I am just wondering how to deal with this because I, I do not want to bring her back at a later date if, if we can deal with the log now.

B **Steyn J:** Yes, well, I mean what we could do is have a, have a pause in order to investigate, whilst the witness remains sworn, and, and if there is a log *then* you may ask questions in relation to that if there is *anything to disclose* at this point.

Mr Oakley: Very well.

C **Steyn J:** Is that, *I mean if, if we*, if we take a, I do not how *long you are going to take, or...*

Mr Price: I do not think it is going to take very long because I think I know the what the answer is going to be --

D **Steyn J:** OK.

Mr Price: I think the answer is going to be that it cannot happen that quickly.

E **Steyn J:** Right.

Mr Price: Because --

F **Steyn J:** Even --

Mr Price: Because from what, from what I understand, it is in the custody of the college and --

G **Steyn J:** And is that true even in respect of the extract --

Mr Price: I will --

H **Steyn J:** That you have referred to?

A **Mr Price:** That is, that is, that, that is a good point. If that would satisfy the Defendant. Because I think if, if that is all, in fact, that the statement has been based on, the witness statement has been based on, it might satisfy the Defendant. I do not know.

Steyn J: Yes.

B **Mr Price:** But I might explore whether we can waive any privilege, if there is any, in the email by which, I understand, it was transmitted to my instructing solicitor. So that will, ten minutes in that case.

C **Steyn J:** Yes.

D **Mr Oakley:** I, I appreciate that I have not raised it before with my, with my learned friend before and I do not, I do not want to put him to any inconvenience here, I just want to deal with all the matters --

Steyn J: Yes.

E **Mr Oakley:** In the most efficient way possible. So I am, I am not going to make a fuss. I, I appreciate that if there is correspondence with the solicitors that is likely to be subject to privilege, but equally, it seems to me, this is a very recent document, it was produced on some electronic device. It ought to be available and that is what I am, that is what I am looking for, and I am really not trying to cause any, any trouble, and I hope --

F **Steyn J:** Yes.

Mr Oakley: That, that --

G **Steyn J:** No, I, I, I appreciate that. Well if you can try and investigate whether or not there is something that can be disclosed, if you, if, if there is you will need, I expect, a reasonable time to look at it and then, then we will resume, so, let us say ten minutes. It may be that if, if there is something to be disclosed you can have a little, a little bit more time to look at it.

H **Mr Oakley:** I think we will deal with it as, as quickly as possible Your Ladyship, but in the interim I would suggest it is probably best if the witness is not released.

A **Steyn J:** Yes. Fine, so, well I tell you what, *lets us, I think* we will take a 20 minute break at this point. Miss Burke, it is possible that there might be a few more questions for you before you conclude your evidence, but we are going to *just take* a 20 minute break --

Miss Burke: OK.

B **Steyn J:** What that means is that during this quick break please do not speak to anyone at all about the case, OK?

C **Miss Burke:** OK.

Steyn J: So it is probably best if you, if you just, well, *if you*, just other, other subjects, but --

D **Miss Burke:** OK.

Steyn J: Not about the case at all --

E **Miss Burke:** OK.

Steyn J: So do not talk about Eve or, or anything of, of that kind --

F **Miss Burke:** OK.

Steyn J: During this break, OK?

G **Mr Oakley:** Thank you Your Ladyship.

(adjournment)

H **Court Clerk:** Court rise.

Steyn J: Have you made any progress?

A

Mr Price: A little bit My Lady. We identified an email from Miss Burke to my instructing solicitor that contained a copy of what was logged with the college, and we have shown that to Mr Oakley, and he has responded in two ways, one of which we can deal with now. He wants to ask a couple more short questions now.

B

Steyn J: Yes.

C

Mr Price: He also asks if we could try to get hold of the handwritten note that Miss Burke took at the time of her conversation with Eve. He permitted me to ask Miss Burke about the location of that document, which I did, and I was told by the witness that it is in the custody of the college and inaccessible to her currently. So I *then* told Mr Oakley that, following proceedings today, we will begin the process of trying to obtain it and, but that he, and he has told me in response to that, well he expressed some gratitude and then said that he would hope not to have to delay proceedings and that, if necessary, submissions could be made at the end of trial if anything arises, and it is very unlikely that he would wish to recall --

D

Steyn J: Yes.

E

Mr Price: Miss Burke, I *have not* (inaudible), but I --

F

Mr Price: Hope that is that case. Is that a fair summary?

G

Mr Oakley: Yes, it is a fair summary, Your, Your Ladyship, only one thing to, to add. I appreciate that this witness has come down from Manchester. I am prepared to be fully flexible about this, but Eve's mother will be giving evidence by CVP link and, if necessary, hopefully it will not be necessary, but if necessary a similar facility could be set up with this witness over the next day or two, I would, I would hope.

H

Steyn J: Yes.

Mr Oakley: Now, one other thing, my learned friend's solicitor has, I think she said, added this email to the court bundle. Does Your Ladyship have access to it?

Steyn J: *I expect I may not have (inaudible) yet.*

A

Mr Price: It is in a folder called:

“Evidence post trial”

B

And knowing my --

Steyn J: *Right.*

C

Mr Price: Instructing solicitor it will be quite clearly labelled, *that is (inaudible) navigated to --*

Steyn J: And it should be called what, do you have, do you have a name?

D

Mr Price:

“Email from Daisy”.

E

(parties confer)

Steyn J: *Right. Yes, it may not, unfortunately my, my, my clerk is not here at the moment and so things might not reach me quite as quickly as they might have.*

F

(parties confer)

Steyn J: I do not have it yet.

G

(pause, parties confer)

Mr Price: Oh I see, it has been emailed to, to Your Ladyship’s clerk, but you have just told us your clerk is not --

H

Steyn J: Well she is very kindly --

Mr Price: Present.

A

Steyn J: Passing things on, it is just that --

Mr Price: I understand. So --

B

Steyn J: She might not be quite so quick *to do* (inaudible)

Mr Price: I, I have seen it in, in my folder.

C

Steyn J: Yes.

Mr Price: So I hope, it, it is there, I think it may just take some updating.

D

Mr Oakley: Oh, one other thing has just occurred to me, is a copy available for the witness?

Mr Price: We, we, we, we are proposing to show it to her on the --

E

Solicitor: (inaudible)

Mr Price: On the laptop --

Solicitor: (inaudible)

F

Mr Price: Of my instructing solicitor. So ...

Steyn J: Thank you.

G

(pause)

Steyn J: Yes, (inaudible) *to the, to the* (inaudible) to avoid (inaudible)

H

(pause, parties confer)

Steyn J: *I am just* (inaudible)

A (pause)

Steyn J: Yes, thank you, I have it.

B **Mr Oakley:** Thank you. Now Miss Burke, have you read that email on the computer?

Miss Burke: Yes.

C **Mr Oakley:** Can I ask you, first of all you say, in the email itself:

“I got my pad and started writing notes.”

And at paragraph 12 of your witness statement, do not, do not bother turning to it, you say:

D **“I retrieved my notepad.”**

Just so that we are clear, is this an electronic iPad that you are talking about or a physical paper notepad?

E **Miss Burke:** A physical paper notepad.

F **Mr Oakley:** OK, thank you. And the other question that I want to ask you is, there is a, a little bit of a difference between what appears in your witness statement and what appears in this email. Can you see at the very top it says:

G **“8.7.24. Monday was Eve’s first day back after a four weeks’ home learning.”**

And you expand on that a little bit in your witness statement, at paragraph 5, and again no need to find this unless you feel the need to:

H **“Eve has had four weeks of learning at home due to an issue with her wheelchair.”**

Miss Burke: Yes, *but* --

A **Mr Oakley:** So that is why she was away from school for four weeks, yes?

B **Miss Burke:** No. The original plan was Eve was to be home schooled Tuesdays and Wednesdays, and attend college on Mondays and Thursdays. However, Eve's wheelchair broke, so the college agreed for Eve to be home schooled Monday to Thursday until the wheelchair was fixed.

C **Mr Oakley:** OK well that, well that is pretty much what you say in your witness statement is it not?

Miss Burke: Yes.

D **Mr Oakley:** But something in the email is written down which does not appear in your witness statement, and I will read the whole sentence, it says:

E **“6.7.24 [sic]. Monday was Eve's first day back after a four weeks' home learning. Expectedly, Eve had anxiety returning to college.”**

So, it was expected that after such a long break of four weeks it was inevitable that she would have anxiety on returning to college, yes?

F **Miss Burke:** Yes.

G **Mr Oakley:** And in that email, neither in that email nor in your witness statement do you say that that had anything to do with Mr Hall's activities, because in reality that anxiety did not have anything to do with Mr Hall's activities, did it?

Miss Burke: Part of it did.

H **Mr Oakley:** So why do you not say that in your email? You say:

“Monday was Eve's first day back after a four weeks' home learning. Expectedly, Eve had anxiety returning to college.”

A In your more or less contemporary email, I think it was written three days afterwards, you do not mention any difficulty, in that sentence, with Eve being worried about the activities of Mr Hall do you?

B **Miss Burke:** No, this was a pastoral log in college, so all the staff members would, are aware of Eve's anxieties regarding Richard.

C **Mr Oakley:** So is there a regular log which is kept by the college, perhaps in the form of a diary, setting out particular issues that she, she suffers from on a day to day basis, or potential issues that she might suffer from?

Miss Burke: There may be some documents.

D **Mr Oakley:** I do not have any more questions, but, Your Ladyship, I wonder, subject to the same sort of restrictions which have been imposed with reference to *her mother's* witness statement, if that log, which the college keeps, could also be disclosed. I have only thought about that now, and I have not explored it with my learned friend, I do not know if he has any observations to make.

E **Mr Price:** No, I do not have any observations to make, on my feet. I do not think it is appropriate for me to make any, it is, it is quite a major step, if he is talking about the entire college --

F **Steyn J:** *Yes* --

Mr Price: *Log and ...*

G **Steyn J:** *I mean, I mean* I think if you are going to make an application for *this* third party disclosure, that will need to be a *formally made* application.

H **Mr Oakley:** OK I, I, I can --

Steyn J: So, shall, shall we finish --

Mr Oakley: Yes we, we, we, we can finish.

A

Steyn J: *Yes.*

Mr Oakley: I do not think I can take it any further at this stage, either in the absence of the witness's original handwritten notes, and certainly in the absence of the log, which Your Ladyship may or may not agree ought to be disclosed, but I do not think I have anything else to add at the moment. I do not know if my learned friend wants to re-examine.

B

Mr Price: No re-examination.

C

Steyn J: No, thank you. Thank you very much Miss Burke, you are now released and --

Miss Burke: Thank you.

D

Steyn J: So you can *leave* (inaudible)

Miss Burke: Thank you.

E

Steyn J: And, yes, I mean if, it does seem to me, Mr Oakley, that, that you are asking for what appears to be a document that is not held by the Claimant, but held by a third party, and so *obviously different* rules apply in relation to disclosure, *I am thinking, you do not have to make that formal application immediately*, but if, if you are going to make it I think you need to consider that carefully *and the rules*, the CPR rules and exactly what it is that *your purpose for it is*, and, and so on.

F

Mr Oakley: Yes. I, I completely agree. It may or may not be necessary, and I can take a view on this --

G

Steyn J: Yes.

H

Mr Oakley: However the difficulty, of course, and I am not, I am not making excuses, but I am instructed late, I am a direct access counsel, I am not a solicitor, I have other work to deal with, but this is perhaps something which could have been addressed *certainly* weeks

or months ago, but as things have panned out *it could not be*. So let, let me have a think about that --

A

Steyn J: Yes.

Mr Oakley: But in, in the interim I, I am aware that it is now 12.10, so let us crack on, with Your Ladyship's permission, with the other witnesses.

B

Steyn J: Yes, thank you.

Mr Price: Mr Steve Lloyd --

C

Steyn J: Yes.

Mr Price: Is my next witness.

D

Steyn J: Thank you.

Mr Price: Mr Lloyd.

E

(pause)

Court Clerk: Could you hold *the book* and repeat after me please? I swear by Almighty God.

F

Mr Lloyd: I swear by Almighty God.

Court Clerk: That the evidence I shall give.

G

Mr Lloyd: That the evidence I shall give.

Court Clerk: Shall be the truth.

H

Mr Lloyd: Shall be the truth.

Court Clerk: The whole truth.

A

Mr Lloyd: The whole truth.

Court Clerk: And nothing but the truth.

B

Mr Lloyd: And nothing but the truth.

Court Clerk: Thank you.

C

Mr Price: Thank you Mr Lloyd. There are several files in front of you, I am going to ask you to try and find the first one, which will be one of the two larger ones with a number from 1 to 700, page numbers from 1 to 700.

D

Mr Lloyd: Yes.

Mr Price: So if you have got one, if it goes higher than 700 *that is not it*. So could, could you turn to tab 6 and page 181 please? I am hoping you will find there a document that you recognise.

E

Mr Lloyd: Yes.

Mr Price: Which is headed:

F

“Witness Statement of Stephen Lloyd”

And could I ask you to turn forward to page 186?

G

Mr Lloyd: Yes.

Mr Price: And could you please confirm that you applied that electronic signature --

H

Mr Lloyd: I did

Mr Price: *To* the document, on 27 June of this year.

A **Mr Lloyd:** I did.

Mr Price: Have you read this document recently?

B **Mr Lloyd:** Yes.

Mr Price: And is it true to the best of your knowledge and belief?

Mr Lloyd: It is.

C **Mr Price:** It remains true, does it?

Mr Lloyd: It does.

D **Mr Price:** And so, My Lady, may that stand as Mr Lloyd's evidence in chief?

Steyn J: Yes, thank you.

E **Mr Price:** Mr Lloyd. I, I am going to, I do not have any other questions for you, so I am going to sit down and Mr Oakley will ask you some questions in cross-examination.

F **Steyn J:** Thank you. Mr Lloyd, *I would assume you are aware that we ask witnesses to keep their voice up, and also, if you would like any water there is a jug there and some cups.*

Mr Lloyd: Thank you.

G **Mr Oakley:** Thank you for coming Mr Lloyd. Now, I just want to clarify the timescale of the events that you mention in your witness statement. Do you have it open in front of you?

Mr Lloyd: I do, yes.

H **Mr Oakley:** Could you turn to page 183 please?

Mr Lloyd: Yes.

A Mr Oakley: Now, just to be clear, paragraph 10 you say:

“I’m not sure when Martin first mentioned the Defendant to me. It was definitely before he climbed Kilimanjaro in June 2022.”

B Was that, doing the best that you can, was that, say, in July of 2021, or could it have been earlier?

Mr Lloyd: Earlier.

C Mr Oakley: Roughly?

Mr Lloyd: Maybe, I think we had a, an initial discussion possibly 2018, ish, but at that point Martin kind brushed it off and we really did not talk about it again after that.

D Mr Oakley: Right, so to perhaps refresh your memory, if you turn to page 153. This is Mr Hibbert, Hibbert’s first statement and paragraph 5 says:

E **“It was around the first anniversary of the bombing that I first became aware of a conspiracy theorist accusing Eve and me of lying about being involved in the attack.”**

F So the incident was in May of 2017, so that would have been about May of 2018.

Mr Lloyd: I think so, yes.

G Mr Oakley: So does that fit in with your recollection?

Mr Lloyd: It, it does. I think we, we had, as Martin told me about the conversation he had had with Lee, and that was it.

H Mr Oakley: And at paragraph 6 he is obviously talking about what went on in May of 2018. He says:

A “It deeply angered and infuriated me, but I was too busy with work and campaigning to give it too much thought at that stage. I thought it was something that would pass and I tried to ignore it.”

So is that your recollection of Mr Hibbert’s reaction at that time.

B **Mr Lloyd:** At that time.

Mr Oakley: And there should be a small bundle, a, a black ring binder. Now, forgive me for a moment, I am just trying to find the page.

C (pause)

Mr Oakley: Page 25.

D **Mr Lloyd:** Yeah.

Mr Oakley: This is Mr Hibbert’s book, which was published, or at least it is an extract from his book that was published in April of this year. Are you aware that he published a book?

E **Mr Lloyd:** I am.

Mr Oakley: Have you read the book?

F **Mr Lloyd:** I have.

Mr Oakley: So this will be familiar to you, and at the bottom he says:

G “Now, I am from the old school; although sticks and stones may break my bones, words can never hurt me. But in the summer of 2021 Eve’s mum, Sarah, rang to tell me one of the conspiracy theorists, Richard D Hall, had set up a camera outside their house in Bolton to film Eve to see if she was really in a wheelchair.”

H

So, that is Mr Hibbert’s self-assessment of his general attitude to life:

“sticks and stones may break my bones”

A

Would you agree with his own assessment of himself?

B

Mr Lloyd: Martin is very good at masking his feelings, and he is a very proud man and does not talk openly about them very often, and it is usually when things really get to him that sometimes it does overtake him, but he tries his best to take all things as they come to him.

C

Mr Oakley: And his upset in about July of 2021, that was caused by the police approaching the family to say that Mr Hall had been attempting to film them. That is right, is it not?

Mr Lloyd: Yes.

D

Mr Oakley: So, the upset in July of 2021 was nothing to do with Mr Hall’s recent activities, was it?

Mr Lloyd: It was a combination and a culmination of some of those activities.

E

Mr Oakley: How do you mean?

Mr Lloyd: Well there were, there were other things that had been produced since the visit that Richard has said that he did in September 2019, I think you said that was.

F

Mr Oakley: Yes, so it appears that it was on or around 1 September 2019, and then the police heard about it in or around July of 2021, *is* the timescale. Now you have just mentioned there were other things which had upset Mr Hibbert at around July of 2021, what were those please?

G

Mr Lloyd: I did not say that they were at July 2021, I said in, in between those periods, but clearly in July ’21 Martin had been made aware by Greater Manchester Police of the events that happened at the Arena from the time he arrived and the time that he left. So that was very distressing.

H

Mr Oakley: But that was nothing to do with Mr Hall was it.

A **Mr Lloyd:** That, that part of it was not. But there were other things that were being produced that suggested that Martin was lying about his own injuries and about the injuries relating to his daughter.

B **Mr Oakley:** Yes, well that is the general theme going back to 2018, 2019 is, is it not? There was nothing --

Mr Lloyd: It is.

C **Mr Oakley:** There was nothing new which Mr Hall had done at about that time, to upset Mr Hibbert.

D **Mr Lloyd:** No. The, specifically in July '21, was when Martin had been made aware that Mr Hall had been to Eve's house and put a camera outside.

Mr Oakley: Well that was, that was the concern, but it turned out that he had not in fact put it in the garden, he, that he had been filming from a road, yes?

E **Mr Lloyd:** As I understand it, I was not there.

Mr Oakley: Of course. So, an upset was raised in about July of 2021 by the police getting in touch, yes?

F **Mr Lloyd:** Yes.

Mr Oakley: And I, I am just trying to --

G **Mr Lloyd:** *Roughly.*

H **Mr Oakley:** Explain the timescale and, so that you can see where I am coming from, and according to your witness statement he was upset about that, and Mr Hibbert says pretty much the same in his own witness statement, July 2021. And going back to your statement, page 184.

Mr Lloyd: Yes.

A **Mr Oakley:** Paragraph 25, you talk about Martin climbing Kilimanjaro in June 2022. That was the focus. At paragraph 26 you say:

B **“He was furious RDH had filmed Eve and Sarah and that he knew where they lived. He was worried for their safety.”**

And at paragraph 27 you say:

C **“Martin now regularly talks about how he might defend himself if anything ever happened to him.”**

So what time period are you referring to when you use the word ‘now’?

D **Mr Lloyd:** At that, at that particular point. So it was something that Martin did not want to talk about before, and it was something that we did not talk about. Once he had climbed Kilimanjaro, he found that something that he was able to focus on very clearly for himself, for his own personal, well, to help him to, to help him to deal with what was going on in his life, he found, he was very single minded about that in wanting to do something good for people who have disability, but once that had passed he felt he was able to now start to think about some of the aspects of Mr Hall.

E **Mr Oakley:** OK, so if I have understood you correctly, he was focussed on the Kilimanjaro expedition, which took place in June of 2022 --

Mr Lloyd: It did.

G **Mr Oakley:** Yes? And after that his level of concern increased. Would that be right?

Mr Lloyd: It was more focus rather than level of concern. I think the level of concern was always there, but it was more of a focus.

H **Mr Oakley:** So dealing with the chronology, in the autumn of 2022, it appears Mr Hibbert approached solicitors, and I do not want you to tell me anything about that if you discussed

A it because it is none of my business, I am just thinking about the chronology. So June '22 Kilimanjaro, autumn 2022 he has approached solicitors, December 2022 some correspondence was entered into. So when you say:

“Martin now regularly talks about how he might defend himself if anything ever happened to him.”

B That ‘now’ refers to the issuing and subsequent conduct of the litigation does it not?

C **Mr Lloyd:** I do not think so. I think you are making an inference that, that is not there. It is something that we talk about personally.

D **Mr Oakley:** Yes, I, I, I, I do not dispute that you do talk about it. I am trying to work out the chronology and you have already said, I understand the reason because it is, it is, it is a big adventure to go to Kilimanjaro and I presume it takes a lot of logistical workings out and letters and emails and goodness knows what. So the focus is going to be on that expedition, which took place in June of 2022. I am putting to you that after June of 2022 Mr Hibbert approached solicitors and then, effectively, these proceedings were initiated. So I am suggesting to you that when you say:

E **“Martin now regularly talks about how he might defend himself if anything ever happened to him.”**

F That refers to, or is commensurate with the period over which legal proceedings have been initiated.

Mr Lloyd: I, I do not think they are related, but ...

G **Mr Oakley:** OK:

“how he might defend himself if anything ever happened to him.”

H Can you look at the police letter of 5 July 2024, which appears at page 232?

Mr Lloyd: Right, yes, I have got that.

A **Mr Lloyd:** There is always a, there is always a potential and there is always a perceived. Martin gets trolled very frequently. We are aware, very aware when we are out and about that people may be following us.

Mr Oakley: Were you in court yesterday?

B **Mr Lloyd:** I was.

C **Mr Oakley:** Right, so you will have heard me ask Mr Hibbert about the contact that he has received on social media which may be offensive and he said there was something, but it is not mentioned in his witness statement and it has not been disclosed. Are you aware of any actual physical threats which have been made to Mr Martin Hibbert, either through social media, email, letters or any other means?

D **Mr Lloyd:** No.

Mr Oakley: Paragraph 28 of your witness statement says:

E **F** **“Towards the end of November 2023 I recall Martin had been hospitalised and was now having to rest for a period of time. I became aware of a video that RDH had released called ‘A Table for Two’. I called Martin straightaway and, as anticipated, he was apoplectic with rage. Again this video of RDH [that is Mr Hall] also referred to one of the paramedics who cared for Martin at the Arena, with an implied threat to him.”**

So did you watch all of the Table for Two video?

G **Mr Lloyd:** I did.

Mr Oakley: And what is the implied threat that you refer to?

H **Mr Lloyd:** I would need to doublecheck on that but there was, there was a, a, a, a statement about dealing with Paul, I cannot remember his surname, at a later date. I would need to look at the, I can look at the transcript, if you would like me to do that.

A **Mr Oakley:** Yes, by all means. Let me just see if I can find it. I, I have only got electronic versions. I do not know *whether* ...

(parties confer)

B **Solicitor:** Are you happy for me to approach, or, or ...

Mr Oakley: Yes, certainly.

C **Solicitor:** (inaudible)

Mr Lloyd: It is going to --

D **Solicitor:** (inaudible)

Mr Lloyd: It is going to take me some time to look through that.

E **Mr Oakley:** It is document 30, apparently.

(pause, parties confer)

Mr Lloyd: Right, thanks.

F (pause, parties confer)

Mr Oakley: 34:58:

G **“There is more I could say about Paul Harvey, but we’ll leave it at that for now.”**

H **Mr Oakley:** Bear with me. 34:58?

Mr Lloyd: 35:58.

(pause)

A **Mr Oakley:** So just to be clear, we are talking about Paul Harvey, who was one of the paramedics, yes?

Mr Lloyd: We are.

B **Mr Oakley:** And there is no threat there is there? Mr Hall is simply saying:

“I could say about Paul Harvey, but we’ll leave it at that for now.”

C So he is merely stating that he has more information that he could impart, perhaps on his website or one of his tours, but there is no actual physical threat to Paul Harvey there at all is there?

D **Mr Lloyd:** I did not say there was a physical threat. There is an implied threat.

Mr Oakley: So what sort of a threat?

E **Mr Lloyd:** Information that could be released.

Mr Oakley: Information.

F **Mr Lloyd:** That could be released. I do not know what that information would be, but bearing in mind the Mr Hall is frequently saying that the information that Martin releases to the public about his own injuries are a fabricated lie, that concerned me about Mr Harvey.

G **Mr Oakley:** Right, and you did not adopt Mr Hibbert’s attitude to life, which is:

“sticks and stones may break my bones but words will never hurt me”?

H **Mr Lloyd:** No.

Mr Oakley: There is no threat there at all is there?

A **Mr Lloyd:** There is an implied threat.

Mr Oakley: Well there is certainly no threats of any kind, express or implied, which have been directed to Mr Hibbert, are there?

B **Mr Lloyd:** That is not what we are talking about here.

Mr Oakley: I appreciate that --

C **Mr Lloyd:** We are, we are talking --

Mr Oakley: I am moving on.

D **Mr Lloyd:** About this part of my ...

Mr Oakley: Yes. I am moving on. We have dealt with --

E **Mr Lloyd:** Right OK.

Mr Oakley: This, this gentleman. He was one of the paramedics. An implied threat to him, you mention, and we have had a look at 34:58. You have had time to look at the particular transcript, and that is the best that you can do. So I am now moving on and I am suggesting to you that there were no threats, implied or otherwise, made against Mr Hibbert, had there?

F **Mr Lloyd:** No, I think we already covered that.

G **Mr Oakley:** No. Going back to your witness statement at page 184:

H **“RDH also referred to one of the paramedics who cared for Martin at the Arena, with an implied threat to him, so I alerted him to the video. This began to make me feel concerned for my own personal safety as I know that I am regularly referenced by Martin and seen with him.”**

There were no threats made, either express or impliedly to you were there?

A **Mr Lloyd:** No.

Mr Oakley: So this is all in your own mind, is it not?

B **Mr Lloyd:** It is a concern.

Mr Oakley: Yes, but there is no objective evidence of a threat to either you or Martin, is there?

C **Mr Lloyd:** There is a concern.

Mr Oakley: But there is no objective evidence of any threat to either you or Martin --

D **Mr Lloyd:** I have not --

Mr Oakley: Is there?

E **Mr Lloyd:** Been threatened, if that is what you are, if, if that is what you are saying. But I am conscious of it.

Mr Oakley: And Martin has not been threatened either, has he?

F **Mr Lloyd:** Not that I am aware.

(pause)

G **Mr Oakley:** You then talk about the hearing before the Master at paragraphs 31 and 32, well I assume it is the hearing before the Master.

Mr Lloyd: It was.

H **Mr Oakley:** You were there, yes?

Mr Lloyd: Yes.

A **Mr Oakley:** And you say:

“At the hearing approximately 50 of Mr Hall’s followers attended, which was very intimidating. I sat with Martin, right next to him, to make sure he was OK. The crowd seemed angry. It was scary.”

B

Now, if you were in court yesterday you will appreciate that, in raising this issue, I got matters potentially a little bit wrong because I was not there myself. But I am told by my client, and you can agree or disagree if you wish, that at that hearing there was a difficulty and the difficulty was that the courtroom was overcrowded, with lots of people standing at the back, yes?

C

Mr Lloyd: Correct.

D

Mr Oakley: And the clerk to the court, who is one of the people who sits at the front, asked people to leave. Yes?

E

Mr Lloyd: Correct.

Mr Oakley: And Mr Hall, it was his supporters, also asked them to leave, and they did leave did they not?

F

Mr Lloyd: There was an intervening period where people refused to leave.

Mr Oakley: But when Mr Hall asked them to leave they did indeed --

G

Mr Lloyd: They did --

Mr Oakley: Leave.

H

Mr Lloyd: Yes.

Mr Oakley: And there were no further incidents either objectively or subjectively following that, which gave rise to any concern for Mr Hibbert’s personal safety. That is right, is it not?

A **Mr Lloyd:** Nothing happened that would have, have given concern for that. It was the atmosphere.

Mr Oakley: The atmosphere?

B **Mr Lloyd:** Yeah, the, the, the tension.

Mr Oakley: But you do accept, do you not, that there is such a thing as the principle of open justice --

C **Mr Lloyd:** 100%.

Mr Oakley: And people are entitled to turn up, as indeed they have today.

D **Mr Lloyd:** 100%, yes.

Mr Oakley: Paragraph 32, going back to the hearing before the Master, you say:

E **“We waited until the room cleared before we left. Ever since he has**
been terrified that there was someone behind him that might have had
a knife and how there would be nothing that anyone could do if he was
F **stabbed. He was so shook up about it, he puts on a lot of bravado, puts**
on a front, but he was terrified and really shaken up by it.”

Mr Lloyd: That is true.

G **Mr Oakley:** Again, there have been no actual threats at all to Mr Hibbert --

Mr Lloyd: It is the --

H **Mr Oakley:** Made by Mr Hall or, or his supporters have there?

Mr Lloyd: That is correct, but there is the perceived threat.

Mr Oakley: So it is all in his mind, it is his subjective concern. There is no objective evidence that there is such threat to him, is there?

A

Mr Lloyd: There is, there is the perceived and the implied, implied threat.

Mr Oakley: But that it unique to him.

B

Mr Lloyd: It is. That, that relates to Martin. It also relates to me.

Mr Oakley: Then paragraph 34 you say:

C

“Not long after this we went to a lunchtime concert in Manchester. Martin had driven and I had arrived by train. Unusually, Martin asked me to walk him to his car because he was scared to go back on his own. He was really concerned RDH or one of his supporters would be following him.”

D

Now, just pausing there to get the chronology right, that would be some time after November of last year, would that be right? I may have got it wrong.

E

Mr Lloyd: I, I would have to look in my diary for the, for the exact date.

Mr Oakley: OK, no that is, that is --

F

Mr Lloyd: But it was, yeah, we went to a concert in Manchester.

Mr Oakley: And again, there were no actual threats --

G

Mr Lloyd: No.

Mr Oakley: Made by either --

H

Mr Lloyd: Correct.

Mr Oakley: Mr Hall, so his concern at that time, Martin's concern at that time was entirely in his own head, there was no objective evidence of any threat was there?

A

Mr Lloyd: No, it was, it is, it is the, the feeling. There was no actual --

Mr Oakley: *Turning* --

B

Mr Lloyd: There was no actual threat, if that is what you ...

Mr Oakley: And you go on, at paragraph, well I will, I will deal with these in a bunch. Paragraph 35:

C

“Now I walk with him back to his car every time. He is constantly on edge if we are in public. Martin will always take a taxi between places, particularly in London, rather than risk buses or trains or footpaths. He hides his anxiety well. He does not talk much about it and hides behind humour, but I have known Martin years now and I can see the tension in his face when he is out in public. Sometimes we will meet up and he [he] will have very little to say, I know then it is playing on his mind. Normally you can't stop Martin talking.”

D

E

So, again, I, I have crushed them all together, but in respect of those incidents there are no threats of any kind which have been made either by Mr Hall or his supporters, to Mr Hibbert in connection with these concerns that you raise. None at all.

F

Mr Lloyd: That is correct.

Mr Oakley: So again, any worries that he has are entirely subjective and there is no objective evidence of, of the existence of any threats, yes?

G

Mr Lloyd: Yes.

H

Mr Oakley: Paragraph 40 of your statement, on page 186. You say:

“It has also made me worry for my personal safety, especially since someone sent an anonymous letter to his sports physio.”

A

Again, well first of all you are, you are not a party to this action obviously, are you?

Mr Lloyd: No.

B

Mr Oakley: And your concern has been raised by this letter which was sent to the sports physiotherapist, and that appears at page 228. It is in the same volume, not, not too far behind your statement.

C

Mr Lloyd: Yes.

Mr Oakley: Have you seen this letter before? Well you must have done, yes?

D

Mr Lloyd: Yes.

Mr Oakley: And it is quite clear that the issues raised in this letter are only a request for further information, and that request has arisen as a consequence of these court proceedings, has it not?

E

Mr Lloyd: I, I do not know what would be, would, what would have been in the mind of the person who wrote the letter.

F

Mr Oakley: No, but on the face of the letter it is merely asking for more information and it is quite clear that this rather odd request, I will grant you that, was precipitated by these very legal proceedings, was it not?

G

Mr Lloyd: It is possible, if that is what was in the person's head when they wrote the letter.

Mr Oakley: Well do you, do you want to have a read of it and see if there is anything in particular that you want to highlight which runs contrary to my description?

H

(pause)

Mr Lloyd: As far as I can see it does not mention the legal proceedings.

A

Mr Oakley: Take, take your time, I am not going to rush you. Do not just scan it, read it properly. I appreciate you have seen it, but you may not have seen it recently.

(pause)

B

Mr Lloyd: OK.

C

Mr Oakley: So, you would agree with me, would you not, that this is clearly a letter which has been written because of the court proceedings, and we see that from --

Mr Lloyd: Yes there is, there is, there is a connection.

D

Mr Oakley: There is a connection.

Mr Lloyd: I do see that connection.

E

Mr Oakley: Yes. And there is no actual threats of physical violence or anything else of that --

Mr Lloyd: No --

F

Mr Oakley: Nature.

Mr Lloyd: No, but I mean, you know, you are reading:

G

“Protected by dark forces of the State.”

Like what are you meant to think about that? I know the truth.

H

Mr Oakley: I do not have any more questions Your Ladyship.

Steyn J: *Thank you.*

Mr Price: Nothing in re-examination My Lady.

A

Steyn J: No. Thank you. *Then you are* free to go.

Mr Lloyd: Thank you.

B

Mr Price: I have one witness remaining, and that is Miss Gillbard --

Steyn J: Do, do you *want to* --

C

Mr Price: Pencilled in at 2pm

Steyn J: Yes. So, well, let us rise then now and we will resume at 2 o'clock.

D

Mr Price: Super.

Steyn J: OK.

E

Mr Oakley: Thank you Your Ladyship.

Court Clerk: Court rise.

(luncheon adjournment)

F

Court Clerk: Court rise.

Steyn J: Good afternoon.

G

Mr Price: I am hoping that I can call Miss Gillbard, and she will appear when I say that, on the screen. Miss Gillbard, can you hear me?

H

Miss Gillbard: Yes.

Mr Price: Can you see the Judge, who is sitting to my left, probably to --

Miss Gillbard: No.

A

Mr Price: No, OK. Would that, is that going to change at all is it?

Court Clerk: (inaudible)

B

Mr Price: No, no, I, so, so I, I think that probably, with no disrespect --

Steyn J: No.

C

Mr Price: To the Court, it is better that she sees me and Mr Oakley, but is that going to work?

D

Steyn J: Yes, that is, that is fine and good afternoon Miss Gillbard, I am, I am the judge. I think I might remain out of the picture for you, but we will keep the focus on, on counsel as they will be asking the questions.

Miss Gillbard: Yes.

E

Mr Price: Could, could you hear that clearly Miss Gillbard?

Miss Gillbard: Yes.

F

Mr Price: Great, that is the most important thing. Thank you very much. So I am Mr Price, the barrister for Eve and Martin. Mr Oakley is the other wigged gentleman that you may be able to see, he is going to be asking you some questions in a moment, for Mr Hall. Before we get to that stage --

G

Miss Gillbard: Yes.

Mr Price: I hope that you have got with you a bundle of documents. I, I think there may be two files. Does that sound right?

H

Miss Gillbard: Yes.

Mr Price: I am going to ask you to look into the first of those two files, at page 160 --

A

Court Clerk: *Should the witness --*

Mr Price: Behind tab 6.

B

Court Clerk: *Be sworn?*

Steyn J: *Ah yes, Mr Price, I am so sorry, we, we, the, the witness is --*

C

Mr Price: I am so sorry. I, I am going to sit, sit down for 30 seconds before I take that any further.

Court Clerk: Could you please repeat the affirmation after me?

D

Miss Gillbard: Yes.

Court Clerk: I solemnly, sincerely and truly.

E

Miss Gillbard: I solemn, solemnly, sincerely and truly.

Court Clerk: Declare and affirm.

F

Miss Gillbard: Declare and affirm.

Court Clerk: That the evidence which I shall give.

G

Miss Gillbard: That the evidence that I shall give.

Court Clerk: Shall be the truth.

H

Miss Gillbard: Shall be the truth.

Court Clerk: The whole truth.

Miss Gillbard: The whole truth.

A

Court Clerk: And nothing but the truth.

Miss Gillbard: And nothing but the truth.

B

Court Clerk: Thank you.

Mr Price: I apologise. Thank you. You caught that just in time. The document that you are looking at Miss Gillbard, at page 160, have, have you found it?

C

Miss Gillbard: Yes.

Mr Price: Is that your first witness statement?

D

Miss Gillbard: Yes.

Mr Price: And if I can ask you to flick through to page 162.

E

Miss Gillbard: Yeah.

Mr Price: Is there an electronic signature on that page?

F

Miss Gillbard: Yes.

Mr Price: And did you apply that electronic signature?

G

Miss Gillbard: Yes I did.

Mr Price: On 16 November last year, and --

H

Miss Gillbard: Yes.

Mr Price: And you have made two other statements. The, the, the second of your statements is on the next page at 163.

A **Miss Gillbard:** Yeah.

Mr Price: I would ask you to look at, at that and, and flick on to page 168 please.

B **Miss Gillbard:** Yes.

Mr Price: And you will see another electronic signature of your second statement, dated 27
--

C **Miss Gillbard:** *Yes.*

Mr Price: June, and you applied that electronic signature?

D **Miss Gillbard:** Yes.

Mr Price: And finally, there is what is called:

“The Confidential Third Witness Statement of [you]”

E On page --

Miss Gillbard: Yes.

F **Mr Price:** 169, and the signature to that should be on page 175. Could you please have a look at that --

G **Miss Gillbard:** Yes.

Mr Price: And confirm that you signed that statement on 2 July by applying that electronic signature?

H **Miss Gillbard:** Yes I did.

A **Mr Price:** And in each, in the case of each of those statements, are they true to the best of your knowledge and belief?

Miss Gillbard: Yes.

B **Mr Price:** Thank you very much Miss Gillbard. I, I am going to hand over, if I may, if that may stand as Miss Gillbard's evidence in chief, to Mr Oakley, who is going to --

Steyn J: Yes.

C **Mr Price:** Ask you some questions for the Defendant.

Mr Oakley: Thank you. Good, good afternoon Miss Gillbard, do you have *the* --

D **Miss Gillbard:** Good afternoon.

Mr Oakley: Oh sorry, there is a delay of course. Your counsel asked if there were two bundles in front of you, is there a, a smaller ring binder in front of you as well?

E **Miss Gillbard:** Yes.

Mr Oakley: And does it have a Daily Mail extract, well in fact, first of all, the Amazon page in respect of your husband's book, and secondly, the Daily Mail serialisation of his book.

F **Miss Gillbard:** What page is that?

G **Mr Price:** Sorry, I do not like to interrupt, she does not have that. It was supplied to us *the other day*, so she will not have a hard copy of that.

H **Mr Oakley:** Ah. OK. Do you have access to a little additional bundle of 34 pages, which is the entry on the Amazon website, which refers to your husband's book, followed by the serialisation of that book in the Daily Mail?

Miss Gillbard: (hesitates) Well, I do not know, unless you tell me where it is.

(pause)

A

Mr Price: *I think, I, I, we did email the, the witness at your request an hour ago, the best we could do with the notice that you --*

Mr Oakley: Yes.

B

Mr Price: That the, the Defendant gave us, so --

Steyn J: Are, are you--

C

Mr Oakley: *We did email --*

Steyn J: Are you wanting the witness to be opening that bundle, the electronic version, is that what --

D

Mr Oakley: She, she did not write it My Lady, I accept that. I am happy to crack on, but it may be the case, because I will be referring to the book, at least in broad terms, that the witness wants to say:

E

“Ah-ha, but look at this entry where Martin says this.”

That is a possibility. If she, if she does not have, have it, it is fine so far as I am concerned, but she may wish to look at it. I do not know.

F

Steyn J: Well look, *let us just carry on* (inaudible)

G

Mr Oakley: Very well. Well let me put it this way. You are aware that your husband wrote a book which was published --

Solicitor: (inaudible)

H

Mr Price: In April of this year, yes?

Mr Price: One more correction, *sorry*. In fairness to the witness they, they have never been married.

A

Mr Oakley: Oh. Sorry, my mistake. *I was not aware*. Your former partner, you are aware that he published a book in April of this year called:

B

“Top of the World: Surviving the Manchester Bombing to Scale
Kilimanjaro in a Wheelchair”?

Miss Gillbard: Yes.

C

Mr Oakley: Did you know that he was publishing this book before it was actually published, or was it a surprise?

D

Miss Gillbard: I knew.

Mr Oakley: And did you have the opportunity to read his draft copy of the book before it was published?

E

Miss Gillbard: I looked at certain sections.

Mr Oakley: And when did you look at those sections?

F

Miss Gillbard: Either the end of last year, or the beginning of this year. I am not too sure.

Mr Oakley: Were you, before it was published, were provided with an entire, what is called a proof copy, of the book before it went to press?

G

Miss Gillbard: No.

Mr Oakley: Did Martin discuss the content of the book with you?

H

Miss Gillbard: Elements.

Mr Oakley: What elements?

A **Miss Gillbard:** Regarding our relationship.

Mr Oakley: OK. And what about Eve, because Eve features extensively in the Daily Mail serialisation, and presumably more so in the book itself, did you discuss Eve being featured in the book?

B **Miss Gillbard:** Yes, I knew Eve would feature in there, yes.

C **Mr Oakley:** And have you at any stage, either before or after publication, read the whole book?

Miss Gillbard: No.

D **Mr Oakley:** Why not?

Miss Gillbard: I did not want to.

E **Mr Oakley:** Why not?

Miss Gillbard: Because I do not really need to rehash the Arena and the past relationship.

F **Mr Oakley:** Did you give your blessing to Martin to publish this book?

Miss Gillbard: Yes.

G **Mr Oakley:** And you must have been aware in general terms that Eve did feature heavily within the book, and you were happy for it to be published on that basis were you?

Miss Gillbard: I was not aware she was heavily in there, but I knew she was in there.

H **Mr Oakley:** *Because* when you look at your witness statement of 16 November last year, I appreciate that this was some months before the book was actually published --

Miss Gillbard: Yeah.

A **Mr Oakley:** But you cover your wish to protect Eve at paragraph 7 of your statement.

Miss Gillbard: Yeah.

B **Mr Oakley:** And you talk about Eve being vindicated, and then go on:

C **D** **E** **F** **G** **H** **I** **J** **K** **L** **M** **N** **O** **P** **Q** **R** **S** **T** **U** **V** **W** **X** **Y** **Z** **AA** **AB** **AC** **AD** **AE** **AF** **AG** **AH** **AI** **AJ** **AK** **AL** **AM** **AN** **AO** **AP** **AQ** **AR** **AS** **AT** **AU** **AV** **AW** **AX** **AY** **AZ** **BA** **BB** **BC** **BD** **BE** **BF** **BG** **BH** **BI** **BJ** **BK** **BL** **BM** **BN** **BO** **BP** **BQ** **BR** **BS** **BT** **BV** **BW** **BX** **BY** **BZ** **CA** **CB** **CC** **CD** **CE** **CF** **CG** **CH** **CI** **CJ** **CK** **CL** **CM** **CN** **CO** **CP** **CQ** **CR** **CS** **CT** **CV** **CW** **CX** **CY** **CZ** **DA** **DB** **DC** **DD** **DE** **DF** **DG** **DH** **DI** **DJ** **DK** **DL** **DM** **DN** **DO** **DP** **DQ** **DR** **DS** **DT** **DV** **DW** **DX** **DY** **DZ** **EA** **EB** **EC** **ED** **EE** **EF** **EG** **EH** **EI** **EJ** **EK** **EL** **EM** **EN** **EO** **EP** **EQ** **ER** **ES** **ET** **EV** **EW** 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**QI** **QJ** **QK** **QL** **QM** **QN** **QO** **QP** **QQ** **QR** **QS** **QT** **QV** **QW** **QX** **QY** **QZ** **RA** **RB** **RC** **RD** **RE** **RF** **RG** **RH** **RI** **RJ** **RK** **RL** **RM** **RN** **RO** **RP** **RQ** **RR** **RS** **RT** **RV** **RW** **RX** **RY** **RZ** **SA** **SB** **SC** **SD** **SE** **SF** **SG** **SH** **SI** **SJ** **SK** **SL** **SM** **SN** **SO** **SP** **SQ** **SR** **SS** **ST** **SV** **SW** **SX** **SY** **SZ** **TA** **TB** **TC** **TD** **TE** **TF** **TG** **TH** **TI** **TJ** **TK** **TL** **TM** **TN** **TO** **TP** **TQ** **TR** **TS** **TV** **TW** **TX** **TY** **TZ** **UA** **UB** **UC** **UD** **UE** **UF** **UG** **UH** **UI** **UJ** **UK** **UL** **UM** **UN** **UO** **UP** **UQ** **UR** **US** **UT** **UV** **UW** **UX** **UY** **UZ** **VA** **VB** **VC** **VD** **VE** **VF** **VG** **VH** **VI** **VJ** **VK** **VL** **VM** **VN** **VO** **VP** **VQ** **VR** **VS** **VT** **VV** **VW** **VX** **VY** **VZ** **WA** **WB** 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**NI** **NJ** **NK** **NL** **NM** **NN** **NO** **NP** **NQ** **NR** **NS** **NT** **NV** **NW** **NX** **NY** **NZ** **OA** **OB** **OC** **OD** **OE** **OF** **OG** **OH** **OI** **OJ** **OK** **OL** **OM** **ON** **OO** **OP** **OQ** **OR** **OS** **OT** **OV** **OW** **OX** **OY** **OZ** **PA** **PB** **PC** **PD** **PE** **PF** **PG** **PH** **PI** **PJ** **PK** **PL** **PM** **PN** **PO** **PP** **PQ** **PR** **PS** **PT** **PV** **PW** **PX** **PY** **PZ** **QA** **QB** **QC** **QD** **QE** **QF** **QG** **QH** **QI** **QJ** **QK** **QL** **QM** **QN** **QO** **QP** **QQ** **QR** **QS** **QT** **QV** **QW** **QX** **QY** **QZ** **RA** **RB** **RC** **RD** **RE** **RF** **RG** **RH** **RI** **RJ** **RK** **RL** **RM** **RN** **RO** **RP** **RQ** **RR** **RS** **RT** **RV** **RW** **RX** **RY** **RZ** **SA** **SB** **SC** **SD** **SE** **SF** **SG** **SH** **SI** **SJ** **SK** **SL** **SM** **SN** **SO** **SP** **SQ** **SR** **SS** **ST** **SV** **SW** **SX** **SY** **SZ** **TA** 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**YV** **YW** **YX** **YZ** **ZA** **ZB** **ZC** **ZD** **ZE** **ZF** **ZG** **ZH** **ZI** **ZJ** **ZK** **ZL** **ZM** **ZN** **ZO** **ZP** **ZQ** **ZR** **ZS** **ZT** **ZV** **ZW** **ZX** **ZY** **ZZ**

E So, at that time you were very keen to protect Eve's privacy, but obviously your views changed, and they must have changed because you gave your blessing to Martin to publish the book. So why did your view change as to keeping Eve out of the public eye?

F **Miss Gillbard:** Mr Hibbert is actually Eve's parent, so I trust him with what he is doing.

G **Mr Oakley:** But equally, you are also Eve's parent, of equal equivalence and value, and your views are quite strong, if we look at your second witness statement, starting at page 163. Do you have it?

H **Miss Gillbard:** Yes.

I **Mr Oakley:** Paragraph 6:

J **K** **L** **M** **N** **O** **P** **Q** **R** **S** **T** **U** **V** **W** **X** **Y** **Z** **AA** **AB** **AC** **AD** **AE** **AF** **AG** **AH** **AI** **AJ** **AK** **AL** **AM** **AN** **AO** **AP** **AQ** **AR** **AS** **AT** **AV** **AW** **AX** **AY** **AZ** **BA** **BB** **BC** **BD** **BE** **BF** **BG** **BH** **BI** **BJ** **BK** **BL** **BM** **BN** **BO** **BP** **BQ** **BR** **BS** **BT** **BV** **BW** **BX** **BY** **BZ** **CA** **CB** **CC** **CD** **CE** **CF** **CG** **CH** **CI** **CJ** **CK** **CL** **CM** **CN** **CO** **CP** **CQ** **CR** **CS** **CT** **CV** **CW** **CX** **CY** **CZ** **DA** **DB** **DC** **DD** **DE** **DF** **DG** **DH** **DI** **DJ** **DK** **DL** **DM** **DN** **DO** **DP** **DQ** **DR** **DS** **DT** **DV** **DW** **DX** **DY** **DZ** **EA** **EB** **EC** **ED** **EE** **EF** **EG** **EH** **EI** **EJ** **EK** **EL** **EM** **EN** **EO** **EP** **EQ** **ER** **ES** **ET** **EV** **EW** **EX** **EY** **EZ** **FA** **FB** **FC** **FD** **FE** **FF** **FG** **FH** **FI** **FJ** **FK** **FL** **FM** **FN** **FO** **FP** **FQ** **FR** **FS** **FT** **FV** **FW** **FX** **FY** **FZ** **GA** **GB** **GC** **GD** **GE** **GF** **GG** **GH** **GI** **GJ** **GK** **GL** **GM** **GN** **GO** **GP** **GQ** **GR** **GS** **GT** **GV** **GW** **GX** **GY** **GZ** **HA** **HB** **HC** **HD** **HE** **HF** **HG** **HH** **HI** **HJ** **HK** **HL** **HM** **HN** **HO** **HP** **HQ** **HR** **HS** **HT** **HV** **HW** **HX** **HY** **HZ** **IA** **IB** **IC** **ID** **IE** **IF** **IG** **IH** **II** **IJ** **IK** **IL** **IM** **IN** **IO** **IP** **IQ** **IR** **IS** **IT** **IV** **IW** **IX** **IY** **IZ** **JA** **JB** **JC** **JD** **JE** **JF** **JG** **JH** **JI** **JJ** **JK** **JL** **JM** **JN** **JO** **JP** **JQ** **JR** **JS** **JT** **JV** **JW** **JX** **JY** **JZ** **KA** **KB** **KC** **KD** **KE** **KF** **KG** **KH** **KI** **KJ** **KK** **KL** **KM** **KN** **KO** **KP** **KQ** **KR** **KS** **KT** **KV** **KW** **KX** **KY** **KZ** **LA** **LB** **LC** **LD** **LE** **LF** **LG** **LH** **LI** **LJ** **LK** **LM** **LN** **LO** **LP** **LQ** **LR** **LS** **LT** **LV** **LW** **LX** **LY** **LZ** **MA** **MB** **MC** **MD** **ME** **MF** **MG** **MH** **MI** **MJ** **MK** **ML** **MM** **MN** **MO** **MP** **MQ** **MR** **MS** **MT** **MV** **MW** **MX** **MY** **MZ** **NA** **NB** **NC** **ND** **NE** **NF** **NG** **NH** **NI** **NJ** **NK** **NL** **NM** **NN** **NO** **NP** **NQ** **NR** **NS** **NT** **NV** **NW** **NX** **NY**

Mr Oakley:

A

“to be ‘that girl from the Arena’, despite her awful injuries and the problems they have caused her. I want Eve to have as normal a life as she can. I have to protect that as much as I can, that means that Eve has never done any media appearances or spoken to anyone other than family, friends and her doctors and therapists about what has happened to her. I want to keep it that way. We don’t want Eve to be discussed, speculated about, studied by people who don’t know her or us. We certainly don’t want her injuries being scrutinised in public.”

B

C

And this witness statement is dated 27 June 2024. So this was after the publication of the book. But it is self evident from the publication of the book, its serialisation in a high circulation national newspaper and the fact, of course, your former partner has gone on TV to discuss the matter, that Eve is, in your words, going to be:

D

“discussed, speculated about, studied by people who don’t know her or us.”

E

Are you happy about that situation?

Miss Gillbard: Not really, but I do not believe that would happen.

F

Mr Oakley: Did you ever raise any concerns with Martin before publication at or, well at any time, when you were aware that Eve was going to be mentioned in the book in detail?

G

Miss Gillbard: I said to him to limit the full details of her injuries.

Mr Oakley: Were you listening to the proceedings yesterday?

H

Miss Gillbard: No.

Mr Oakley: Ah. Well, you may or may not know the answer to this because, if I have understood your evidence so far, you looked at limited extracts from the book and you have

A not actually read the whole book, either before or after publication, for reasons of your own, so, please do not think I am trying to bully you into a response and if you do not know the answers say so, but yesterday I took Mr Hibbert through, not the whole book but just the serialisation in the Daily Mail, and there is considerable reference to Eve and the difficulties that she faces on a day to day basis, some very private family information. Did he tell you, before he was publishing the book, that he was going to go into this extent of detail?

B
Miss Gillbard: No.

C
Mr Oakley: Now if you take what I have just said on face value, you, you do not have to, but if you accept what I am saying, that there is considerable reference to Eve and her condition in the book, it was inappropriate for Martin to publish this book in these terms, was it not?

D
Miss Gillbard: I do not know really. As I said before, Martin is her parent, so I *do not*, you know, what Martin wants to say, that is, is fine, *he is* (inaudible) *to me*.

E
Mr Oakley: Yes, but you are Eve's mum and it is very plain from the firm words in both of your witness statements that you want to keep her out of the public eye, for perfectly understandable reasons. So has, has your opinion changed at all, do you think now is the time for her to come into the public eye and be discussed, speculated on and studied by people who do not know her?

F
Miss Gillbard: No.

Mr Oakley: Right, let us go to page 165 of your second statement.

G
Miss Gillbard: Yeah.

Mr Oakley: And you have a heading:

H
“First Knowledge of the Defendant and his Material”.

Miss Gillbard: Correct.

Mr Oakley: And you say:

A

“I get muddled up with dates.”

No problem with that, everybody does, but in paragraph 8 you say:

B

“I first heard the Defendant’s name when Martin had gone to look at images of the night of the attack at Greater Manchester Police, and contacted me to let me know that a police inspector was coming to see me. I think that was around the summer of 2021, but I can’t be sure.”

C

The evidence that has been given by Martin Hibbert demonstrates that he first became aware of the Defendant, Richard Hall’s activities, at around the first anniversary of the Manchester incident, which would have been about, in about May of 2018. In or about May of 2018, did Martin Hibbert discuss Mr Hall’s activities with you?

D

Miss Gillbard: No.

Mr Oakley: So when you say:

E

“I first heard the Defendant’s name . . . [in or] around the summer of 2021”

F

You are absolutely sure about that?

Miss Gillbard: Well, the best I can be is, you know, dates do muddle about.

G

Mr Oakley: Of course. Now, you did not hear Martin give his evidence yesterday, but it is plain from his witness statement and indeed from his *oral evidence*, that he takes the view, and took the view, in May of 2018, that:

H

“sticks and stones may break my bones but words will never hurt me.”

Is it fair to say that he did not raise any concerns with you between May of 2018 and July, or thereabouts, of 2021?

A

Miss Gillbard: Well, if we are saying here *that was* around summer '21, then Martin will have spoken to me around that time *probably*.

B

Mr Oakley: Yes, I, I, I want to be clear about this, and I appreciate you did not see the evidence yesterday, and I do not want to confuse you in any way, to summarise I, I say, you did not know this but I am telling you now, that Martin indicated that he first became aware of the Defendant's activity in about May of 2018. OK?

C

Miss Gillbard: Yeah.

Mr Oakley: Your witness statement, which seems very clear, says:

“I first heard the Defendant's name . . . around the summer of 2021”

D

Yes?

Miss Gillbard: Yes.

E

Mr Oakley: So what I am trying to get at is between May of 2018 and the summer of 2021, did Martin raise any concerns with you about the activities of Mr Hall?

Miss Gillbard: When I was notified in the summer '21, yes.

F

Mr Oakley: So that was the first time that he raised --

Miss Gillbard: Yes.

G

Mr Oakley: Any concerns with you. And self evidently, because you are Eve's mum, he did not think it worth, well you might not know the answer to this but I am going to put it to you and you can agree or disagree, but he obviously did not think it worth raising any concerns about Mr Hall's activities until the summer of 2021, insofar as they affected Eve. Would you agree with that?

H

Miss Gillbard: I cannot really comment on that.

A **Mr Oakley:** OK. Well the summer of 2021, I think that was probably July of 2021, is that right?

Miss Gillbard: Possibly.

B **Mr Oakley:** Can I ask you, before you sat in that chair and turned on the camera, had you actually read your witness statements recently?

Miss Gillbard: Yes.

C **Mr Oakley:** When did you read them?

Miss Gillbard: This morning.

D **Mr Oakley:** OK. Good. Well, if we look at page 232.

Miss Gillbard: Yeah.

E **Mr Oakley:** This is a letter, a very recent letter of 5 July this year, from Greater Manchester Police to Martin, and indeed Eve's solicitors, Hudgell's. Have you seen this letter before?

Miss Gillbard: No.

F **Mr Oakley:** Ah. Now, I do not want to know anything about any discussions that you have had with the solicitors, it is nothing to do with me, but you are down as Eve's litigation friend, which means you have the conduct of these proceedings on her part. Do you understand?

G **Miss Gillbard:** Yes.

H **Mr Oakley:** So have her solicitors been sending you regular correspondence about *these*, this matter?

Miss Gillbard: With regards to?

A **Mr Oakley:** Everything.

Miss Gillbard: Yes.

B **Mr Oakley:** But you have not seen this letter?

Miss Gillbard: No.

Mr Oakley: Please take a moment to --

C **Miss Gillbard:** I am --

Mr Oakley: Read it. Sorry, go on.

D **Miss Gillbard:** Yeah, I am aware, I am aware of the letter.

Mr Oakley: But you have not read it?

E **Miss Gillbard:** No.

Mr Oakley: Please take a moment to read it.

F **Miss Gillbard:** OK.

(pause)

G **Miss Gillbard:** Yeah.

H **Mr Oakley:** Now, we do not actually have, well, we do, but it is not in the bundle, nothing for you to worry about, we do not actually have the questions that were asked, but this letter is clearly in response to a request from Hudgell's, it was not sent by the police without instigation, and they are clearly summarising the entirety of their relationship with you and your family and, indeed, Mr Hall, in connection with these proceedings. Yes?

Miss Gillbard: Yes.

A

Mr Oakley: And on the second page we can see they say:

B

“DI Michael Russell and DS Claire Waring attended the home address of Eve Hibbert on 21 July 2021 and were able to establish that this was not the address that Richard Hall had been parked outside when he planted the security cameras in the garden that’s on the film.”

C

So you accept, do you not, that no security devices were planted in your property at any time?

Miss Gillbard: Yes.

D

Mr Oakley: And are you aware, bearing in mind that you are Eve’s litigation friend for the purposes of these proceedings, that Mr Hall accepts that he visited your home in or around 1 September 2019, knocked on the door, there was no answer, and then left a camera in the front of his car which filmed the highway and the front of your home for some time. Did you know about that?

E

Miss Gillbard: I was made aware of that.

F

Mr Oakley: Back in 2019, I beg your pardon, you, you were made, you were made aware of the fact that this event took place back in September of 2019 were you?

Miss Gillbard: Yes.

G

Mr Oakley: And it is fair to say that there have been no other similar incidents whereby Mr Hall has attempted to approach you or Eve in any way.

Miss Gillbard: No that I have been made aware of.

H

Mr Oakley: And the police, who are the obvious professionals in matters of this kind, say this, page, page 233:

A

“Subsequently, the substance of the above information was linked to the Hibberts’ address record to assist local patrols in case of any suspicious activity at the address. Our instructions are that no further activity was reported to the *outer lying* team.”

B

There have been no other incidents of any kind, either from Mr Hall or from any of his supporters, which have required the police to investigate. That must be right, from what we see in that letter, yes?

C

Miss Gillbard: Yes.

D

Mr Oakley: And it is, it is also fair to say, is it not, that the police approached you in the summer of 2021, raised concerns, yes?

E

Miss Gillbard: Yes.

Mr Oakley: But those concerns were raised by the police themselves, perfectly properly of course, but some time after the fact, investigating these allegations. Mr, Mr Hall, himself, had done nothing at that time to harass or distress you, had he?

F

Miss Gillbard: Not that I am aware.

Mr Oakley: Paragraph 11 of your statement, page 165.

G

Miss Gillbard: Yeah.

Mr Oakley: You say:

H

“I laughed it off to begin with. I did not think it was serious until the officers advised me to inform our neighbours and Eve’s school in case they were to see anything suspicious. Once they left I informed our neighbours and phoned Eve’s school. I also rang Martin to say that the Defendant had been videoing Eve.”

When you say neighbours, did you contact all the neighbours in your street, or just some of them?

A

Miss Gillbard: Just some of them.

Mr Oakley: And who in particular, can you remember? We do not necessarily need to know their names but --

B

Miss Gillbard: Yeah --

Mr Oakley: Well, well hang --

C

Miss Gillbard: My next --

Mr Oakley: Hang on. Hang, hang on, I do not, I do not *mean to interrupt you*, but if you could indicate their proximity to you, and I think you were about to say, for example, your next door neighbours. So if we have some idea of where they were in the street, so please continue.

D

Miss Gillbard: Next door neighbour, each side.

E

Mr Oakley: Was that it?

Miss Gillbard: Yes.

F

Mr Oakley: And did you tell them precisely why you were raising this issue with them?

Miss Gillbard: I told them that I was informed by the police that the Defendant had been, or trying to record us at the property and therefore, just to keep an eye out.

G

Mr Oakley: OK, did you go into any further detail, for example to mention Eve's history and her --

H

Miss Gillbard: No.

Mr Oakley: Condition?

A

Miss Gillbard: My immediate next door neighbours are fully aware of what happened to Eve.

Mr Oakley: Is that --

B

Miss Gillbard: I have a very, very good relationship with my neighbours each side.

Mr Oakley: Each side. OK. And do they talk to other neighbours in the street about Eve's history and condition?

C

Miss Gillbard: No.

D

Mr Oakley: In or around the summer of 2021, do you know if the police went door to door, warning other neighbours in the street of the situation?

Miss Gillbard: I have no idea.

E

Mr Oakley: Please bear with me.

(pause)

F

Mr Oakley: Paragraph 18 of your statement, on page 166, says this:

“Now the whole street knows who Eve is and what she was involved in.”

G

You do not know if the police went door to door in the summer of 2021, and you have told the Court that you only spoke to your immediate neighbours, so at what stage did the whole street know who Eve is and what she was involved in?

H

Miss Gillbard: When your Defendant went up and down the street knocking on neighbours' doors, which he has quoted somewhere.

A **Mr Oakley:** So he knocked on your door, and that was on 1 September 2019. Are you saying that the entire street became aware of Eve's history and her condition after 1 September 2019?

B **Miss Gillbard:** I could not really comment on the rest of the street. As I said to you, they probably have talked because the Defendant has knocked some of the neighbours' doors and I do not know ...

Mr Oakley: Well I have already taken you to your witness statement and --

C **Miss Gillbard:** Yes.

Mr Oakley: You say that you first became aware of the Defendant in or around the summer of 2021. Yes?

D **Miss Gillbard:** Yeah.

E **Mr Oakley:** So, on the only occasion that he visited your street, in September of 2019, self evidently, neither you nor the neighbours were aware of his activities because you certainly *do not* mention that you were aware of him, until September of 2021. So I suggest to you that in fact if the whole street is now aware of Eve's history and condition, that is nothing to do with any activity of Mr Hall, is it?

F **Miss Gillbard:** Yes it is.

Mr Oakley: How?

G **Miss Gillbard:** As I previously stated, I am quite a private person, the only neighbours I speak to are directly either side. If Mr Hall did go down the street and knock on all the neighbours' doors, he will have informed them, because I think, quoting him, he said the neighbours were not aware of an Arena bombing victim on the street.

H **Mr Oakley:** Well, I am putting to you that he only went to the vicinity of your home on one occasion, on or around 1 September 2019, and you had no idea of his existence until the

summer of 2021. So it must follow that if the neighbours are aware of Eve, her history and her condition, that could not have been anything to do with Mr Hall, could it?

A

Miss Gillbard: Yes, because nobody knew what had happened to her. I do not know the rest of the neighbours.

B

Mr Oakley: Mr Hall did not visit the street in the summer of 2021, did he?

Miss Gillbard: Well, no idea.

C

Mr Oakley: Well the police certainly did not find any evidence of that, although their investigation and their visit to your home was indeed in July of 2021. So there is no evidence at all that Mr Hall visited the vicinity of your home in the summer of 2021, is there?

D

Miss Gillbard: No.

(pause)

E

Mr Oakley: Going back to page 165, and paragraph 11 of your statement, we have dealt with the knowledge of the neighbours --

Miss Gillbard: Yeah.

F

Mr Oakley: And Eve's school, and you say:

“Once they left I informed our neighbours and phoned Eve's school. I also rang Martin to say that the Defendant had been videoing Eve.”

G

Now, did the school respond to your phone call by a letter?

Miss Gillbard: No.

H

Mr Oakley: Because there is one letter in the bundle, is there not, which is at page 230.

(pause)

A **Miss Gillbard:** *I have just spilled* something, sorry. OK.

Mr Oakley: Are you aware of this letter?

B **Miss Gillbard:** I am aware that it was asked for, however, the school I telephoned was Eve's previous special educational need school.

Mr Oakley: OK. So that school did not write you a letter to say:

C "We appreciate your concerns and this is what we're going to do to deal with them"?

Miss Gillbard: No, it was a telephone discussion.

D **Mr Oakley:** OK. Well I am going to come back to the letter at page 230 in a moment, but before I do, have, have you seen this letter at page 230?

E **Miss Gillbard:** No.

Mr Oakley: The, the page is open, please take a moment to read it.

F **Miss Gillbard:** Yeah.

(pause)

G **Miss Gillbard:** OK.

H **Mr Oakley:** And you have never been sent a copy of that letter before?

Miss Gillbard: No, but I am aware of the contents.

H **Mr Oakley:** OK. And I am going to come back to that, but let us return to your statement for now. After you had informed Eve's previous school of this issue, what, if any, steps did they take to deal with the matter, or what advice did they give you?

A **Miss Gillbard:** The school said they would be mindful of anybody loitering outside of school and also they would have staff on the gates in the morning and when returning home.

Mr Oakley: OK, and presumably everything went fine, and there were no incidents thereafter to be concerned about.

B

Miss Gillbard: No.

Mr Oakley: Paragraph 12 of your statement you say:

C

“The more I ruminated on it the more concerned I became about our safety.”

D

Miss Gillbard: Correct.

Mr Oakley: Doing the best you can, when did you first become concerned about your safety?

E

Miss Gillbard: When the police had actually looked around outside, asking me what was over the back of the property, and also with them telling me to inform neighbours and school, just as a precaution.

F

Mr Oakley: And did you discuss the matter with Eve at that time?

Miss Gillbard: I did not discuss it with her. However, Eve was aware that there was something going on.

G

Mr Oakley: Was she at home when the police came round?

Miss Gillbard: No.

H

Mr Oakley: How did she become aware that something was going on?

- A** **Miss Gillbard:** Because she will have overheard me either speaking to my mother, or Martin.
- Mr Oakley:** OK, and did she raise any questions with you about the incident?
- B** **Miss Gillbard:** She was very confused, did not know who the Defendant was and why he would be doing what he was doing.
- Mr Oakley:** Had you been speaking to your mum by telephone or in person?
- C** **Miss Gillbard:** By telephone. My parents live in Cornwall.
- Mr Oakley:** OK, and were you, were you on speakerphone when you were having those discussions?
- D** **Miss Gillbard:** Yes.
- Mr Oakley:** So Eve would have heard the entirety of the discussions?
- E** **Miss Gillbard:** Eve, more often than not, is in her bedroom, which is a ground floor extension, with her door shut. However, she still can hear things from there.
- F** **Mr Oakley:** Did you try to shield Eve from knowledge about this situation or did you decide to have a proper discussion, mother and daughter, about it?
- G** **Miss Gillbard:** I have tried to keep it quite simple I have not had a full, in depth discussion with her, because it upsets her, so I will limit her, but I will not lie to her if she asks me something.
- Mr Oakley:** And she discusses the matter with her father, does she not?
- H** **Miss Gillbard:** Sometimes.
- Mr Oakley:** And she refers to Mr Hall as Stalker Man, does she not?

Miss Gillbard: Yes.

A

Mr Oakley: And in fact it was you who gave him the name Stalker Man, was it not?

Miss Gillbard: Yes.

B

Mr Oakley: And when did you tell Eve about this stalker man who was lurking in the background of your lives?

Miss Gillbard: It will be around the time that I was notified and was having a discussion with my mother.

C

Mr Oakley: Eve, we have heard, can read to about the level of a nine year old, yes?

D

Miss Gillbard: Yes.

Mr Oakley: And she has difficulty concentrating, but she can go on the internet, etc, yes?

E

Miss Gillbard: She can, but she does not.

Mr Oakley: She does not go on the internet?

F

Miss Gillbard: No.

Mr Oakley: Do you keep her away from the internet?

Miss Gillbard: No.

G

Mr Oakley: Why does she not go on the internet?

Miss Gillbard: Eve only plays games on her phone, she listens to music on her phone, and she will watch YouTube music videos in the front room of the house.

H

Mr Oakley: So she would not go to the extent of, for example, knowing about the existence of Stalker Man, looking up his activities on the internet?

A **Miss Gillbard:** No, it would not enter her mind.

Mr Oakley: And equally, although you are her litigation friend, presumably even if she got access to any of the legal documents that have been floating back and forth in these proceedings, she would not be able to read or understand them.

B **Miss Gillbard:** No.

C **Mr Oakley:** It seems to me that the phrase, or the, the name Stalker Man is quite a frightening phrase, is it not?

Miss Gillbard: Not particularly.

D **Mr Oakley:** It suggests that somebody is stalking or hunting you. Somebody is concealing themselves from you and might, you know, potentially rush out and attack you. That is what the implication of stalker man is, is it not?

E **Miss Gillbard:** No.

F **Mr Oakley:** I put it to you that that is not an appropriate way in which to refer to Mr Hall, and that has nothing to do with Mr Hall's personal sensibilities, but it has everything to do with any fears or concerns that Eve might have as a consequence. That is the reality, is it not?

Miss Gillbard: No.

G **Mr Oakley:** So you are quite happy to give him the moniker Stalker Man, the threatening moniker, and allow your daughter to believe that he is a stalker, yes?

H **Miss Gillbard:** At the end of the day, it was the easiest way for Eve to know who I was talking about if it came up. Eve does not read into the name. It is just a name that has been given to somebody who set up a video down the street and did hide, actually.

Mr Oakley: And what, sorry?

A **Miss Gillbard:** And did hide.

Mr Oakley: Where did he hide?

B **Miss Gillbard:** Well he did not make his presence known when he chose to set up a camera down the street did he? Is that not a stalker?

C **Mr Oakley:** Well, he will say that he knocked on your door and there was no reply and he then positioned a camera in the window of his car, which was parked on the street, and then went away for a while. So apart from knocking on the door, he was not hiding or concealing himself in any way, was he?

D **Miss Gillbard:** No, but he should have left it there really, not setting it upon himself to set up a camera. If we were not at home or did not answer, that should have been enough.

E **Mr Oakley:** Yes, I, I get that, and I fully understand why you were upset that he would have filmed from the public highway, but nonetheless, he has not approached your home again, he has not hidden in the bushes, he has not followed either you or Eve on the way to school or the shops or anything else. Nothing of that *guise* has happened, has it?

Miss Gillbard: No.

F **Mr Oakley:** Have you seen the witness statements of Daisy Burke?

Miss Gillbard: Yes.

G **Mr Oakley:** And including one from a few days ago, on 18 July, page 180A of the bundle.

Miss Gillbard: Which page, sorry?

H **Mr Oakley:** 180 and then there is an A after it. It is a short document that has been inserted after the --

Miss Gillbard: No.

A **Mr Oakley:** Existing page 180.

Miss Gillbard: No.

B **Steyn J:** *Sorry, wait just a moment*, would it have been --

Mr Price: It has not been inserted. It has been sent electronically to Miss Gillbard --

Steyn J: Right.

C **Mr Price:** But it has not been physically put into her --

Steyn J: OK.

D **Mr Price:** Bundle *at the moment* --

Mr Oakley: *OK.*

E **Mr Price:** I am afraid, I, I apologise.

Mr Oakley: Right. I am happy to crack on, My Lady, if the witness wants to look at the physical, well, not physical copy, an electronic copy --

F **Steyn J:** Yes.

Mr Oakley: She can do, but I am happy to crack on, because she said she has seen it.

G **Steyn J:** Yes, thank you.

Mr Oakley: So you, you have seen her second statement from about four days ago, five days ago, yes?

H **Miss Gillbard:** I am aware of it, yes.

Mr Oakley: Well, have you actually read this statement?

A

Miss Gillbard: No.

Mr Oakley: OK. Well, I have a copy, Her Ladyship has a copy and your barrister also has a copy. I am going to read you a little extract from it and I am going to be asking you about.

B

Miss Gillbard: Yes.

Mr Oakley: If you think it necessary to actually see the whole thing, say so, but hopefully that will not be necessary, OK?

C

Miss Gillbard: OK, yes.

D

Mr Oakley: In her second witness statement Daisy Burke refers to an incident at school which took place on 8 July 2024, and Eve had been worried because she was using the bathroom and saw red paint splattered on the tiles and apparently she:

E

“became instantly triggered and started to panic. Eve repeatedly said, ‘Daisy, I don’t like it, I don’t like it.’”

So you are aware of that?

F

Miss Gillbard: Yes.

Mr Oakley: And then, a little bit further on Daisy is discussing matters with Eve and takes some notes and according to her notes, and her recollection, Daisy says this, with reference to Mr Hall:

G

“I tried to reassure Eve that her feelings were valid. Eve said, ‘I don’t like him, he has been to my house Daisy, he’s tried to look for me. I just want this all to be over.’”

H

So even as late as a couple of weeks ago Eve was still concerned that Mr Hall might approach her home, was she not?

A **Miss Gillbard:** Yes.

Mr Oakley: And at no stage have you ever disabused her of that concern and said:

“He’s not going to come round to our home.”

B **Miss Gillbard:** I, I well, to be fair I could not categorically say, because I do not know the Defendant. I do not know what he would do.

C **Mr Oakley:** Again, you are Eve’s litigation friend, so you are conducting these proceedings on her behalf.

Miss Gillbard: Yeah.

D **Mr Oakley:** There is a second bundle. Could you turn towards the end of that one please?

(pause)

E **Miss Gillbard:** Yeah.

Mr Oakley: At page 1052 there is a letter from your solicitors to Mr Hall of 22 December 2022.

F **Miss Gillbard:** Yes.

Mr Oakley: And this is what is called a pre-action protocol letter, *and* --

G **Miss Gillbard:** OK.

Mr Oakley: Have you seen this letter before?

H **Miss Gillbard:** No.

Mr Oakley: Never?

A **Miss Gillbard:** No. But I am aware there is the letter.

Mr Oakley: Again I, do not tell me what discussions you had with your solicitors because it is nothing to do with me, OK, but did they --

B **Miss Gillbard:** (indicates agreement)

Mr Oakley: Ever send you a copy of this letter?

C **Miss Gillbard:** No.

Mr Oakley: It is quite a lengthy letter and I will summarise it, but if you want to --

D **Miss Gillbard:** Yeah.

E **Mr Oakley:** If you want to take some more time to look at the whole thing for the first time, then please do so. Effectively this is a letter sent to Mr Hall telling him to stop processing any material about either Martin or Eve, and they mention the claim is under something called the Data Protection Act 2018, are you aware of that Act?

Miss Gillbard: Yes.

F **Mr Oakley:** And the Protection from Harassment Act. Are you aware of that Act?

Miss Gillbard: No.

G **Mr Oakley:** Well, the crux is they are telling Mr Hall to stop processing information about Eve and Martin and, at the very end, they say:

H **“All of our clients’ right are reserved, including their right to issue proceedings against you without notice in the case your conduct continues.”**

All right, so this is just my --

A **Miss Gillbard:** Yeah.

Mr Oakley: This is my brief summary of the letter, and if you turn over the page there is a response of 11 January 2023, at page 1057.

B **Miss Gillbard:** OK.

Mr Oakley: That is Mr Hall's reply.

C **Miss Gillbard:** OK.

Mr Oakley: And it is quite a lengthy letter and unfortunately it, it appears to have been partly *kind of* duplicated but it ends at page 1092.

D **Miss Gillbard:** OK.

Mr Oakley: It is quite a detailed letter. Have you seen it before?

E **Miss Gillbard:** No.

Mr Oakley: Are you sure about that?

F **Miss Gillbard:** Yeah.

Mr Oakley: OK. Again I am going to get to the meat of the letter, but if you want to take some time to read the whole thing for the first time then you can, OK.

G **Miss Gillbard:** (indicates agreement)

Mr Oakley: If you turn to page 1058.

H **Miss Gillbard:** Yeah.

Mr Oakley: Mr Halls writes about his visit to your home and you can take it from me that this was on or around 1 September 2019, that is the incident he is talking about.

A

Miss Gillbard: OK.

Mr Oakley: And he says:

B

“While I was in the area I parked on a public road. During this time I left a camera on the dashboard which was visible from outside of the vehicle, which recorded events along the entire length of the public street. The recording was for my own personal use and after the recording was made I viewed the footage. I then deleted the footage from the memory card. The memory card has since been reformatted, therefore I no longer hold any footage of the public street which was recorded.”

C

D

Did your solicitors make you aware of this?

Miss Gillbard: No.

E

Mr Oakley: And then if you turn to page 1063.

Miss Gillbard: Yeah.

F

Mr Oakley: Mr Hall sets out what he is prepared to do, in particular in line with data protection obligations, and he says:

“I have already explained that I deleted a video recording of a public street, which I made for personal use, therefore I no longer hold nor possess that particular data. All other material that I have used in relation to your clients was acquired from media news websites, from social media and from other publicly available websites. Some of this material was included in my book and videos, which was necessary to include to be able to analyse and debate the claims being made, see first part of the statement below.

G

H

A

Note, all images used in this book are necessary to be able to fully scrutinise claims made by the various parties which the book is examining. Care has been taken to only use images which are absolutely necessary to explain each particular point. All the images have already appeared in other mainstream media articles or viewable website pages. I believe their inclusion constitutes fair use.

B

C

Note, throughout the book opinions are expressed by the author, and by Genevieve Lewis, about the veracity of statements made by those involved in the 2017 Manchester Arena incident. All the opinions contained are not being expressed as factual claims. All the conclusions and assertions made in this book concerning whether individuals have lied or have been untruthful, are expressed purely as the author's opinions.

D

E

The only data I currently hold in relation to your clients is a master copy of the book Manchester - The Night of the Bang, and master copies of the videos that I have produced, which have already been mentioned. These are held on a password protected computer in a locked office.

F

All the information was gleaned from publicly available sources. The information from those public sources was safely deleted after [public material] published material was released.

G

I am not currently processing any person data that pertains to your clients. I do not hold any personal data that pertains to your clients other than what is described above, and I have no intention to gather data or process data on your clients in the future."

H

Did your solicitors make you aware of that?

Miss Gillbard: No.

Mr Oakley: OK. And if you turn to page 1092.

A

Miss Gillbard: Yeah.

Mr Oakley: This is further resolution that Mr Hall proposed in that letter and he says this:

B

“Remedies. I am not currently, nor do I intend to in the future process your client’s personal data. I am not currently, nor do I intend to in the future pursue any activity that could amount to a harassment of your clients. I have explained in this letter that I do not hold your clients’ persona data other than what was acquired from publicly available sources.

C

D

In order to try to narrow the differences in relation to what you seek I would be willing, on this one occasion, to make an exception to what is standard journalistic practice, and hereby make a conditional offer to remove the images of your clients that are contained within videos currently hosted on my website. This suggestion is on the basis that no monetary gain is sought. This suggestion is also on the basis that I do not admit any wrongdoing by making such an offer.”

E

Did your solicitors make you aware of this offer?

F

Miss Gillbard: No.

Mr Oakley: It is plain and obvious from Mr Hall’s letter, which was sent to your solicitors, that he was not in fact going to harass you in any way from now on, and in fact he had not done anything since September of 2019 and you have no evidence of any such *persistence* do you?

G

Miss Gillbard: No.

H

Mr Oakley: So he has kept his word has he not? He is not harassing you in any way.

Miss Gillbard: Not as far as I am aware.

A **Mr Oakley:** But you have told the Court, quite astonishingly, I have, I have no doubt that what you say is correct, but you have told the Court that your solicitors have not actually told you about Mr Hall's response to the letter of claim. So, you are aware of it now and I have read you the pertinent points. It is clear from that, that Mr Hall, save for the incident of **B** September of 2019, has not approached your home again, has done nothing in the interim until the time that he wrote that letter, and he has done nothing since, and he has kept his word, has he not?

C **Miss Gillbard:** I would disagree with that. He has still got content on his YouTube channel, has he not?

D **Mr Oakley:** No, because the YouTube channel was taken down in October of 2022, following a Panorama story which your former partner, Martin Hibbert, willingly took part in and in respect of which Mr Hall had already been approached by the BBC, but refused to take part in, and they came round to his market stall and *filmed* him, filmed him without advance warning or his consent. That although Martin Hibbert agreed to take part in that, Mr Hall did not. Were you aware of that?

E **Miss Gillbard:** Yeah.

F **Mr Oakley:** Right, we have jumped about a bit, but please go back to the first volume, page 165, which is your witness statement.

G **Miss Gillbard:** Just, just one second. Yeah.

H **Mr Oakley:** At paragraph 13, on page 165, you say this, well in, in fact, let me, let me just summarise because we have been jumping around a bit.

Miss Gillbard: OK.

H **Mr Oakley:** The passages preceding this one refer to a visit by the police to your home in July of 2021, just to refresh your memory, yes?

Miss Gillbard: Yes.

A **Mr Oakley:** OK. I am just refreshing your memory because I, I, I want you to understand what this paragraph apparently relates to.

Miss Gillbard: Yeah.

B **Mr Oakley:** So you say:

“The more I ruminated on it the more concerned I became about our safety.”

C And we have covered that, and then paragraph 13:

D **“I didn’t hear much more about the Defendant or his campaign until Martin told me that he had a website and that he had posted stuff about the attack and about Eve on it.”**

So, Martin must have told you this some time in or after July of 2021, must he not?

E **Miss Gillbard:** Yeah.

Mr Oakley: And clearly you were not aware and Eve, obviously, was not aware of Mr Hall’s activities before July of 2021, were you?

F **Miss Gillbard:** No.

Mr Oakley: Then paragraph 14:

G **“Martin then sent me a few pages of the Defendant’s book in October 2022.”**

H And you refer to some exhibits, but unfortunately they do not appear in the bundle. Can I ask you about the Defendant’s book please, which is called Manchester - The Night of the Bang. You are obviously aware of the book in general terms, have you read the whole thing?

Miss Gillbard: No.

A

Mr Oakley: OK. And I am not being flippant or dismissive in any way, but I put it to you that the book is not about Martin or Eve or about your family, it is about the entire incident and Martin and Eve are only mentioned on a relatively small number of pages in that book. Were you aware of that?

B

Miss Gillbard: I am aware of the sections I have seen. I would not read the Defendant's book at all.

C

Mr Oakley: And why would you not read the book?

Miss Gillbard: Do I really need to comment on that?

D

Mr Oakley: Yes please.

Miss Gillbard: Because I do not believe what is in the book, so I would not even go there.

E

Mr Oakley: OK, that is fair enough. But as a consequence it must follow that apart from the passages that you mention, that Martin sent to you, neither you, or, more importantly, Eve, were aware of the substance of the entire book, so could not have been upset or concerned about the contents of the entire book, because you have not read it.

F

Miss Gillbard: No I have not read it, but I was very annoyed with what I did see.

Mr Oakley: Well paragraph 14 says:

G

"The pages were discussing why I had kept Eve out of the media. It" -

-

Miss Gillbard: Yeah.

H

Mr Oakley:

A

“It infuriated me that I had put so much effort into keeping Eve out the media and the Defendant was taking it upon himself to make this something suspicious. As I’ve said above, I’ve worked incredibly hard to create a space for Eve and me to live in away from the publicity, a space where I feel I can protect Eve. The material he is producing is taking that away from me.”

B

Have you viewed any of the Defendant’s videos?

C

Miss Gillbard: I have seen one extract where he was dismissing Mr Hibbert’s spinal injury.

Mr Oakley: Now, you may not be able to answer this because Mr Hall has produced a lot of videos, it is what he does, he produces videos and he writes, not everything is about the Manchester incident. So can you remember the title of that video?

D

Miss Gillbard: No.

Mr Oakley: And was this the video in which concerns were raised about how Martin had expressed himself in a TV interview?

E

Miss Gillbard: Yes.

Mr Oakley: Were there two people in that video, a man and a woman?

F

Miss Gillbard: Yes.

Mr Oakley: Discussing the words Martin used and the way he expressed them?

G

Miss Gillbard: Yes.

Mr Oakley: And, I am just trying to establish, so that we know which video you have seen, there was also a reference to Martin having been hit by shrapnel at the speed of 90 miles an hour, and some observations were made about the much faster speed of a bullet. Is that the video that you saw?

H

Miss Gillbard: I do not recall that.

A

Mr Oakley: Did you watch the whole video?

Miss Gillbard: No.

B

Mr Oakley: OK. In the video that you watched, was there any reference to Eve at all?

Miss Gillbard: I cannot remember.

C

Mr Oakley: Well, I put it to you that that probably means that, at least in the part that you watched, there was no mention of Eve, because as her mum and as a protective mum if Eve had been mentioned you would have noticed and you would have been angered or annoyed by it, would you not?

D

Miss Gillbard: I would have been, but I was very annoyed at what they were saying about Mr Hibbert.

E

Mr Oakley: OK, but you were not actually annoyed about anything that was being said about Eve in the video.

Miss Gillbard: As I stated before, I did not watch the whole video. I was that annoyed I turned it off.

F

Mr Oakley: How often do you discuss these matters with, well, when I say these matters let me be more specific, how, how often do you discuss the activities of the Defendant, Mr Hall, with Martin?

G

Miss Gillbard: Not that often, only if I see him.

Mr Oakley: Can you give us an idea, once a week, once a month?

H

Miss Gillbard: It might be once or twice a month. It depends what is happening.

Mr Oakley: But it is not in the forefront of either of your minds, is it?

A **Miss Gillbard:** It is at the moment.

Mr Oakley: Well yes, because of the court proceedings and you are giving --

B **Miss Gillbard:** Yes.

Mr Oakley: Evidence in a trial, but apart from that --

C **Miss Gillbard:** Yeah.

Mr Oakley: It is really not uppermost in your minds, is it?

D **Miss Gillbard:** With regards to Martin's situation I cannot comment for Mr Hibbert. I try not to discuss these matters in the home. The only time the matters are discussed, Eve randomly brings something up.

E **Mr Oakley:** OK, well that is, that is fine because Martin Hibbert has obviously given his own evidence yesterday. He is a grown up, he is a mature man, he can do those things, I am not asking you about Martin, although you can mention Martin if you want, I am focussing on Eve. So, do you specifically discuss any issues regarding Mr Hall's activities unless they concerned Eve, on a regular basis?

F **Miss Gillbard:** No.

Mr Oakley: Now, I have mentioned the Panorama interview. It is fair to say that Martin has been on the media quite a lot in the aftermath of the Manchester event has he not?

G **Miss Gillbard:** Yes.

H **Mr Oakley:** And I am going to give you a number now, which you may or may not agree with, that is fine, but my client has estimated that Mr Hibbert has undertaken about 168 media appearances or mentions. Would that be about right as a ballpark figure?

Miss Gillbard: I have no idea because I do not view them.

A **Mr Oakley:** You do not view them? *Not even for* Martin Hibbert --

Miss Gillbard: No.

B **Mr Oakley:** *The Claimant?* OK.

Miss Gillbard: No.

C **Mr Oakley:** Did he tell you that in about the autumn of 2022 he had been approached by the BBC to appear in a podcast about the issues surrounding this litigation?

Miss Gillbard: I think so.

D **Mr Oakley:** And clearly if he appeared in this podcast, that would raise public interest in these issues again, would it not?

Miss Gillbard: Yes.

E **Mr Oakley:** And it would raise public interest about issues surrounding Martin, but it would obviously also, potentially, raise issues surrounding Eve, would it not?

Miss Gillbard: Possibly.

F **Mr Oakley:** And in, did you have any discussions with Martin at that time about the wisdom of appearing in a podcast?

G **Miss Gillbard:** No. As you stated, Martin is an adult, he, you know, it is up to Martin what he does.

Mr Oakley: So he never approached you and said:

H “I want to do this, I want to put my story forward, I’m going to be mentioning Eve as well, do I have your blessing?”

Miss Gillbard: He asked for my permission to mention Eve, yes.

A
Mr Oakley: And you were happy for him to mention Eve in the podcast?

Miss Gillbard: To be fair, Eve's been mentioned the whole time throughout the seven year period by name only.

B
Mr Oakley: Yes, but I am talking about what Martin was planning to do, because it seems, well certainly after June of, or July of 2021, no other specific incidents or concerns are mentioned, but then in the autumn of 2022, so over a year later, I am suggesting that Martin decided to stir the pot up again by appearing on this podcast. So you were happy for him to do that were you?

Miss Gillbard: As I have stated, Martin is an adult, I do not control Mr Hibbert.

D
Mr Oakley: Were you approached to appear in the podcast, by any chance?

Miss Gillbard: No.

E
Mr Oakley: Now, there was a podcast and on the back of that, and we have already touched on this, there is then a Panorama programme which was produced. Did you watch the, sorry, did you listen to the podcast?

F
Miss Gillbard: No.

Mr Oakley: Did you watch the Panorama programme?

G
Miss Gillbard: Yes.

Mr Oakley: And would it be right that that was aired in around October of 2022?

H
Miss Gillbard: Quite possibly. Again, I am not great with ...

Mr Oakley: No, that is, that is fine, and I am not expecting a specific date, but that seems to fit in with the chronology, which you obviously *will not have heard* because you did not

hear what was going on yesterday, but to the best of your recollection, the Panorama programme would have been broadcast in about October of 2022, yes?

A

Miss Gillbard: Yes.

Mr Oakley: OK. Did you have any particular discussion with Martin about his appearance on that programme?

B

Miss Gillbard: Not, not particularly.

Mr Oakley: OK. And what about the fact that Eve was potentially being highlighted again in the Panorama programme, did you raise any concerns with Martin about that?

C

Miss Gillbard: No.

Mr Oakley: I would like you to please turn to Martin's third witness statement. Bear with me, I need to find the passage.

D

(pause)

E

Mr Oakley: Found it. Could you turn to page 157 please?

Miss Gillbard: Yeah.

F

Mr Oakley: And I am looking towards the bottom of the page, paragraph --

Miss Gillbard: Yeah.

G

Mr Oakley: 32. Have you seen Martin's witness statements?

Miss Gillbard: I have got them.

H

Mr Oakley: Have you read them?

Miss Gillbard: I have not read, no, I have not read *them* no.

A

Mr Oakley: OK, again, as before, if you want to take the time to read the whole thing you can, but I am just going to take you to the meat of the matter. I am not trying to pull the wool over your eyes in any way so far as my questions are concerned, OK, do you understand?

B

Miss Gillbard: Yeah. Yes.

Mr Oakley: All right. Well he is talking, as well, about the podcast and the Panorama programme, and at paragraph 32 he says this:

C

“Marianna’s podcast”

Marianna being a journalist from, well, who works with the BBC:

D

“Marianna’s podcast was so good her boss decided to film a Panorama documentary investigating disaster trolls. This Panorama programme, screened in October 2022, triggered a huge reaction. I was invited on to TV to discuss it and I became increasingly worried for the safety of myself and Eve.”

E

Would you agree with Mr Hibbert’s assertion that this Panorama programme in particular triggered, in his words, a huge reaction?

F

Miss Gillbard: In what way?

Mr Oakley: Well I do not know because I did not write this. Mr Hibbert write, wrote it, but he says, to remind you:

G

“The Panorama programme, screened in October 2022, triggered a huge reaction.”

H

Miss Gillbard: I am presuming that will be a public reaction.

Mr Oakley: Yes, so --

Miss Gillbard: Yeah, quite, quite possibly, due to the content.

A

Mr Oakley: Oh, do you not know?

Miss Gillbard: Well I cannot comment, can I?

B

Mr Oakley: Yes you, well, you cannot comment if you have no knowledge of it, but if you were aware of, of the broadcast of the programme and its aftermath then you can comment, and in those circumstances I would like you to comment please. Was there a huge reaction?

C

Miss Gillbard: I have no idea.

Mr Oakley: OK. It would therefore follow from that that Eve's potential anxiety about the activities of Mr Hall, would not have been increased following the broadcast of the October 2022 Panorama programme. That must be right, must it not?

D

Miss Gillbard: No.

Mr Oakley: So, if you were not aware --

E

Miss Gillbard: Eve was upset about it.

Mr Oakley: Pardon?

F

Miss Gillbard: Eve was upset about it.

Mr Oakley: So you cannot comment on whether there was a huge reaction, but Eve apparently was upset about. Did you and Eve watch the programme together?

G

Miss Gillbard: Yeah.

Mr Oakley: Why did you allow Eve to watch the programme?

H

A **Miss Gillbard:** Because she needed to, I watched it first and I let her watch it the following day with me, because she needed to be aware in case anybody mentioned anything to her at school.

Mr Oakley: Nobody did mention anything at school though, did they?

B **Miss Gillbard:** Well I could not confirm that would happen or not.

Mr Oakley: I am going to go back to this letter from the college, which we have already looked at, at page 230.

C
(pause)

Miss Gillbard: Yeah.

D **Mr Oakley:** Now, you have not seen this letter, as I understand it, but you will see on the second page it is signed by Emma Taylor, Head of College, Leigh, and Daisy Burke, Learning Support Assistant, yes?

E **Miss Gillbard:** Yeah.

Mr Oakley: And it is dated 2 May 2024, yes?

F **Miss Gillbard:** Yeah.

Mr Oakley: And on the first page it says:

G **“For the attention of Miss Kerry Gillespie at Hudgell Solicitors.”**

So it is fair to say that this letter was not actually sent to you, but it was sent to your solicitors, and, if I recall correctly, you have never seen this letter, is that right?

H **Miss Gillbard:** No, but I am aware of the content.

Mr Oakley: OK. It says at the beginning:

A

“Further to our conversation last Friday, 26 April, please find below information related to Miss Eve Hibbert, a student at Expanse Learning Leigh SEND College.

B

Sarah G, Eve’s mother, contacted her designated learning support assistant Daisy B to inform her that a Panorama documentary about the Manchester bomb attack had just been released. Sarah suspected that the release of this would most likely lead to Eve displaying more anxious behaviours in college as she was aware of the contents of the documentary. Daisy reported this to the head of college, Emma Taylor.”

C

When did you actually contact the designated learning support assistant, Daisy?

D

Miss Gillbard: It could have been on the day of the documentary or the day afterwards, I am not sure.

E

Mr Oakley: OK. But this letter it would appear is sent about 18 months after the Panorama interview, the Panorama documentary was broadcast. That seems to be right on the face of the document, yes?

F

Miss Gillbard: The date at the top of the letter?

G

And as the letter was dated 2 May 2024, that rather suggests that the conversation was in April of 2024 as well. Do you follow?

H

Miss Gillbard: I do follow what you are saying, but that is not correct.

Mr Oakley: Well explain to me when this letter was, when this letter was sent then, please.

Steyn J: But Mr Oakley --

A

Miss Gillbard: Well you --

Steyn J: Just, just, just --

B

Mr Oakley: One moment.

Steyn J: Just one moment. The conversation that is being referred to is not a conversation with Miss Gillbard, it is a conversation with the solicitor.

C

Mr Oakley: Yes I --

Steyn J: So --

D

Mr Oakley: I, I accept that.

Steyn J: Yes.

E

Mr Oakley: And it is a bit confusing Your Ladyship. When I, when I first read it I assumed that it was sent to Eve's mum, *but it is said* that it was not, so I am just trying to establish the timescale, and it seems to me, and I will be submitting, that this is a letter produced some time after the fact for the purposes of this litigation, rather than a, a pastoral care type letter which was written at the time. So that is going to be my submission, but I certainly do not want to confuse --

F

Steyn J: Mr Price, is that --

G

Mr Oakley: The witness.

Steyn J: Disputed, *that the letter* --

H

Mr Price: It, it is not.

Steyn J: Yes, no. No, that is not in dispute.

A **Mr Oakley:** OK. Nonetheless I, I do want to take the witness through the substance of this.

Steyn J: Yes.

B **Mr Oakley:** But I appreciate it is, it is not her letter, which is why I took her to the, the names on it.

Steyn J: Yes.

C **Mr Oakley:** Now, the second paragraph from the bottom on page 230.

Miss Gillbard: Yeah.

D **Mr Oakley:** Oh, hang on a moment.

(pause)

E **Mr Oakley:** Yes, the second paragraph from the bottom:

F **“Shortly after, Eve refused to visit the neighbouring Morrisons store to collect her lunch, an activity she had previously engaged in and enjoyed. Instead, Eve requested that Daisy collect her lunch from Morrisons while she waited in the classroom. Eve seemed paranoid and anxious about the thought of leaving the college site and the possibilities of being seen and photographed outside of college.**

G **A few weeks later Sarah informed Daisy that Eve’s flashbacks had returned. Eve also experienced a PTSD flashback during a session in college. This was unusual for Eve as she had never had a flashback in college up until this point.”**

H So all of these consequences, these difficulties that Eve had faced, they followed the broadcast of the Panorama documentary, did they not?

Miss Gillbard: This instance, yes.

A

Mr Oakley: And you have already told the Court that you watched the documentary yourself and then the following day you watched it with Eve. That is correct --

Miss Gillbard: Yeah.

B

Mr Oakley: Is it not?

Miss Gillbard: Yes.

C

Mr Oakley: So, it is also fair to say that, as Mr Hall refused to cooperate with Panorama in the course of this documentary, Eve's problems thereafter were attributable to (a), most importantly, Panorama producing and then broadcasting the documentary, (b) Mr Hibbert's involvement in it, and (c) your decision to allow Eve to watch this video. It is those three issues together that caused her upset and concern. That must be right, must it not?

D

Miss Gillbard: Not on that, it is for that, but Eve always will display those any time she hears anything about the Defendant. So it is not just particularly because of a documentary.

E

Mr Oakley: So, any time she hears about the Defendant, you, as her mum, are aware of her upset when she hears about the person who you have called The Stalker Man. Would it not, not have made sense to refuse to discuss the matter within her earshot if it upsets her?

F

Miss Gillbard: I try not to discuss things within her earshot, but I do not live in a mansion, so she is out of the way, she is not at home today either, but unfortunately I am here on my own and I will have to talk to somebody and it could be my mother.

G

Mr Oakley: I put it to you that it was, it was very unwise for you, as her mother, to allow her to watch this Panorama documentary, and the reason we know that is because she was upset as a consequence. That is *clearly the response, which is natural*, is it not?

H

Miss Gillbard: Yes she was, she was a bit mithered about it, yes.

A **Mr Oakley:** But that was nothing to do with Mr Hall and any of his activities, was it? It was because you let her watch the Panorama documentary.

Miss Gillbard: Eve has always had triggers from anything Mr Hall has done prior to this documentary. So it cannot solely be blamed on the documentary.

B **Mr Oakley:** No, it can also be blamed on you and her father talking to her about this matter, because she would not know about it otherwise, would she?

Miss Gillbard: She could potentially hear it from somebody else.

C **Mr Oakley:** But in reality she has heard about it from you and her father, has she not?

Miss Gillbard: Yeah.

D (pause)

E **Mr Oakley:** Now, I have touched on this before but I am going to go back to it. Page 166, paragraph 18 of your statement.

Miss Gillbard: Yeah.

F **Mr Oakley:** You say:

“Now the whole street knows who Eve is and what she was involved in.”

G I put it to you that the whole street is only aware of Eve and what she was involved in as a consequence of the broadcast of the Panorama interview, which had a huge impact. That is when the whole street became aware, is it not?

H **Miss Gillbard:** No.

Mr Oakley: OK. Well we have *trawled* this before, when do you say the whole street became aware of Eve and her history?

A **Miss Gillbard:** When Mr Hall knocked on the neighbours' doors.

Mr Oakley: Back on 1 September 2019?

B **Miss Gillbard:** (indicates agreement)

Mr Oakley: That is your evidence to the Court?

Miss Gillbard: Yeah.

C **Mr Oakley:** Very well.

(pause)

D **Mr Oakley:** Paragraph 21 of your witness statement you say:

E **“Eve worries about the stalker man. Hearing about him upsets and scares her and causes her to have sleeping problems and flashbacks.”**

F Knowing that, as you do as her mother, the sensible thing would be to stop referring to Mr Hall at all, and certainly to stop referring to him as the stalker man. That is common sense, is it not?

Miss Gillbard: That is your opinion.

G **Mr Oakley:** So you do not think it is common sense, if, if your daughter is being upset by the stalker man, for you to stop talking about him?

H **Miss Gillbard:** I do not talk about him that much, and actually I do not think my parenting skills are being called into question here. I have managed this situation the best that I can. If Eve asks me something I need to be open and honest with her, not fabricate anything, and just try and keep her calm.

A **Mr Oakley:** All right, well let me ask you this question. You were not aware of Mr Hall's response to your solicitors' pre-action protocol letter in which he said that he was not going to do anything which could harass the family, he was going to delete various images, etc. Had you known about his response in that letter would you have told Eve about his promises?

B **Miss Gillbard:** No, because as I state, as I have already stated, I do not discuss Mr Hall at all, unless Eve asks something.

Mr Oakley: Right, well had you been made aware of the fact that he says quite expressly in that letter:

C **“I am not going to do anything which amounts to harassment.”**

D Had you been made aware of that you would have told Eve about that, would you not, and as a consequence --

Miss Gillbard: Yes.

E **Mr Oakley:** As a consequence she would no longer have been scared of the stalker man, would she?

Miss Gillbard: No, unfortunately that is not Eve's behaviour.

F (pause)

Mr Oakley: Paragraph 22 of your statement. You say:

G **“Eve is not able to cry, but she dry cries about him. She does not like the fact that he has been at our home, which is meant to be her safe space where no one can get to her, and it made her feel unsafe. She is petrified that someone is going to come back and get her.”**

H Do you disabuse her of that notion in any way, the idea that someone is going to come back and get her?

Miss Gillbard: Yeah.

A

Mr Oakley: Are you still referring to Mr Hall in your conversations, as the stalker man?

Miss Gillbard: Yes.

B

Mr Oakley: You should stop that, should you not?

Miss Gillbard: It is the only thing Eve knows him by, it is the simplest way to explain the situation.

C

Mr Oakley: Paragraph 23 of your statement you mention her post traumatic stress disorder:

“It is finely balanced *and anything can knock her off and trigger her anxious behaviour, for*” --

D

Miss Gillbard: Yeah.

Mr Oakley:

E

“example”

And this is the important bit:

F

“for example, the Defendant sent a letter to our house one day, which caused her to have flashbacks despite being on these medications. He sent us a copy of his application to appeal.”

G

Now, he should not have done that because solicitors were on the record, but nonetheless, he was responding to a claim which had brought, had brought him to court, and he made a mistake by sending it directly to your home, but nonetheless, he would not have written that letter had the court case not been initiated. Do you follow?

H

Miss Gillbard: Yeah.

A **Mr Oakley:** And this is a legalistic letter, and it is containing a formal application for permission to appeal, and it is something, I suggest, which would be entirely outside the understanding of Eve, if she perhaps was at the front door when the postman delivered the letter and she thought she would have a look at it. So the only reason that she was aware of this letter is because you told her about it. That is right, is it not?

B **Miss Gillbard:** I did not directly tell her, no.

Mr Oakley: So how did she know that the Defendant had:

C **“sent a letter to our house one day, which caused her to have flashbacks”?**

How could she possibly know unless you told her?

D **Miss Gillbard:** Because she overheard.

Mr Oakley: She overheard what?

E **Miss Gillbard:** Me being furious at the fact he had had the audacity to send a recorded letter, knowing that it would come to the house on a Saturday, and disrupt our weekend. So, I was not very happy about it, no.

F **Mr Oakley:** You being furious, were you having a conversation with somebody else about the letter, or were you just venting your spleen on your own, in the house, with just you and Eve present?

G **Miss Gillbard:** I, when, I was annoyed when I opened it and then I rang Martin.

Mr Oakley: Right so you, you spoke to Martin about this letter.

H **Miss Gillbard:** Yeah.

Mr Oakley: Within the earshot of Eve, yes?

Miss Gillbard: Yes.

A

Mr Oakley: You were very angry about it.

Miss Gillbard: Yes.

B

Mr Oakley: Looking back, you should not have discussed the receipt of that letter and your anger within the hearing of Eve, should you?

C

Miss Gillbard: As I have already explained, Eve is in a ground floor extension at the side of the kitchen. She can hear any conversation. So it is not purposely done within earshot, and as I have previously stated, I have done my best to manage this with my daughter.

D

Mr Oakley: Yes, well it is perhaps wise to go to the other end of the house, or do you, do you have a garden?

Miss Gillbard: Yes.

E

Mr Oakley: Right.

Miss Gillbard: Although her extension is in the garden.

F

Mr Oakley: OK, well it would have been sensible to discuss these matters as far away from Eve as possible, would it not?

G

Miss Gillbard: Well, what was I mean to do, *go out on the phone in the street* and leave her unattended in the house on her own?

H

Mr Oakley: No, I did not say that. I said to move as far away from her as possible, perhaps speaking --

Miss Gillbard: She will still hear --

Mr Oakley: In a quiet voice, rather than e furious. But let us move on. Paragraph 24 of your statement, page 167.

A **Miss Gillbard:** Yeah.

Mr Oakley:

B “Eve has the same two flashbacks, one is where she is in the Arena holding on to Martin and he turns to her and says, ‘Come on Darling, we are going now.’ They walk across the City Room and there is a massive blast and a flash of light.”

C Now pausing there, those flashbacks have nothing whatsoever to do with the activities of Mr Hall, do they?

D **Miss Gillbard:** They are to do with the Arena, but they do trigger upon Mr Hall’s activities also.

Mr Oakley: Right, well you do not actually say that in this paragraph. You move on to --

E **Miss Gillbard:** No, I am telling you now.

F **Mr Oakley:** OK, so why did you not mention that in your witness statement if you are, if you are trying to suggest that he, that she suffers flashbacks because of the activities of Mr Hall, surely you would say that in your witness statement, because you are bringing, on your daughter’s behalf, a claim of harassment. That is a very important thing, if, indeed, that is the truth of the matter. So why did you not mention it?

G **Miss Gillbard:** Well, because Eve can get flashbacks from a few things, there is triggers, there is no rhyme or reason.

Mr Oakley: Well let us move on to the second of the two categories of flashbacks that you mention. Paragraph 25:

H “She suffers with perseverance”

Have I pronounced that right?

A **Miss Gillbard:** Yes.

Mr Oakley:

B “which means that her brain loops. Eve can have a flashback at night in bed which can then replay six or seven times because of her cognitive issues. When this happens she is so frightened that she is unable to draw on the trauma technique that she has been taught in her treatment.”

C This perseveration, again that is nothing to do with Mr Hall or his activities, is it?

Miss Gillbard: No.

D **Mr Oakley:** Paragraph 26:

E “Eve cannot understand why someone would try to say she was lying about this. Since I told her about the Defendant and that he doesn’t believe her, Eve has repeatedly returned to this issue when she becomes anxious, and when she does she asks me why he doesn’t believe her and why he is saying things about her and her dad.”

F You should not have told her about this, should you?

Miss Gillbard: As I stated before, I have done my best to manage this situation with my daughter.

G **Mr Oakley:** Paragraph 27:

H “It is worrying and unsettling to think that people know where we live. Eve picks up on my emotions and then worries about me, constantly asking if I’m OK. We know what the Defendant looks like, but not what those who follow him look like. There are cars everywhere. There could be someone sitting outside of our house watching us and

A we would not know about it. We don't know who they are or what they look like, and it's worrying. This is one of the most concerning and unsettling thoughts of all, that one of the Defendant's followers might start doing what he was doing and investigate and secretly film us."

B We have already looked at the police letter of 5 July this year, which does not mention any other incidents of concern. So all of your worries in this paragraph, they are entirely subjective to you. They are nothing to do with any objective risks that you, or, more importantly, Eve, might face, are they?

C **Miss Gillbard:** Yes, because I would not know if somebody was doing something.

D **Mr Oakley:** Yes, but that is in your own mind, it is, it is not a problem to be upset or worried about things, but what I am suggesting to you is that this is only in your own mind and there is nothing external, there are no poison pen letters being sent to your house --

Miss Gillbard: No.

E **Mr Oakley:** There is *nobody* --

Miss Gillbard: Yeah.

F **Mr Oakley:** Yes? So there is no --

Miss Gillbard: Yeah.

G **Mr Oakley:** Objective evidence of any threat of the kind that you mention, to you and Eve, is there?

Miss Gillbard: No.

H **Mr Oakley:** Paragraph 29. You say:

"I know it plays on Eve's mind as sometimes she will bring the situation up, asking things like, 'What is happening with that stalker

man?’ I know that it would help if I could tell her that a judge has told him to stop what he’s been doing.’

A

I put it to you that it, it would also help her if you knew about Mr Hall’s letter to your solicitors and knew that he had promised that he was not going to do anything to harass Martin or, more particularly, Eve. If you had been able to tell her that, that would have, have

B

Miss Gillbard: Possibly. Eve does not think quite like that. She will still *continue on* with things, unfortunately.

C

Mr Oakley: So even if Her Ladyship tells Mr Hall to stop what he is doing, the problem might continue, as far as Eve is, Eve is concerned, is that your evidence?

D

Miss Gillbard: I would say not, if the Judge said to take all his content down, remove all his books. I mean, as it stands at the moment his videos have been viewed by hundreds of thousands of followers, books have been sold, so regardless of what we are stating here, these things are still out there.

E

Mr Oakley: In his witness statement Mr Hibbert says that he has had discussions with Andy Burnham, the Mayor of Manchester, looking at the potential law to place people in jeopardy of criminal, of criminal prosecution if they raise issues of the kind that Mr Hall has raised. Would you like people like Mr Hall to be subject to criminal prosecution?

F

Miss Gillbard: Yeah.

G

Mr Oakley: You did not see Mr Hall’s response to your solicitors. Now, we heard yesterday, and you will not have heard this, that really, quite bizarrely, Martin suggested that his solicitors had not made him aware of the resolution that can be sought with the Data Protection Act. In other words, if you raise an issue with the data controller about the processing of your information and you are not happy with their answer, you can then make a complaint to the Information Commissioner. Were you aware that you could do that?

H

Miss Gillbard: Not without research.

A **Mr Oakley:** So, and again, I do not want to go into the specifics of the discussions that you may have had with your solicitors, but did they tell you that you could make a complaint to the Information Office?

Miss Gillbard: No.

B **Mr Oakley:** Am I taking your evidence, that you are completely unaware of that potential route to resolve this problem?

Miss Gillbard: Yes.

C **Mr Oakley:** OK. I do not have any more questions, Your Ladyship.

D **Mr Price:** Just two small points in re-examination please. The first is this, you, you, you were asked, Miss Gillbard, to, well you were asked about having been sent extracts from Mr Hall's book by Martin, and --

Miss Gillbard: Yes.

E **Mr Price:** You, you responded that you had not read the whole book but you were very annoyed at the pages that you did see, and it was said that those pages, which you refer to as an exhibit in the statement that you were shown, are not in the bundle, well if, if you --

F **Miss Gillbard:** (indicates agreement)

Mr Price: Take up the second of those two files and please turn to page 739 to 740. I, I just wanted you to confirm whether in fact those are the pages that you remember being sent.

G **Miss Gillbard:** Just, if you could just bear with me one --

Mr Price: No --

H **Miss Gillbard:** Second.

Mr Price: There is no hurry at all. I am afraid the reproduction is not very good.

A **Miss Gillbard:** 730, yes they are the pages.

Mr Price: There is only two of them, I --

B **Miss Gillbard:** Yeah.

Mr Price: Is that right? And do you, does, does that help remind you about having read them?

C **Miss Gillbard:** Yes.

D **Mr Price:** OK, thank you very much. I can move on to my second question. You, you were asked whether it was in fact the Panorama broadcast which alerted all your neighbours to the fact that they were living in the same street as a victim of the Manchester Arena, and my question is simply whether you featured in the Panorama documentary.

Miss Gillbard: No.

E **Mr Oakley:** And whether any recent post attack images of Eve featured in the Panorama documentary.

Miss Gillbard: I cannot remember.

F **Mr Oakley:** Thank you. That is all I have.

G **Steyn J:** Thank you. Thank you very much Miss Gillbard, that completes all of your evidence, you are now released. Thank you.

Miss Gillbard: Thank you.

H **Mr Price:** So My Lady, that, that is my evidence and I, we move, we move on to the Defendant. I could commence the cross-examination this afternoon, or, if preferred by the Defendant, I could wait.

Steyn J: Yes. Mr Oakley, I know that you mentioned earlier that you wanted a little time to consider the code of conduct. Have you had that already or do you still need a bit of time?

A

Mr Oakley: We have considered matters, some matters, but I would ask Your Ladyship to rise now simply because I suspect that my client would be part heard. I do not have a solicitor. He, as you may have seen, is taking notes of the evidence, apart from anything else, and I would like to discuss matters with him, and obviously, if he is part way through his evidence, I will not be able to do that, so I --

B

Steyn J: Yes, *of course*.

C

Mr Oakley: I, I would ask permission, please --

Steyn J: That --

D

Mr Oakley: To wait.

Steyn J: That is fine. Well we, we seem to be proceeding relatively well in accordance with the timetable, so let us finish there for today, and we will resume at 10.30 tomorrow. OK, thank you.

E

Court Clerk: Court rise.

F

Wednesday 24 July 2024

Court Clerk: This hearing will be conducted both in court and remotely and will be recorded by His Majesty's Courts and Tribunals Service. These are legal proceedings and you must not make or transfer any recordings of any part of the hearing. To do so would be an offence and could amount to contempt of court. The hearing will be conducted over Cloud Video Platform but that does not change the serious nature and importance of the hearing. On the matter of *Hibbert and Another v Hall*, trial part heard on Wednesday 24 July 2024.

G

Steyn J: Good morning.

H

Mr Oakley: Good morning, My Lady. Sorry I was a little bit late, we were just having a chat outside.

A

Steyn J: No, not at all.

Mr Oakley: Right, unless there is anything else. Oh actually, there would, there would be a small, yes, this is a minor error on my part. It appears when I was cross-examining Eve's mum yesterday, I did ask her about the service of the appeal proceedings on her property. Now, it transpires, I do not have any documentation in this bundle and I am old fashioned, I like to have a printed off version. But towards the end of the bundle, there is actually some email correspondence which explains that my client actually, and understandably, as a lay person, served the documentation on Eve's address, rather than through the solicitors because he misunderstood the form. And Your Ladyship will be aware of what it says on the form. You have to put the Claimant's address and the solicitor's address. So unfortunately, there is some correspondence about that towards the end of the bundle. I was not aware of that. I do not know if my learned friend is going to raise issue about it, and certainly I, I would not want to recall Eve's mum to question her about that.

B

C

D

Steyn J: No. OK, thank you.

E

Mr Oakley: In that case, without further ado, I would like to call my client, please, Mr Hall.

Court Clerk: Please repeat after me. I solemnly, sincerely, and truly.

F

Mr Hall: I solemnly and sincerely and truly.

Court Clerk: Declare and affirm.

G

Mr Hall: Declare and affirm.

Court Clerk: That the evidence which I shall give.

H

Mr Hall: That the evidence which I shall give.

Court Clerk: Shall be the truth.

A **Mr Hall:** Shall be the truth.

Court Clerk: The whole truth.

B **Mr Hall:** The whole truth.

Court Clerk: And nothing but the truth.

Mr Hall: And nothing but the truth.

C **Court Clerk:** Thank you.

Mr Oakley: Can you give your full name to the Court, please?

D **Mr Hall:** It is Richard Daniel Hall.

Mr Oakley: And your address?

E **Mr Hall:** 98 Twynyrodyn Road, Merthyr Tydfil.

Mr Oakley: And your occupation?

F **Mr Hall:** I am a journalist.

Mr Oakley: Thank you. Could you look at the first bundle in front of you, page 187?

G **Mr Hall:** Yes.

Mr Oakley: Is that your witness statement of 27 December 2023?

H **Mr Hall:** It is, yes.

Mr Oakley: And is that your electronic signature at the end on page 213?

Mr Hall: It is, yes.

A

Mr Oakley: And are the contents of that statement true to the best of your knowledge, information and belief?

Mr Hall: They are, yes.

B

Mr Oakley: And can you then turn to page 214?

Mr Hall: Yes.

C

Mr Oakley: Is that your witness statement of 27 June 2024?

Mr Hall: Yes.

D

Mr Oakley: And is that your signature at page 227?

Mr Hall: It is, yes.

E

Mr Oakley: And are the contents of that statement true to the best of your knowledge, information, and belief?

Mr Hall: They are, yes.

F

Mr Oakley: Thank you. There will be some questions.

Steyn J: Mr Hall, there, there is water there.

G

Mr Hall: Yeah, thank you.

Mr Price: Morning, Mr Hall.

H

Mr Hall: Morning.

A **Mr Price:** The book you have published about the Manchester Arena bombing is, is carefully compiled by you and detailed and meticulous. Would you agree with that?

Mr Hall: Yes.

B **Mr Price:** It is about 440 pages?

Mr Hall: Yes.

C **Mr Price:** How long did it take you to write?

Mr Hall: About three months in the actual authorship of it, but there was a lot of research which went on before then. It, it was contained within the book.

D **Mr Price:** It is right that your research began in around 2018?

Mr Hall: Yes.

E **Mr Price:** Roughly a year after the, the bombing itself?

Mr Hall: Yes, although there were some interviews that I did on, on my show in 2017, I believe. Generally discussing the earlier information.

F **Mr Price:** And the film and the, sorry, book was published in May 2020, is that right?

Mr Hall: The book was, was published in print in March 2020.

G **Mr Price:** March 2020, thank you.

Mr Hall: 27 March 2020.

H **Mr Price:** And the, the films? First of all, the film itself, the, the film about the Manchester bombing?

A **Mr Hall:** I do not know the date off the top of my head but, well actually it was, it was published on the same date because they were available for pre order. So people could purchase the book or the film in advance, and then have them delivered on 27 March. So it, so it was available on a DVD and in book form on that date, but the actual video was put online. Usually, I usually put the thing online six weeks after it is available on DVD, so it is probably six weeks after 27 March that it was available online.

B **Mr Price:** How long did it take you to make the film?

C **Mr Hall:** The actual editing process, a few months. But obviously there is content within there that has been collated for a number of years.

Mr Price: And so in, by May 2020, the film and the book had been published?

D **Mr Hall:** Yes.

Mr Price: Both on DVD and through your website?

E **Mr Hall:** Yes.

Mr Price: In, in relation to the film. And the book in hard cover and available in, in PDF also?

F **Mr Hall:** Soft cover.

Mr Price: Soft cover.

G **Mr Hall:** No, it was not available on PDF at that time. It was made available on PDF in 2022. Yeah, which is a free PDF.

H **Mr Price:** But until then, you had been charging for the hard copy, if I can put it a better way.

Mr Hall: That is right yeah.

Mr Price: *Even if it is a soft cover.*

A

Mr Hall: That is right.

Mr Price: And the publication of the book and the film on your website continues?

B

Mr Hall: Yes.

Mr Price: And has never ceased in this period?

C

Mr Hall: That is correct.

Mr Price: Now, turning --

D

Mr Hall: I may add that there have been further films made which have clarified certain points within those publications, and expanded on some of the information.

Mr Price: And one of those films is called A Table For Two, and it is about Martin and Eve Hibbert --

E

Mr Hall: That is right.

Mr Price: And that was published last year?

F

Mr Hall: Yes, November.

Mr Price: November 2023?

G

Mr Hall: Yes.

Mr Price: And the Table for Two, or the title, is a table in the Jan Carlo Restaurant?

H

Mr Hall: San Carlo Restaurant.

Mr Price: San Carlo --

A **Mr Hall:** Yes.

Mr Price: Thank you very much. Taken on the night of 22 May 2017?

B **Mr Hall:** I refute that.

Mr Price: When you say you refute that?

C **Mr Hall:** Well, do you have any evidence that it was taken on that date? I have no evidence that it was taken on that date.

D **Mr Price:** Now turning, if I may, to the book. At page 647, of what I think is the file which you are already in, Mr Hall. You will find yourself launched into it at its, towards its conclusion.

Mr Hall: Yes.

E **Mr Price:** And under the heading:

“What do I believe happened?”

Mr Hall: Yes.

F **Mr Price:** It, are your conclusions.

Mr Hall: Well, it clearly does not say the word conclusions, it says:

G **“My own personal opinion.”**

So I do not understand why you have said that.

H **Mr Price:** This is what you believe happened?

Mr Hall: Yes.

A **Mr Price:** And you --

Mr Hall: Well, just, just, there are a few elements within there where, where further evidence have come to light in the last three or four years, which would modify that slightly. But generally, it is, it is what I believe happened, yes.

B

Mr Price: That is helpful. Can, can I just ask whether those elements that have changed in the last several years relate to either of my clients?

C

Mr Hall: No.

Mr Price: And, subject to those tweaks, this is what you believe happened?

D

Mr Hall: Yes.

Mr Price: And you believe this based upon your extensive and meticulous research?

E

Mr Hall: Yes.

Mr Price: And you believe it to a degree where you think it right, do you not, to put into the public domain the fruits of that research?

F

Mr Hall: I would not use the word fruits, that research, yeah.

Mr Price: And you have been compelled to believe that the Manchester Arena bombing was a well organised and well planned fake terrorist incident?

G

Mr Hall: I have not been compelled to believe it. I believe it because the primary evidence shows that there was no bomb in that room that exploded. Primary evidence which was omitted from the public enquiry.

H

Mr Price: You, you say that it involved over 100 enlisted participants or actors, does that remain your view?

A **Mr Hall:** It, it is my opinion, as is clearly stated, my personal opinion. I believe that, because the primary evidence shows that there was no bomb, and nobody died in that room, that is what the primary evidence shows, which is why I believe what you have just said.

Mr Price: Then at page 650 in this document.

B **Mr Hall:** Can I just add, that primary evidence was also not considered by the (inaudible) investigation, the Counter Terrorism branch's investigation, the most important piece of primary evidence in the entire case was omitted from both the police investigation and the public enquiry. And it shows that no bomb exploded in that room.

C **Mr Price:** Omitted deliberately, you say?

D **Mr Hall:** Well, I do not know that it was omitted deliberately, but that is certainly a possibility.

Mr Price: And over at six, page 650, you explain why hoaxes like the Manchester attack are concocted.

E **Mr Hall:** Yes.

Mr Price: That is in the third paragraph on that page.

F **Mr Hall:** Yes.

Mr Price:

G **H** **“These kinds of events [that, that is these kinds of hoaxes] provide justification for our government to take action both internally and externally. They allow our government to pass stricter laws which further infringe upon public freedoms. They allow our government to justify bigger budgets for the security and intelligence services. They also make it easier for our government [to make] to take military action or other types of action against the State or ideology that was**

perceived to have carried out the attack. In Manchester's case, Libya or Islamic 'extremism'."

A

Your theory is that the government, with one mind, has planned and orchestrated a giant fake bomb involving hundreds of actors, to justify policy which it has been democratically elected to enact.

B

Mr Hall: No, that is not true. I would take issue with the word government, because the word government is, needs to be explored. This, it is my belief, is done by a faction of the State, which is largely, escapes democratic control, elements within the Security Services, for example. The, the, so, when I am using the word government there, I am not, I do not mean MPs in parliament or even people in the cabinet, I mean elements within the State that do not have proper democratic oversight.

C

D

Mr Price: Are, are these elements people?

Mr Hall: Well, they contain people, yes.

E

Mr Price: Have you identified them?

F

Mr Hall: Well, I have identified Counter Terrorism's potential involvement, and there are people within Counter Terrorism that I have named as potentially being involved in the orchestration of the hoax, and also at the public enquiry. My opinion is that they were not the ultimate planners or organise, organisers of it. My opinion is that they were State assets running this operation.

G

Mr Price: On behalf of?

H

Mr Hall: On behalf of elements within the government which remain free from democratic oversight, such as Security Services. If I can just mention Operation Gladio in this context. Operation Gladio ran for 40 years throughout Europe and was ran primarily by NATO and the intelligence agencies of NATO countries, who planned and orchestrated a large number of terrorist attacks and blamed those terrorist attacks on various political groups who they wanted to discredit. And Operation Gladio is a, is a fact now, because it was exposed in the Italian courts in 1990. So for me to suggest that there are elements within governments that

A

remain hidden that orchestrate this kind of, of attack, this is not new information or a new suggestion. And there are, there is a lot of information that you can read up on, it, on Operation Gladio, which shows that these operations are regular and they have been going on for decades.

B

Mr Price: And, and there is nothing hidden about that? That is public knowledge.

Mr Hall: Well. Well, it was hidden for 40 years.

C

Mr Price: Until the nineties.

D

Mr Hall: Until the nineties. And it only, it only actually came about, the, the knowledge of this, public knowledge, because a particular judge was not willing to continue to, let us say, be economic with the information. It was, as I understand it, there was a, a trial and, and the, the judge helped expose one of these false flag events.

E

Mr Price: I am not going to ask you to go to these documents, but the particulars of claim in this case, at paragraph 22, allege that you have sought to profit from the sales of the material on your website. And your paragraph 22 of your defence, does not deny this. And I think you said, about 10 minutes ago, that you were selling copies of the book *and the film*?

F

Mr Hall: Yeah, well when you say attempt to profit, I, can I expand on that? In order to be a full-time journalist, you, you need to eat. And that requires earning money from what you do. My tax return that I filed just recently was just over £10,000 per annum. So to say that I am profiting, I would say is not correct. I would, I would say I am earning enough money to live on, in order to carry out investigative journalism full time.

G

Mr Price: And you are a professional journalist?

H

Mr Hall: I do not have a qualification in journalism, but I have been doing it now for 15 years or so and I have produced hundreds of TV programmes, have written for newspapers, I have published books. So by my vocation, I am a journalist.

A **Mr Price:** We have evidence, indirect evidence, that you had, at one stage, 80,000 YouTube followers. That that is evidence given to Mr Hibbert by *Marianna Spring*. And that your videos have had more than 16,000,000 views. That you have --

B **Mr Hall:** 84,000. And well, the 16,000,000 is not for the Manchester, that, that figure is generally every video that you, that you host in total, I, I think that figure is. So the total number of views on all videos was 16,000,000.

Mr Price: 16,000,000 across all videos?

C **Mr Hall:** I believe it is across all videos, yeah, that, that...

Mr Price: Are you, are you able to tell us how many of those are Manchester related?

D **Mr Hall:** No. But just to point out, none of the Manchester videos were on YouTube when it was taken down. They were all hosted somewhere else.

Mr Price: They are, they are available through your website?

E **Mr Hall:** They are available through my website.

Mr Price: And that is where people view them?

F **Mr Hall:** Yes.

Mr Price: And do you have access to the, the data saying how many people have seen them?

G **Mr Hall:** Yes. Yes.

Mr Price: And you know how many books you have sold?

H **Mr Hall:** Yes.

Mr Price: You have not provided us with any of that. But I am going to suggest that you sold many, because you said it was well received.

A **Mr Hall:** Well, I can give you an estimate, I would need to check my internet website. It is around 600 books.

Mr Price: Around 600 books?

B **Mr Hall:** Yeah. It could be 100 either way. And the DVD was only for sale for six weeks. So well, sorry, the DVD, the videos were released after six weeks. Therefore, people tend to stop buying it. But, yeah, I, I think the DVD, I, I, I could not say off the top of my head, but a similar sort of number. But I can get that.

C **Mr Price:** So in terms of your global reach, *Marianna Spring's* figures are more or less accurate?

D **Mr Hall:** Well, they are not now because my YouTube channel was removed.

Mr Price: Understood. I think she, she attributed around 80,000 followers to it at the time that it was removed and you say it is 84,000 so we are --

E **Mr Hall:** Yeah.

Mr Price: We are on the same page.

F **Mr Hall:** Yes.

Mr Price: And she, she puts your videos on that channel, I assume, at 16,000,000. So it was a popular channel.

G **Mr Hall:** Yes. And just to add, it is not monetised. So I have not earned a penny from YouTube, even though there has been 16,000,000 views. And if I had monetised it, I probably could have got, I do not know how much the, the rates are.

H **Mr Price:** You cannot accept, this is a general proposition, but tell me if you disagree with it. You cannot, cannot accept, for your purposes, in your mind, that Martin and Eve Hibbert are telling the truth about what happened to them on that night in Manchester?

A **Mr Hall:** I can accept it if the CCTV evidence is released, it is genuine, and it shows them walking into the foyer, and footage showing what happened to them. And proof that the injuries occurred on that particular date and that those injuries were caused by a bomb blast. If that evidence is produced, then I can accept it. And I have repeatedly asked the Court, applications to present that evidence.

B **Mr Price:** For current purposes, you do not accept that they are telling the truth, do you?

Mr Hall: Well, the, no.

C **Mr Price:** But if you did now accept that, based upon material available to you and to the Court, your whole theory about what may have happened in Manchester goes up in a puff of smoke, does it not?

D **Mr Hall:** Well, you have phrased it in a very strange way. I would phrase it in a, in a way that, if compelling evidence surfaces, I do not see how compelling evidence could surface, because the primary evidence is already there in the *John Bar* video, which shows that there was not a bomb. Or was not a real a bomb which caused damage to the building, or damage to people. So you are asking me a hypothetical question, which I do not think would happen.

E **Mr Price:** If you were to revise your assessment of the credibility of Martin and Eve Hibbert's claims to have been injured in the attack, if you were to have revised your assessment of their credibility and accept that it is true what they are saying, the book is discredited, and the film is discredited.

F **Mr Hall:** Well, you are asking me a completely hypothetical question, which, I do not see how that scenario could ever occur, based on the evidence that I have seen.

G **Mr Price:** And, as I said in the opening on Monday, you do not just postulate that they may or may not have got it wrong, you go --

H **Mr Hall:** Who may or may --

Mr Price: Martin and Eve Hibbert. You do not suggest that they may be mistaken. You go after Martin as a liar, do you not?

A

Mr Hall: I would like to refer you to a paragraph in my book to answer that question.

Mr Price: By all means.

B

Mr Hall: It, it might take me a minute to find. Right. Right. Well, it is at 304 in the bundle.

“I will also point out here that if participants have lied in their media interviews due to being subject to an agreement [they, sorry] they may believe that what they are doing is ethically justified. They may have been given reasons by organisers why a mock exercise was necessary. If I [if I] or the statement analyst, forms an opinion that participants have made false statements in their interviews, we are not making a moral judgment about whether that person should or should not have lied. We are not making any accusation that the participants have done anything wrong or broken the law. We are just expressing an opinion based on available evidence, about whether we believe what they have said is true or false. It is perfectly legal to have an opinion about whether somebody is telling the truth and it is perfectly legal to express that opinion.”

C

D

E

F

Mr Price: So, so you say. It is not just that Martin and Eve are lying about everything, it is that everybody who claims to have been involved, injured, had a loved one murdered, is also lying. That is right, is it not? That, that, that is the product of your statement analysis videos?

G

Mr Hall: Well, because of the nature of the event, that it was made to look very realistic, many of the statements are true. It is, it is the important, it is the, it is the statements which relate to there being a bomb which killed people which, the statement analysis has flagged, there is deception. And that, they are not my conclusions. I, the, there is nowhere in this book that I say that, that Martin is lying as, as a statement of fact. The statement analysis concluded that there was deception in his interview, but it is widely accepted within the industry of statement analysis that all conclusions are opinion. That is, that is an accepted thing when a

H

statement analyst analyses somebody's words, they, they are never stated as fact, they are always opinion and that is clearly stated at the beginning of the book.

A

Mr Price: So we can agree on a few things. People in authority do not always tell the truth.

Mr Hall: (laughs) Yes.

B

Mr Price: And the media does not always get it right.

Mr Hall: Or tell the truth.

C

Mr Price: Or tell the truth. So we agree about those. But I now want you to suspend your own belief for a moment and hypothesise. And I, I heard you object to doing that previously, but I want you to try and do it now. What if Martin is telling the truth? What if Martin is telling the truth about what happened to him? What if he lay on the floor that night, unable to move, as his daughter died before his eyes, so he thought, what if that is true?

D

Mr Hall: Well, it is, it is a hypothetical question which I see no evidence or, or, or prospect of ever occurring.

E

Mr Price: Now, just bear with me, because I am going to ask you to, to come with me on this, in this hypothetical situation, just for a moment. What, what if it is true that the last time Martin ever walked was at 22.30 on the night of the attack?

F

Mr Hall: Sorry, could you restate that?

Mr Price: What if it is true that the last time he ever walked was at 10.30 on that night in Manchester? What if it is true that Eve's development into her teens was violently arrested by the attack because she suffered a catastrophic brain injury? What if it is true that that is what happened to these people? If that is true, would you accept that it would be wrong to accuse them of lying about it?

G

H

Mr Hall: Well, you can get the evidence to show me that it is true by agreeing to my, my application for the CCTV evidence.

A **Mr Price:** Just answer my question. If, in my hypothesis, and if you object to it, and that is your final position, that is fine. But can you answer this? If it is true, just use your imagination and enter a world in which it is true that this happened, is it wrong to accuse them of lying about it?

B **Mr Hall:** I am not a legal person, I do not know what the rules are on answering completely hypothetical questions that I believe there is no evidence for, so perhaps the judge can help me on that.

C **Mr Price:** That is OK. That is, if that is the position you wish to adopt, I am not going to take that any further.

Steyn J: OK. Well, you have given the answer that you wish to give to that question and Mr Price is --

D **Mr Hall:** All right.

Steyn J: Not pressing.

E **Mr Price:** I do have a, a follow up though. If it is true, and if that is what they have been through, would you feel any compassion towards them?

Mr Hall: Well, of course. But it is not true.

F **Mr Price:** So you do not?

Mr Hall: I do not what?

G **Mr Price:** Feel any compassion towards them?

Mr Hall: Well, I feel compassion to anyone who suffers a life changing injury, which they clearly have.

H **Mr Price:** So you accept that now?

A **Mr Hall:** Well of course they have, they have, they have life changing injuries, yes. But I do not accept that it happened at 10.21 in, in the Manchester Arena.

B **Mr Price:** But just, I mean, this is probably going to be easier for you to answer, I hope. But if it is true what I have just described and what they claim, if that is what they have been through. I know you do not believe that. But that would make sense of why they are so upset that you have called them liars, would it not?

Mr Hall: Well, I can give you a more plausible explanation as to why they are upset.

C **Mr Price:** Well, you accept they are upset?

Mr Hall: I accept that there is some upset, and my opinion is that upset is caused because of what I have exposed.

D **Mr Price:** But to anyone who believed that the attack actually happened, it would be obvious, would it not, that accusing its victims of deceit and fraud would really upset those victims?

E **Mr Hall:** Where do I accuse them of deceit and fraud?

Mr Price: You have not answered my, my question?

F **Mr Hall:** Well, you have asked a question which contains incorrect information that I am asking you to clarify.

Mr Price: Do you accept that some people believe that the attack happened?

G **Mr Hall:** Well, of course.

H **Mr Price:** Do you accept that, for those people to see you accuse its victims of deceit and fraud, it would be obvious that that would upset the victims?

Mr Hall: Where I, where have I accused them of deceit and fraud?

Mr Price: You have accused them of lying about having been victims of a bomb?

A

Mr Hall: No, I have not. Show me where I have accused them of lying.

Mr Price: Do you mind if I do that a little bit later in my cross-examination, *My Lady*?

B

Steyn J: No.

Mr Price: Thank you. You rely on the fact that Mr Hibbert was in The Bill, do you not, that is a, a plank in your forensic analysis?

C

Mr Hall: Not at all.

Mr Price: You do not rely on that?

D

Mr Hall: Well, I can explain that.

Mr Price: Do you or do you not rely on the fact that he was in The Bill in your statement analysis of his, of his truthfulness?

E

Mr Hall: No.

Mr Price: You do not rely on it?

F

Mr Hall: I can, I can explain that.

Mr Price: Do you accept that he was not in The Bill?

G

Mr Hall: Yes.

Mr Price: Have you amended the video to take account of that?

H

Mr Hall: I have produced another video with a correction to that fact.

Mr Price: And you rely on Mr Hibbert's denial of having been in The Bill to make that correction?

A

Mr Hall: Yes, to expand on it, IMDB has a photograph of him on there, with The Bill listed as something that he was involved with. There are films on IMDB that I have produced and all of the information is correct. So my experience is that IMDB is normally an accurate website. So I inferred that he had been in The Bill. And it was only when we had a witness statement from him that it was, that was corrected, that he was not in The Bill. And I subsequently put out a video stating that he was not in The Bill.

B

Mr Price: So you are happy to accept his word for it?

C

Mr Hall: Yeah.

Mr Price: Can I ask you to turn up page 735, it will be in the second file.

D

Mr Hall: Well, let me just, let me just correct that. I do not know if he was in The Bill or not, so I accept that he said it and, and it is fairly irrelevant to this whole matter. It is, it is, it is not a core issue.

E

Mr Price: it is part of your forensic research, is it not?

Mr Hall: No, I would not say that was forensic research. It was just something which somebody had highlighted.

F

Mr Price: You say in, in the statement analysis video:

"We know he has had some acting experience."

G

Mr Hall: Inferred from the IMDB website, that is a fairly excusable mistake to make, I think.

H

Mr Price: If you turn up page 735, you will find a screenshot of the --

Mr Hall: Page, sorry page?

A **Mr Price:** 735. As I, as I was saying, sorry, it is in the second file. Have you got it?

Mr Hall: Oh, this one?

B **Mr Price:** No, that, it is one of the two bigger ones. And I think it might be the one you are looking in, and it is 735. Anything over seven, I think, is in the second file.

Mr Hall: Oh I see. Yeah.

C **Mr Price:** So do, do you know when Mr Hibbert was born?

Mr Hall: I do not recall. I believe he is in his mid forties, so I, I do not know the exact date.

D **Mr Price:** Mid, mid forties, so in the mid seventies?

Mr Hall: OK.

E **Mr Price:** He, he was born in 1976.

Mr Hall: Yeah.

F **Mr Price:** If you look at the, you have, you have got a pair of glasses to your left, which you might need, I would I think, if I were you.

Mr Hall: Yeah.

G **Mr Price:** But I can expand my page on my screen. You will see that he is said to have been in The Bill in 1984.

Mr Hall: Yeah.

H **Mr Price:** He would have been eight.

Mr Hall: Yeah.

A **Mr Price:** You will see that the same entry that you relied on as generally being accurate, has him in ITV Lunchtime News in 1972.

Mr Hall: Yeah, well I, yeah, OK.

B **Mr Price:** Well it is just, I mean this is not your finest piece of research, is it, Mr Hall?

Mr Hall: Well, it is an easy mistake to make. There is a photograph of him there on IDB, IMDB, saying that he was in The Bill.

C **Mr Price:** Can I ask you turn up, you will need to go to the other file now, please. Mr Hibbert's first statement. It is behind tab 6, page 136.

D **Mr Hall:** One?

Mr Price: 36. And I ask you just to read to yourself paragraphs 4 to 6 of that statement, please?

E (pause)

Mr Hall: OK.

F **Mr Price:** You do not accept any of this, do you?

Mr Hall: Well, there are elements within those statements that I do not agree with.

G **Mr Price:** I mean the whole of paragraph 4, for example, is invented, this is according to you?

Mr Hall: That is, what the Defendant, in his defence, he --

H **Mr Price:** The whole of paragraph 4.

Mr Hall: Oh right, I, I was counting the paragraphs down.

A **Mr Price:** Sorry, no --

Mr Hall: Paragraph number 4.

Mr Price: Helpfully, they are also numbered.

B **Mr Hall:** So I read the wrong paragraphs there. So, so paragraph number?

Mr Price: 4 to 6, please.

C **Mr Hall:** All right, I will need to read it again then.

Mr Price: Not at all. No problem.

D (pause)

Mr Hall: Well, I accept some of it.

E **Mr Price:** What, in paragraph 4, is true, according to you?

Mr Hall: A terrorist, or someone who was linked to the, a particular terrorist group, detonated a device in a rucksack, I would not say bomb. And, as I have said, the Claimants do have injuries.

F **Mr Price:** Just, just dealing with paragraph 4, if that is, if that is all right, Mr Hall.

G **Mr Hall:** Yeah, yeah, well that is the last paragraph I am dealing with there, the last sentence, sorry. So yeah, but the majority of it --

Mr Price: The, the last sentence obviously he says that they suffered those injuries. Eve (inaudible) --

H **Mr Hall:** Yeah, and just to clarify, there is no primary evidence to support paragraph 4, nothing, which I have asked for.

A **Mr Price:** No primary evidence at all?

Mr Hall: Or verifiable evidence. Such as medical records and CCTV which is claimed to exist, which is withheld.

B **Mr Price:** And in paragraph 5, you accept, do you, that Mr Hibbert is wheelchair bound?

Mr Hall: Yes.

C **Mr Price:** And you accept that he suffers, therefore, from a very serious disability?

Mr Hall: Yes.

D **Mr Price:** Being paralysed from the waist down?

Mr Hall: Well, I would say being paralysed, but there are videos of him on weights machines lifting weights with his legs, and standing up, and other things. But clearly, from the videos, he is paralysed to a degree. But he is not paralysed completely from the waist down, that is evident in the videos.

E

Mr Price: And, of those who survived the blast, he was closest to it. You say he was not there at all, so presumably you do not --

F

Mr Hall: I, I say there are, there is no primary evidence to show that he was at the arena that night.

G **Mr Price:** And that he received 22 shrapnel wounds, you dispute that?

Mr Hall: Well, show me the medical records.

H

Mr Price: And that his life was only saved by emergency surgery. Again, invented?

Mr Hall: There was no bomb.

A **Mr Price:** Just quickly, a very small detail to the end of this sentence, statement, I beg your pardon, which is on page 144. The final page, and there is a statement there, of truth. And it says:

“I believe the facts stated in this witness statement are true.”

B **Mr Hall:** Yeah.

Mr Price: It also says:

C **“I understand that proceedings of 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.”**

D And going back, if you do not mind, to paragraph 4, I am sorry to jump around, at page 136. And this is important. Do you think Mr Hibbert believes paragraph 4 himself?

E **Mr Hall:** Paragraph 4?

Mr Price: Page 136.

Mr Hall: Well, this is my personal opinion, no, I do not.

F **Mr Price:** Your opinion is that he is committing contempt of court?

Mr Hall: Yes.

G **Mr Price:** Now, you, you theorise as well that not only is he doing that, but that he is doing it for a reason?

H **Mr Hall:** Yeah, yes.

Mr Price: That he has been told --

Mr Hall: Well.

A

Mr Price: To, to, to spin this narrative?

Mr Hall: Well, he is doing it for £50,000 for a starter. And yes, I, my belief is that there were, people have been recruited into this operation.

B

Mr Price: So he has been recruited?

Mr Hall: Well, I have no evidence of that. But there is no primary evidence of a bomb. There was no bomb in that room. And there were no injured, genuinely injured people, or damage to the building.

C

Mr Price: And then you ask Genevieve Lewis, having gone over some of his statements.

D

“So with Hibbert, you think he is deceptive?”

E

“I think he is deceptive here [she says.] He pauses a lot more. He pauses a lot compared to when he is not speaking about what happened in the foyer. He uses relentlessly when he is talking about the deceptive, when he is talking, the deceptive language does not appear.”

F

“So it’s as if he’s learning lines.”

You say.

G

Mr Hall: Yeah, I said that.

Mr Price: And she says, you, you say:

H

“You think it is potentially --

“Yeah, he’s, he’s remembering his lines and sitting thinking back to say, right, yeah.”

A “Which would tie in [you say] with him having some acting experience perhaps.”

Mr Hall: Which is clearly wrong.

B **Mr Price:** So wouldn't tie in --

Mr Hall: Which is an error that I have corrected.

C **Mr Price:** So, so you then go on to say:

 “**So he is a little bit more difficult to spot deception because of the acting experience.**”

D **Mr Hall:** Well, because of the, of the poses.

E **Mr Price:** So just, just to be clear, the suggestion is that he has been recruited as an actor, whether or not he has any experience, does not matter. But he has been recruited as an actor to deliver lines about what happened in the Arena?

Mr Hall: Well, I have no evidence of a contract or anything like that, but there has to be some explanation as to --

F **Mr Price:** As to why he is lying.

G **Mr Hall:** No, as to, to explain the fact that they, to explain everything that has happened, considering the primary most important evidence, important evidence, which is there was not a bomb. And that evidence is way stronger than all of the witness testimony.

H The primary evidence, which is video evidence of the crime scene, taken four minutes after the blast, is, outweighs every single statement that you will read. And there was no bomb in that room. There was no destructive bomb that caused any building damage and there is no evidence, within that primary video evidence, that anyone was harmed as a result of that

device. So you have, you, you have to allow that primary evidence to have precedence over all of the witness statements.

A

Mr Price: I am going to take a small detour here and look at your conduct before you published the allegations. You did not, in fact, contact Martin or Eve before you published your allegations. You did not make contact with them, did you? I, I know that you tried. But you did not, in fact, have any contact with them?

B

Mr Hall: Yes.

C

Mr Price: But I am going to put it to you and I, I have not had a straight answer you about, from you about this, but I am going to put it to you that you knew, or should have known, that you were going to be publishing very upsetting things about them?

D

Mr Hall: No, I do not, I do not agree with that.

Mr Price: And I am going to invite you then to look at a couple of documents, which you have had notice of. This is section 7 and 8 of the Ofcom Code. And I think the easiest thing is if I just pass you copies and I will hand some up.

E

Mr Hall: Yeah.

Mr Price: They are on the online file, but My Lady, it might be easier if you use my hard copies, I think. Would you prefer not to have more paper or..

F

Steyn J: No, I am, I am happy to receive (inaudible) that is fine.

G

(sotto voce conversation aside)

Mr Price: So I am just going to start by looking, but before I do, you used to work in commercial television, did you not?

H

Mr Hall: Yes.

Mr Price: Regulated commercial television?

A **Mr Hall:** Yes.

Mr Price: Regulated by Ofcom?

B **Mr Hall:** Yes.

Mr Price: Right. So you are aware of the Code?

C **Mr Hall:** Yes.

Mr Price: And you are aware of its provisions?

D **Mr Hall:** Yes.

Mr Price: So this would --

E **Mr Hall:** I mean I would not be able to, that was 2015 when, when I stopped broadcasting on television, so it is a while.

Mr Price: And I am not expecting you to have, be able to reel them off. But these, these are, these are not new to you?

F **Mr Hall:** No.

Mr Price: So section 7 is headed fairness. And I just want you to read along with me a little bit, and then I will ask you a couple of questions. So section 7, it says, is:

G “To ensure that broadcasters avoid unjust or unfair treatment of individuals or organisations in programmes.”

H **Mr Hall:** So which page are you on?

Mr Price: The first page of section 7. So I have handed you two documents, one is --

Mr Hall: Yeah, section, yeah OK. Yeah.

A

Mr Price: OK. And you are not regulated by Ofcom, I am not going to suggest that you are. But you were making factual programmes --

Mr Hall: Yes.

B

Mr Price: For broadcast, effectively, through the internet?

Mr Hall: Through the internet, yes.

C

Mr Price: And it says just under where it says Guide, Guidance Notes. It says that:

D

“This section [section 7] and the following section [section 8] on privacy are different from other sections of the Code. They apply to how broadcasters treat the individuals or organisations directly affected by programmes, rather than to what the general public sees and/or hears as viewers and listeners.”

E

So you see the distinction that is being drawn is between Ofcom’s duty to regulate what is, the material that is broadcast, and Ofcom’s other duty, which is to regulate how programme makers, news gatherers, go about making programmes and gathering news before it is broadcast. So we are in the sort of latter category here. And I just want to ask you this. Did you consider the, the victims about who you were writing and film, making the films, were individuals directly affected by the programme and book?

F

G

Mr Hall: Well, anyone who watches or looks at content is affected by what they watch in one way or another, depending on the message it is giving them.

Mr Price: If you turn the page, please. To “practices to be followed”. Well actually, at the middle of the page you will see a big, “Principle”. And this is the first, the principle that the rule is supposed to support.

H

“To ensure that broadcasters avoid unjust or unfair treatment of individuals or organisations in programmes.”

A I am going to suggest to you that the victims, survivors, their families, and so on that you discuss in such detail in the book and the film, including my clients, are individuals in programmes. Would you agree with that?

B **Mr Hall:** They are in programmes, but these programmes are not covered by these regulations.

C **Mr Price:** All right. I am talking in general terms here. I am asking you to follow me through the Code. So you did not comply with the Code, you are not going to try and tell me that you did. Did you --

D **Mr Hall:** Hang on, hang on. I would need to read these documents, digest them carefully, watch all the content and, and, to answer that question as to whether I have complied with the Code. I am, I am not duty bound to comply with the Code, so why would I carry out that experience, that task anyway to check that my work is compliant with Ofcom?

Mr Price: But did you --

E **Mr Oakley:** Forgive me. Sorry. I do not really want to interrupt my learned friend too much. However, I note that this particular document, on its face, was published on 24 April 2021. And the evidence is that there is one visit to the premises of, not the premises, the home of Eve on 1 September 2019. And my learned friend has, has established that the book was in print on 27 March 2020, with a video around the same time. Therefore, if there is an earlier version, then it would be my submission that my learned friend should be referring the witness to that, rather than this one, which post-dates it.

G **Mr Price:** I am not suggesting that he is bound by this or the earlier one.

Steyn J: No.

H **Mr Price:** What I am seeking to do is understand --

Steyn J: (inaudible) the principles.

A **Mr Price:** Yes. I am, I am inviting him, effectively, to let me, let me continue. Did, did you consider that the people that you were writing and filming about, the victims, their families, and so on, were people directly affected by what you were doing? By the material that you were going to broadcast and publish?

B **Steyn J:** Well, everyone is affected by anything that they watch.

Mr Price: So you did or you did not?

C **Mr Hall:** Well, they are, they are going to be affected but not in the, in the way that they would purport to be. But all, all programmes affect people in different ways. If I am, if I am reporting the truth, whatever effect that has on anyone is the effect it has.

D **Mr Price:** Did you understand that you were, had any duty to deal fairly with people that were going to appear in your material?

Mr Hall: Which people are you referring to?

E **Mr Price:** Let us just say my clients, for simplicity's sake?

Mr Hall: They did not appear.

F **Mr Price:** Your film and your book and the statement analysis, both cover, extensively, my clients.

Mr Hall: But they did not appear.

G **Mr Price:** They, they are, so, so you did not think, therefore, that you had any duty to be fair to them, is that right?

Mr Hall: No, I am just correcting you on what you just said.

H **Mr Price:** Right. Did, did you consider that you had any duty to treat them fairly?

A

Mr Hall: Well, well, not in the context of appearing in, in the film, because they did not appear. I was using media statements and analysing them, and applying logic and common sense to their words, and making comments.

B

Mr Price: Could you turn over to the fourth page of this document? And here you will say, you will see, a heading towards the top saying:

“Opportunity to contribute and proper consideration of facts.

C

Before broadcasting a factual programme, including programmes examining past events, broadcasters should take reasonable care to satisfy themselves that: material facts have not been presented, disregarded or omitted in a way that is unfair to the individual or organisation.”

D

Did you consider whether you were presenting, disregarding or omitting any material facts in a way that may be unfair to my clients?

E

Mr Hall: Not at all. I reported that three people came out of a house, got into a car, put a wheelchair in the back and drove off, implying that that person has a disability. That was fair. I reported exactly what was, what, what I discovered in my investigation. I do not see how that can be construed as unfair.

F

Mr Price: What about casting doubt on the veracity of their claims to having been involved in the bombing, is that fair to them?

G

Mr Hall: Well, it is, it is the opinion of a, a statement analyst who has passed a number of courses in statement analysis, and gives that as an opinion. So yes, I believe that is fair.

H

Mr Price: And then at 7, 11, 7.11:

“If a programme alleges wrongdoing or incompetence or makes other significant allegations, those concerned should normally been given an appropriate and timely opportunity to respond.”

Now, your book posits that Martin is reciting lines provided to him by the State, rather than telling the truth about what happened to him.

A

Mr Hall: Well, I, I do not know exactly who is doing what. I, I am just reporting on the, what is available to me.

B

Mr Price: And, and it posits that Eve was not injured in the blast, so is lying if she ever says that she was. And I am going to suggest to you that those are significant allegations, and that you should have given them an opportunity to comment.

C

Mr Hall: But I do not say it that way. I say that there is no primary evidence that anyone was injured in that room, nor the, was there any damage to that room. So if someone contradicts, in a statement, the primary evidence, I am going to go with the primary evidence to form an opinion on, on whether that person's statement is accurate. And, and it states here that:

D

“[Wrong] If a programme alleges wrong doing.”

The statement I read out earlier was, specifically said I was not accusing any of the people involved of wrongdoing.

E

Mr Price: Just bear with me. You accused Martin of storytelling and being deceptive about his and his daughter's injuries.

F

Mr Hall: That is not true.

Mr Price: Right.

G

Mr Hall: It was Genevieve Lewis who, who said that.

Mr Price: But you published it.

H

Mr Hall: Correct.

Mr Price: So you published a statement that, that Martin was being deceptive.

A **Mr Hall:** A, an opinion that he is being deceptive.

Mr Price: And that he is story telling about --

B **Mr Hall:** That was the statement analyst's conclusion.

Mr Price: That, would you agree with me, is a significant allegation?

Mr Hall: No, it is an opinion. How can an opinion be an allegation?

C **Mr Price:** And that were, were Martin and Eve to come across that allegation, they would find it to be significant?

D **Mr Hall:** Well, I cannot speak for them, but the objective is to find out and report the truth. Whatever effect that has on someone else is, is the effect it has. It is the pursuit and the publication of the truth.

E **Mr Price:**

F **“The subject, Martin Hibbert, is deceptive about being told the speed of the shrapnel and that it should have gone straight through his neck. He is deceptive about his daughter being the only person to have survived that injury, and that someone has written a paper on her. I also believe he is deceptive about a bolt going straight through his daughter's head, as he shows high sensitivity to *this*.”**

G **Mr Hall:** Yeah, that, that, that is the conclusions of the statement analysis, analyst, which is her opinion. And I agree with her, because to suggest that a bolt could go through somebody's head, that is only travelling at 90 miles an hour, which is slower than a tennis ball is served in a cricket match, in a, in a, in a tennis match, is preposterous.

H **Mr Price:** We are just using the Ofcom Code as a sort of framework to investigate how you approached this, this work. Can I ask you to turn over the page that we were on, to page 5 of 8 in this document? And you are going to tell me that Eve or Martin did not contribute, but

A I am going to dispute that when I make my submissions, and say, this is just to give you warning, that they were so centrally involved in your material, they can be treated as contributors.

B **Mr Hall:** Well, can I correct you on, with that? The, the book is 435 pages. They appear on 18 pages. I discuss over 200 people who were either directly involved or, or first hand witnesses, 200, in, in a 435 page book. So they were, they were not central. They were one of hundreds of others that I examined.

C **Mr Price:** So rule 7.15 of the Code, says this:

D “Broadcasters should take due care over the welfare of a contributor who might be at risk of significant harm as a result of taking part in a programme, except where the subject matter is trivial or their participation minor.”

Did you consider whether or not Eve or Martin might be, might be at risk of significant harm when your programme --?

E **Mr Hall:** Why would they be, why, I do not understand why they would be at risk of significant harm.

F **Mr Price:** But did you --

Mr Hall: For somebody trying to report the truth about the events that happened.

G **Mr Price:** But did you consider it?

H **Mr Hall:** Well, I am a, a normal person and consider people’s feelings in a day to day basis, like any other normal person. But I was pursuing the truth and reporting on what I found. So ...

Mr Price:

A “A contributor might be regarded as being at risk of significant harm as a result of taking in a programme for reasons including (but not limited to) the following:

they are considered a vulnerable person;

they are not used to being in the public eye;

B the programme is likely to attract a high level of press, media and social media interest; [and]

key editorial elements of the programme include potential confrontation, conflict, emotionally challenging situations.”

C **Mr Hall:** Can I just point out that there is all, also a clause in here which states that:

“If you are acting, if you are completing an activity which is in the public interest, then a lot of this does not apply.”

D And my activities were absolutely in the public interest.

Mr Price: Did you conduct any sort of risk assessment in relation to any of the subjects of the book or the film?

E **Mr Hall:** What sort of risk assessment are you, do you mean?

Mr Price: Well, did you conduct any sort of risk assessment?

F **Mr Hall:** Like what? Can you give me an example? What, what do you mean?

G **Mr Price:** Did you go through an exercise of considering whether any harm might be caused? Any upset? Any, any other sort of *damage* (inaudible)

Mr Hall: Well, I, I do not consider that harm can be caused by pursuing the truth and reporting what you find.

H **Mr Price:** Is the answer, no? Did you conduct a risk assessment?

Mr Hall: Well I consider it with everyone who I meet. So in that regards it is, it is, it is an innate part of my character.

A

Mr Price: So the next document is, is the section 8 one. Privacy, and I am not going to go through this in detail, I just want to point out a couple of principles that you might think are relevant to your work, or you might not. You, you have just told me that there is a, a sort of cap, a, a proviso in the Ofcom Code relating to the public interest. And you are right. And the, in the language of Ofcom, you may disregard certain rules where it is warranted in the public interest, or warranted generally. And if you look at the third page of this document, you will see how warranted is treated in relation to privacy. And it says this:

B

C

“In this section ‘warranted’ has a particular meaning. It means that where broadcasters wish to justify an infringement of privacy as warranted, they should be able to demonstrate why in the particular circumstances of the case, it is warranted. If the reason is that it is in the public interest, then the broadcaster should be able to demonstrate that the public interest outweighs the right to privacy.”

D

Then I am going to ask you to turn over to the next page, page 4. And at the bottom of the page, 8.3:

E

“[Where people] When people are caught up in events which are covered by the news they still have a right to privacy in both the making and the broadcast of programmes, unless it is warranted to infringe it. This applies both to the time when these events are taking place and to any later programmes that revisit those events.”

F

And there is some detail about gathering information which I will not go into, except page 7, 8.13:

G

“Surreptitious filming or recording should only be used where it is warranted. Normally, it will only be warranted if:
[there is a prima facie] there is prima facie evidence of a story in the public interest; and

H

A there are reasonable grounds to suspect that further material evidence
 could be obtained; and
 it is necessary to the credibility and authenticity of the programme.”

Did you have that in mind?

B **Mr Hall:** I did not have it in mind, but I would say I have complied with all of that.

Mr Price: OK.

C **Mr Hall:** And I can expand on that, if you wish.

Mr Price: Yes, now I think is the time that you should do that. You, you, you should tell me why it was warranted in the public interest to --

D **Mr Hall:** Well, yes --

Mr Price: Feature my clients in the way that you have.

E **Mr Hall:** OK. Now this statement here, it is, it is talking about privacy. And obviously, I did consider the privacy because the, the video that was recorded was never broadcast. I just used the information that was seen on the video. But the reason why this is in the public, my actions were in the public interest, is because the primary evidence of this event is at odds
F with many of the witness statements, and this is across the board.

Now, this was at a time before the public enquiry, before the Hashem Abedi trial. There were many statements in the media from various victims and witnesses. But the primary evidence
G completely contradicted it, right. Now that, so that, it was in the public interest to explore those witnesses. Now let me, I would like to give one example which is in the bundle of a witness whose statement completely contradicts the primary evidence.

H So Paul, if you could help me out here with the bundle number.

Mr Price: I might be able to, what are you looking for?

Mr Hall: All right, it is, it is, it is Josie Howarth's statement. Paul will have the note there what, what the page number is.

A

Mr Price: *I might have to defer there, I --*

Mr Oakley: 488, Your Ladyship.

B

Mr Hall: 488. Hold on, that is, that is different to mine.

Mr Price: Is it 488, what, what were you looking for? Are you looking for a statement by -
-

C

Mr Hall: It is a page of my book.

Mr Price: Right.

D

Mr Hall: And --

Mr Price: I can probably help with that. How, how do you spell her, her name?

E

Mr Hall: Howarth, H, O, W, A, R, T, H. I think it is fairly --

Mr Price: That is on page 210, which is going to be...

F

Mr Hall: Yes, yeah so in this bundle, it is 448.

Mr Price: Thank you.

G

Mr Hall: So this is a statement in the media by Josie Howarth. And she says:

“Then the next thing I know, there was an explosion and the merchandise stall blew to pieces.”

H

Now, in the bundle, there is a photograph of the merchandise stall. This photograph is taken four minutes after the bomb, or the device, was detonated. And you can see that the

A merchandise stall is completely intact, there is not a single piece of damage on there. And I have a, an enlarged photograph of this, if, if I can, if I can show it. Because it, it, it is useful to see this image enlarged. Mr Oakley might pass the photograph.

Mr Oakley: Does my learned friend object?

B **Mr Price:** No.

Mr Oakley: Bear with me.

C **Steyn J:** If, if it is the photograph in the, the book, I am certainly able to enlarge it on my screen.

D **Mr Hall:** Yeah, if you can enlarge it. So it shows quite clearly, not only is there no damage to the merchandise stall which was eight metres from the epicentre. There is no damage to the walls behind it. And we have got a witness stating:

“The merchandise [stall] stand blew to pieces.”

E **Mr Price:** Yeah. Oh sorry, sorry (inaudible) may we have it back for a moment, Your Ladyship?

Mr Price: Oh is there just one?

F **Mr Oakley:** Yes, there is just one.

Mr Price: Why does the Court not hang on to it in that case and I will --

G **Steyn J:** Well, would you like to take that?

Mr Oakley: *Have a look at it, first.* Sorry about that.

H **Mr Price:** Thank you.

A **Mr Hall:** Other photographs show that there are, that there is no building damage whatsoever, anywhere in the room. All the lighting is intact, there are no holes in the floor. No glass was shattered, there was no shrapnel on the ground, nothing. We have a lady here stating that:

B **“The merchandise stand blew to pieces.”**

C But you can see clearly it is completely intact, four minutes after the device was set off. So, at that point in time, due to this evidence and lots of other witness statements which contradict the official narrative of what, or what, what is seen in the primary evidence, it was in the public interest to examine this.

D And in particular the, the, Claimants’ statements in particular have been woefully unreliable. Martin Hibbert’s first account of what happened, similar to Josie Howarth, is at complete odds with, with, with what, with what has been proven to be true. He said that the bomb went off in the auditorium. The bomb went off in the auditorium. He said he saw the terrorist going into the auditorium. He said that he was in the auditorium when the bomb went off. It went off in the city room, 50 to 60 metres away. The city room is not an auditorium and it could not be mistaken for an auditorium. Many, many other contradictions and changes of story in, in, in Martin Hibbert’s accounts.

E So these witness statements which are provably and completely at odds with facts and evidence, primary evidence, meant that it was in the public interest to examine all of the witnesses, and to try and find out where the truth lies. This was before the public enquiry and it was before the trial of Hashem Abedi. So I sought to analyse the words of the witnesses, and also forensically examine all of the available evidence and try and determine where the truth lies in this event. So it was, my actions were necessary in conducting this investigation.

F **Mr Price:** You also consider it suspicious that Martin is unable to give a consistent account of how Eve was covered up after the blast?

H **Mr Hall:** Well, it is one of many inconsistencies, yes.

Mr Price: So if we look at paragraph 16 of your first statement, which is at page 192. Your complaint is as follows.

A

“Discrepancies also exist in Hibbert’s statements about how his daughter, Eve, was covered up after the incident. In his initial accounts, Martin Hibbert mentioned a blanket, while in his later statements given in interviews about what occurred, he referred to t-shirts and posters, or just a t-shirt. This inconsistency raises questions about the accuracy of Hibbert’s recollection.”

B

C

Martin, at this stage, was lying paralysed on the floor with 22 shrapnel wounds, trying not to slip out of consciousness, thinking his daughter may be dying before his eyes.

Mr Hall: You allege.

D

Mr Price: Yeah. I, I do allege that. And, and, and you pick on a discrepancy between a blanket and a t-shirt?

E

Mr Hall: This is one of many discrepancies.

Mr Price: Is that fair to Mr Hibbert, do you think?

F

Mr Hall: Yes. It is, it, why would it not be fair to, to make an observation like that?

Mr Price: At paragraph 17, of your, of, of this statement, you, you say that:

“Martin Hibbert disagreeing with the conclusions of the Kerslake Report, either undermines the validity of reliability of Mr Hibbert’s recollection or, alternatively, brings into question the findings of the report. This is another plank [you say] in the theory.”

G

H

The, the Kerslake Report is 224 pages long, is it not?

Mr Hall: I could not tell you the actual length of it.

Mr Price: And contains at least 12 pages of detailed conclusions.

A

Mr Hall: Yes.

Mr Price: And recommendations.

B

Mr Hall: Yes.

Mr Price: The quote you cited from Martin Hibbert in paragraph 17, what do you understand him to be disagreeing with in that lengthy report?

C

Mr Hall: I do not know what is in Martin Hibbert's mind, so I do not know, just he is disagreeing with it.

D

Mr Price: Right. And you, I mean you, you said:

“That disagreement undermines either the report or everything that Mr Hibbert is saying.”

E

Mr Hall: Where do I say that?

Mr Price: You say:

F

“This indicates his disagreement with the report, its contents and findings. This strongly suggests there are discrepancies between his recollection and the official findings. This must either undermine the validity and reliability of his own recollection or, alternatively, brings into question the findings of the report.”

G

It seems to be a sort of zero sum gain here. Either he agrees with the report, in which case you are prepared to accept both his recollection and the report, is that right?

H

Mr Hall: Well, I am not prepared to accept anything, to be honest. I am prepared to accept the primary evidence.

Mr Price: And you find it suspicious if people do not, if there is not complete consistency between third party accounts of what happened, is that, is that right?

A

Mr Hall: No. The primary evidence is the most important, and has the biggest weight when determining the truth. If statements then contradict that evidence or contradict each other, then exploration of the statements needs to be had, in order to determine where the truth lies.

B

Mr Price: If you look over the page then to page 193, paragraph 18. You entirely dispute, quoting you here:

C

“The alleged presence of individuals like Martin and his daughter, Eve, at the Arena during the alleged blast.”

That is four lines down.

D

Mr Hall: There, there is CCTV evidence of a number of people who were claimed to be in the City Room on CCTV. So I do not refute their presence. But I, there are some of the victims, which are generally the ones who are genuinely serious injured, none of them appear in any of the CCTV footage.

E

Mr Price: Just looking at that sentence then, and just for clarity. If we delete “individuals like”, is that more accurate? I entirely dispute the alleged presence of Martin and his daughter, Eve, at the Arena during the alleged blast.

F

Mr Hall: Yes, I do dispute that.

Mr Price: Despite Martin’s claim and widespread media coverage about his experience.

G

Mr Hall: Correct.

Mr Price: (inaudible) And then paragraph 19, the Claimants have been challenged to provide incontrovertible evidence of their attendance, or for that matter any evidence that is capable of being corroborated or verified by independent means.

H

Mr Hall: Well yes, in the, in the two applications for CCTV and medical records.

A **Mr Price:** What would amount to incontrovertible evidence?

Mr Hall: The CCTV and the medical records with the CCTV moving images, untampered with, to the satisfaction that they, those images were recorded on the night.

B **Mr Price:** Would you accept their sworn witness testimony?

Mr Hall: No.

C **Mr Price:** But you accept photographic evidence, sufficient photographic evidence?

Mr Hall: And video evidence, but it would need to be checked for authenticity.

D **Mr Price:** You, here is how you treat photographic evidence. If you look in the, in the book now, just go to two, page 291 of the, of the file. You, you found some photographs, including of Mr Hibbert. And, and your narrative is this:

E **“Hibbert was alleged to have been the closest person to the bomber, who survived. He does have visible scars on his arm and neck. The image above left is an X-ray allegedly showing *us* inside his body. Such an image would be easy to create using Photoshop.”**

F So you are not, you are not very impressed by photographic evidence, is that, is that fair to say?

G **Mr Hall:** Well, two people with medical backgrounds emailed me, stating that they thought it was possible that that X-ray was photoshopped. I do not --

Mr Price: Sorry, just two people with medical backgrounds emailed you --

H **Mr Hall:** Yes.

Mr Price: And said what, they thought it might be (inaudible)

Mr Hall: That they thought it was a possibility that --

A

Mr Price: It was a possibility.

Mr Hall: Yeah. And in fact, and just add Dr David Halpin, who is an orthopaedic surgeon, he looked at that X-ray image and said that the, the person in the image has no teeth. And he recommended that an expert dental witness look at that X-ray, whether to confirm this or not. Dr Halpin commented that there are photographs of Martin Hibbert in the media appearing to show that he does have a full set of teeth.

B

C

Mr Price: But just, just to confirm, Dr Halpin could not confirm himself.

Mr Hall: He could not, but --

D

Mr Price: He had to refer you to a, a dental expert.

Mr Hall: Yes, but that was his observation and he is a very experienced surgeon. And, as you probably know, the comment came back that the reason why you cannot see teeth in that image is because Martin was wearing a gumshield because he was chewing his wires. Now, although I am not an expert witness, I would have thought a gumshield would either, would be visible in there, or his teeth would be visible through the gumshield. So Dr Halpin was questioning whether that person in the Xray was Martin Hibbert or somebody else because also the, the, the name had been removed and the date had been removed from the image. And I do not see any reason why those details would need to be removed.

E

F

Mr Price: And if you look back in your book now, page 264 of the bundle. I am afraid there is a, a rather graphic photograph you have used.

G

Mr Hall: Yeah.

Mr Price: This is a, a photograph which I think you accept it to be the aftermath of the bombing.

H

Mr Hall: Yes.

Mr Price: And although it shows blood in various places --

A

Mr Hall: Well, I --

Mr Price: You say it does not provide evidence of a casualty, and every participant in it could be a crisis actor, is what you say about it.

B

Mr Hall: When you say it says blood in various places. How do you know there is blood?

Mr Price: Well, I was not there.

C

Mr Hall: So why did you say you can see blood in various places?

Mr Price: Were, were you, I mean how do you know it does not?

D

Mr Hall: How do you know it does?

Mr Price: Right, so you are prepared simply on the basis that it could have been painted in, that there may be some red marks that look like blood that are not in the context. I mean how, what I am saying, Mr Hall, is that photographic evidence would not satisfy you, would it?

E

Mr Hall: Well, photographic evidence is primary evidence. It depends what the photograph shows as to whether it would satisfy me or not. But that, that photograph there does not me satisfy that there is blood on the ground.

F

Mr Price: If you look over the page at 265 --

G

Mr Hall: It satisfies me that there is darkish red something on the ground.

Mr Price: Look over the page at page 265, please.

H

Mr Hall: Yeah.

Mr Price: You discuss the photograph. And you, quite right, rightly accept that there appears to be blood in various places in the photograph.

A

Mr Hall: No, I do not accept that.

Mr Price: You say there appears to be blood in various places?

B

Mr Hall: Right, OK, appears to be.

Mr Price: But that is all a photograph can show, is it not, an appearance?

C

Mr Hall: Of course, yes.

Mr Price:

D

“The photograph does not provide evidence of a casualty. Every participant in this, participant in this image could merely a crisis actor --

E

Mr Hall: Yeah.

Mr Price:

F

“Taking part in an exercise.”

Mr Hall: Yeah, and, and in my lectures, I have shown on camera a bomb attack which happened in Baghdad, which was report (inaudible - change in audio track) the mainstream media and it was in the mainstream media for many years, saying that ten people were killed in a bomb attack, all right? Later, a video was published showing everything that happened. So a, a man puts a device in a car, the car blows up, 15 or 16 people run on and lie down and it is very similar to that image there. So what I am saying is there is a precedent for events such as this being staged attacks. I mean there is not a single image from that room showing a genuine injury.

H

Mr Price: You say there is no reliable evidence that Martin and Eve Hibbert attended the event.

A

Mr Hall: Yes.

Mr Price: They have provided a photograph taken immediately beforehand in a restaurant.

B

Mr Hall: Sorry, could you repeat that?

Mr Price: They have provided a photograph taken immediately beforehand in a restaurant, that is a, that is a --

C

Mr Hall: Right, well I, I actually refute my own words there, because I, I refute that it, I do not know when it was taken. It was purportedly taken on the night.

D

Mr Price: You do not have to accept that. I am, I am putting to you that they have provided that photograph.

Mr Hall: All right, OK. They have provided a photograph--

E

Mr Price: That is --

Mr Hall: In, in a restaurant in Manchester, half a mile from the Arena, and we do not know what date it was taken.

F

Mr Price: So that is page 741. We should be in the second file (inaudible) one.

Mr Hall: It is in the other file, is it?

G

Mr Price: 741, so it, it will be in the second file.

Mr Hall: Yeah. OK, yeah.

H

Mr Price: There, there are Martin and, and Eve, and they have published this because it was the last photograph in, in which either of them could walk, apart from anything else.

A **Mr Hall:** Purportedly.

Mr Price: And they say it was taken in, in a restaurant immediately before the concert, you do not accept that?

B **Mr Hall:** No.

Mr Price: When, when do you say it was taken?

C **Mr Hall:** I do not know when it was taken. It was taken on or before that date, because it was published on Twitter on that date, first published on Twitter on that date. So the evidence shows that it was taken on or before 22 May 2017.

D **Mr Price:** So you, you accept the evidence includes that it may have been published when they said it, or have been taken when they said it was taken, 22 May?

Mr Hall: I accept that it may have been.

E **Mr Price:** Come, and just pausing for a moment on this. You have seen the confidential third witness statement of *Miss Gillbard*. It contains a photograph of Eve. I think you would agree with me that she was injured after this photograph was taken?

F **Mr Hall:** Well, obviously, obviously.

Mr Price: And, therefore, if she was not injured in the blast, whatever you say happened to her that was not terrorist related, happened between this photograph being taken, and 22 May. Do you accept that?

G **Mr Hall:** The primary evidence shows there was no bomb. So I do not believe either of them were either in the City Room or injured in the bomb. So there is a picture of them there at some point, I would suggest, some time before the concert, possibly taken on her birthday, the previous year. I, I do not know when it was taken, there has been nothing produced to show when it was take, when it was taken. So just, there is a photograph of the two of them together, in a photograph in Manchester.

H

A **Mr Price:** This is a photograph of a normal young teenage girl out with her dad. You accept that?

Mr Hall: Yes.

B **Mr Price:** Do you know how treasured it is by Martin Hibbert, this photograph?

Mr Hall: Well, I am aware of his media statements, yes.

C **Mr Price:** Have you ever paused to consider the cruelty of dissecting this photograph and claiming that it has been put forward as part of a fraud, when it has been put forward by a proud father wishing to show the last moment of normalcy with his teenage daughter?

D **Mr Hall:** My primary consideration is the truth. I think you are using appeal to emotion here.

E **Mr Price:** They have provided a ticket invoice to show that they went to the concert. Do you think that that is fake or that they provided an invoice and did not use it, use the ticket? What, what is your position on that?

Mr Hall: My position on that is that the ticket invoice provides no evidence of their presence at a concert.

F **Mr Price:** There is a medical report into Martin by *Mr Sodhi* at page 682. Perhaps we should look at that. 682.

G **Mr Hall:** Yeah.

Mr Price: And --

H **Mr Hall:** Sorry --

Mr Price: If you look at page 685.

Mr Hall: Yeah.

A **Mr Price:** You will see that *Mr Sodhi* is basing aspects of his report on the medical notes. And he says that Martin was taken immediately to Accident and Emergency Department, Salford Royal Foundation Trust Hospital, where he arrived at 01.44 on the 23rd, which is why *Mr Sodhi* gets the date wrong, because he thinks that the blast happened on the 23rd,
B because that is when the first documentation relating to Martin was created.

And then he says over the page, on 686:

C **“The initial referral information which was uploaded on the web, referral page on 23 May, stated: ‘Admitted to A&E 23 May 2017, 01.44 hours. Multiple penetrating injury.’”**

D Now what that means is that *Mr Sodhi*, who is a surgeon, with no skin in the game, one would not have thought, had accessed A&E and/or paramedic records about Martin, and about Martin’s admission. And you are going to tell me that somewhere along the line someone’s invented something?

E **Mr Hall:** Well, how do you know he has accessed them?

Mr Price: Because he says he has. He, he is relying on them.

F **Mr Hall:** Ah, because he say he has?

Mr Price: Yes, I, I am relying on a signed witness statement by *Mr Sodhi*.

G **Mr Hall:** Right. Well, I am saying that witnesses sometimes do not tell the truth.

Mr Price: Yeah. You think *Mr Sodhi* is lying?

H **Mr Hall:** It would be far simpler for you to just, just produce the medical records that he is referring to, rather than a report written three years after the events, which prove nothing. They do not prove presence at the concert.

A **Mr Price:** And then at, going back to your statement, paragraph 24, which is at page 195. You complain that you have seen, and you have done this already today, complain that you have seen, you complain about a complete absence of CCTV showing Martin and Eve.

Mr Hall: Correct, yeah.

B **Mr Price:** What, what you mean really is that you have not been shown that CCTV?

C **Mr Hall:** Well, I have been shown 806 separate CCTV still images which I extracted from the public enquiry files, from just over 1,000 PDF documents, and that took about three months to do. I produced a viewing app, so any member of the public can view the images in order, and select particular cameras. And the Hibberts are not featured in any of those CCTV images, despite the fact that Sophie Cartwright, at the public enquiry, said that Martin Hibbert had been shown CCTV images of him arriving. But they do not appear in the enquiry CCTV images. And there was no reason, because this was at 8.00pm, hours before the alleged bomb, there is no reason why those images should not be in the public, the available section of the public enquiry files.

D **Mr Price:** So --

E **Mr Hall:** There are other people who were there, who were allegedly injured, who are in those CCTV images, but the Hibberts are not in them.

F **Mr Price:** If you turn to page 115 of this file. You will see the judgment of Master Davidson. And the documents that he refers to here are all documents that you have seen.

Mr Hall: 115. Yes.

G **Mr Price:** And if you read paragraph 30 at the bottom and over the page.

Mr Hall: Yes.

H **Mr Price:**

A “In relation to their presence at the Arena, the claimants have provided a
witness statement from the first claimant, Martin Hibbert, that confirms
that they were, indeed, there. That witness statement refers to Mr Hibbert’s
evidence to the police and to the Saunders Inquiry which were to the same
effect. (He was able to review stills of the CCTV evidence when preparing
B that evidence. The stills showed him and Eve immediately before the
detonation of the bomb.) Mr Hibbert has provided the invoice for the
tickets to the concert. Mr Terry Wilcox, a solicitor who was instructed on
behalf of the two victims’ families, and who was able to review the CCTV
C footage on terms of strict confidentiality (because the footage was too
graphic for public release) has provided a witness statement --

Which you have seen, Mr Hall.

D “In which he confirms from the CCTV that Martin and Eve Hibbert were
both present at the Arena on 22 May 2017 and were observed both before
and after the detonation of the explosive device.”

E And he goes on to explain the, the legal relevance of that. Now, your real complaint is that
you have not been shown this material, is it not?

Mr Hall: Well, that is an application I have made, and it is, it is the evidence of the crux of
what we are talking about.

F **Mr Price:** And you say that unless you are shown this material, that you think you have
some sort of right to, you are allowed to dispute every element of Martin and Eve’s account?

G **Mr Hall:** No, that is not what I am saying. I am saying that the CCTV is primary evidence,
therefore it is far stronger than a few witness statements that, that you have just read out.
Therefore, it needs to be presented to this court. It is sitting in a safe in Manchester, and I
asked the judge, and I provided a, a draft order to have that CCTV presented to this trial.

H **Mr Price:** You say, back in your witness statement, at paragraph 28, page 196 (inaudible).
You say this, you say:

“Martin’s account of Eve’s injuries lacks medical documentation.”

A **Mr Hall:** Which page are we at?

Mr Price: Page 196. Paragraph 28:

B **“However [this account, four, four lines down] this account given by Martin Hibbert entirely lacks medical documentation, medical imaging, scans, or even any images.”**

C **Mr Hall:** Sorry I am not following you. Which paragraph?

Mr Price: Paragraph 28.

D **Mr Hall:** Right.

Mr Price:

E **“According to Martin Hibbert, his daughter, Eve, suffered a single head injury from a bolt entering on one side and exiting the other side of her head, resulting in the loss of function in her left arm and leg. This suggests a totally catastrophic level of injury. However, this account given by Martin Hibbert entirely lacks medical documentation, medical imaging, scans, or even any images supporting the claimed injury caused by a bolt travelling at 90 miles an hour.”**

G And you say the plausibility is highly questionable. Why do you not just believe Martin, Sarah, and Eve?

Mr Hall: Because there is no evidence to, to show any of their claims.

H **Mr Price:** But they are not the government. They are not the mainstream media.

Mr Hall: And, and also because the primary evidence of the crime scene shows that there was no bomb and nobody was killed.

A

Mr Price: They are just ordinary people, like you.

Mr Hall: The primary evidence outweighs all of the witness testimony.

B

Mr Price: They had the misfortune to be caught up in a tragedy, from which they have been trying to come to terms ever since.

C

Mr Hall: I see no evidence of that, and no evidence to back that up has been presented to this trial.

Mr Price: Paragraph 31.

D

“Furthermore” --

You say. This is on page 197.

E

“There is the [suspicions] suspicious diversion from the usual protocol in relation to the destination hospital for the purposes of treatment that was reported in Martin Hibbert’s account, which suggested that paramedic, Paul Harvey, diverted from the prescribed route and chose to transport Mr Hibbert to Salford Royal Hospital, instead of Wythenshawe as directed by a senior paramedic.”

F

What you are talking about here was a heat of the moment decision in the chaos following the explosion by --

G

Mr Hall: I refute that.

Mr Price: A paramedic to go to a different medical establishment. And you say that that is highly suspicious.

H

A **Mr Hall:** What you have just described there, can you give me some evidence for that? Are you aware of any evidence that that is true, that Paul Harvey was in an ambulance and took Hibbert to hospital? Are you aware of any evidence to support the, the, the, what you have just put in that question?

B **Mr Price:** You say, you describe this as:

“Diversion from standard protocol.”

When in fact, it was just a decision that was made on the night by a paramedic.

C **Mr Hall:** No, he, he was informed by his superiors to go to one particular hospital, and then he took it on himself to go to a different one. So he should have been disciplined for that.

D **Mr Price:** Right. But it saved Martin’s life.

Mr Hall: (laughs) Show me the evidence that it saved Martin’s life. Do you have any?

E **Mr Price:** What about the possibility, I mean you, you, what you say, what you conclude about this split second decision by the paramedic, is that it raises the possibility that it was done to conceal Mr Hibbert’s whereabouts.

Mr Hall: Well, it --

F **Mr Price:** Is what you say there.

Mr Hall: I do not know what it, I do know what it means.

G **Mr Price:** Paragraph 31.

H **Mr Hall:** But it, I do not know what that means, the Paul Harvey aspect of it, but it, it is worth pointing out.

A **Mr Price:** What about the possibility that it was not done to conceal Mr Hibbert's whereabouts? What about that possibility? What about the possibility it was done simply because it happened in the way that Mr Hibbert has, has explained that it happened?

Mr Hall: Well, you are asking another hypothetical question.

B **Mr Price:** No. I am saying what, where is your critical analysis of the fact that it just happened? Where, where do you accept that it might simply be true?

Mr Hall: Well, the primary evidence of the crime scene shows there was not a bomb.

C **Mr Price:** And in paragraph 34 of your statement, you, you say that there are fatal doubts, as you describe, describe it, you have raised about Mr Hibbert's injury because of the videos showing his recovery. But you are not a doctor, are you?

D **Mr Hall:** No.

E **Mr Price:** And then you have got this document at page 292, that was reproduced in the book, which is a review of a therapist left by Martin Hibbert in 2014, I believe, essentially thanking him, and recommending him for having treated some lower back pain. And you say this raises, and I quote:

F **“Serious doubts about Martin Hibbert’s veracity, his truthfulness, of whether or not he was injured in the blast.”**

Not just doubts, but you describe this as raising serious doubts, that is how you put it in paragraph 37 of your witness statement. Let us have a look at this.

G **Mr Hall:** Paragraph, sorry?

H **Mr Price:** No, no. Let us have a look at this document that I have brought you to at page 292.

“I have suffered with lower back pain for over 50 years, seen several so called specialists and been referred to numerous recommended

A individuals. Jim was recommended to me by a client and I first booked
in with Jim back in March. Because of the years of back pain and
tension in my back, Jim had to apply lots of pressure and I won't lie,
it was painful. But that night and the days later, I felt like I had a new
B back, and I had the best night's sleep ever. I have now had three times
one hour sessions, and the back pain has more or less gone and I no
longer wake up with the pain, which allows me to start the day with a
smile on my face. I have since recommended Jim to friends and clients
and suggest anyone with sports injuries and/or aches and pains to see
Jim."

C This does not raise serious doubts about anything, does it, Mr Hall?

D **Mr Hall:** Well, that is, that is a subjective comment there. I mean to some people it might
not be serious doubts. It shows that he has had treatment to his back, and his back was the
area allegedly injured in the, in the bombing. So it may be, it may be relevant, it may not.
The scar is interesting, although I am not a doctor. The, the scar looks like a, looks older
than the other marks and looks like a routine surgery scar. So I am presenting the evidence
and letting the viewer decide for themselves.

E **Mr Price:** And all this shows is that Martin suffered with that back pain, went to see a
therapist who eased it. That is all it shows.

F **Mr Hall:** Well it, it shows that he has had back pain for 15 years.

Mr Price: He had back pain.

G **Mr Hall:** Which suggests a disc issue, which tend not to get better, they tend to get worse
and often need surgery.

Mr Price: Serious doubts, you say?

H **Mr Hall:** Yeah. I have serious doubts. Yes.

Mr Price:

“This raises serious doubts.”

A

Paragraph 37 of your statement at page 198. This, what I have just read to you:

“Raises serious doubts about whether his claimed injuries resulted from the bombing or were in fact the consequence of pre-existing condition.”

B

I am going to suggest that this is not rigorous journalism, Mr Hall.

C

Mr Hall: Well, in order to completely debunk what I am saying there, why do you not release the medical records? Which would show his history from, from the date on, on the *Jim Mason* thing, all the way up to the present, including what is alleged to have happened to him at the Arena, rather than skirting round different words that I have used to explain it. Why not just produce the medical records, which I have requested in an application?

D

Mr Price: This is nothing but conjecture.

E

Mr Hall: I would disagree. It is, it is my, it is opinion based on what I see.

Mr Price: Why is it acceptable then to write anonymously to that former therapist based on this conjecture?

F

Mr Hall: Well, you, you would have to ask the person who wrote it.

Mr Price: Do you think it is acceptable?

G

Mr Hall: I think it is an interesting letter. I do not know if it has broken any law, has it?

Mr Price: At page 228.

H

Mr Hall: No, it is, it is not, it is not something I would do.

Mr Price:

A

“Apologies for the disguised handwriting and anonymity. A former client of yours, Martin Hibbert, 2014, is about to get a lot of money from a Richard Hall of Rich Planet TV, who claimed in his documentary, Manchester, The Night of the Bang, that Hibbert was not paralysed in the Manchester Arena bombing incident ... he wasn’t.”

B

Then, then, are you saying, do, do you suggest that this is a misrepresentation of your work, or is it an accurate representation of your work?

C

Mr Hall: I would not like to comment on what, on a letter that an anonymous person has written.

D

Mr Price: So in February of this year, Mr Hall, Master Davidson, as you know, gave summary judgment on the four issues.

E

“On 22 May 2017 22 innocent people were murdered in a bomb explosion carried out by a terrorist at the Manchester Arena at the conclusion of a concert performed by Ariana Grande.”

First issue. Second:

F

“The Claimants were present at the Manchester Arena [and] at the time of the bombing.”

Third:

G

“They were severely injured rendering Martin Hibbert paralysed from the waist down and Eve Hibbert brain damaged.”

H

Fourth:

“The cause of the injuries was the explosion of the bomb.”

Master Davidson found those matters proved to the satisfaction --

A **Mr Hall:** On the balance of probability, not beyond reasonable doubt.

Mr Price: And they have therefore been proved in a court of law.

B **Mr Hall:** On the balance of probability.

Mr Price: They are probably true, are they not, those matters?

C **Mr Hall:** Well, I do not agree with that judgment.

Mr Price: Have you amended any of your material in response to this judgment?

D **Mr Hall:** No.

Mr Price: Is it relevant at all that there has been a finding of the Court about those matters, to your journalism?

E **Mr Hall:** I am under no injunction at present, so I do not see why I should change my activities in any way.

Mr Price: Should, should a reasonable journalist take account of a, of a judgment?

F **Mr Hall:** Not if he has seen the primary evidence and knows that there was no bomb.

G **Mr Price:** Have you recorded in any of your material what Davidson said about your theories?

Mr Hall: Have I recorded, I would need to look at, I have commented on, on the judgment and reported the judgment in, in videos.

H **Mr Price:** You --

Mr Hall: Reported that there has been a judgment and, and, and what was judged.

A

Mr Price: Do you report this? Master Davidson saying, you can see it for yourself at page 115, in his paragraph 25.

B

“Suffice it to say that, although his beliefs may be genuinely held, his theory that the Manchester bombing was an operation staged by government agencies in which no one was genuinely killed or injured is absurd and fantastical and he provides no basis to rebut the conviction.”

C

Mr Hall, have you, have you reported that finding by the Court?

D

Mr Hall: Yes, I posted this as a download on my website.

E

Mr Price: And then, at page 124, you will see the order and reasons arising on your paper application for permission to appear, in which this court said, at paragraph 11,

“That you have no real prospect of persuading the appeal that Master Davison was wrong to conclude that he had not raised anything other than a fanciful case.”

F

Have you reported that?

Mr Hall: I think this order is available on a download on the website, I am not 100% sure. I, I think it is.

G

Mr Price: And have you amended any of your material to include that?

Mr Hall: I, I have mentioned the judgments this, yes, and named the judge and said what was decided.

H

Mr Price: And you, and you have not added it to your book, perhaps a codicil so say that the Court has held that your theory is, is absurd and fantastical?

Mr Hall: I have not.

A **Mr Price:** And then in your second attempt to appeal, at 132, paragraphs 36 and 37. Julian Knowles J held that your evidence does not come close to establishing any sort of case whatsoever. And the suggestion that third party disclosure might yield something which would lead to the conclusion that the bombing was all a hoax could be dismissed out of hand, as beyond farfetched.

B **Mr Hall:** Well, I would ask Julian Knowles whether he has read my book, and whether he has watched the eight hours of film that I have produced, and also read my full 100 and odd page evidence document.

C **Mr Price:** You have steadfastly refused, Mr Hall, to change not only your belief, and I cannot fault you for that. But also you have refused to make any allowance in your journalism for any of these findings, simply posting a contingent, the, the document on your website is not enough.

D **Mr Hall:** Yeah.

E **Mr Price:** It, ought it not to come into the material that you were publishing about the survivors, the victims?

F **Mr Hall:** I, I can answer that. There is two primary things that the, that the judges rely on in those rulings. It is the public enquiry and the Hashem Abedi trial. I have looked at details of the Hashem Abedi trial, and they are extremely unusual. He said that he did not do it and then he, he got rid of his whole defence team. So he, he presented no defence whatsoever, all right. He was not even in the country when the bombing occurred, right. So his, if he had had a defence team, there are numerous defences they could have presented, because he, he was not there. And, and if they, if he had been aware of the whole content of my book, he could have provided a very robust defence. So I do not accept that the Hashem Abedi trial negates any of my book or, or, those judgments.

G **H** But the public enquiry, I, I have watched over 1,000 hours of the public enquiry testimony, and it backs up everything that is in my book. So when the judge refers to the findings in these, in these, in the judgments, with respect to the judges, I have spent years looking at this and there is not much I have not looked at with regards to it. And I have formed an opinion based on the evidence. I would question how much detailed research, have those judges

A watched the entire public enquiry, for example? Which is 1,000 hours of video. I have, I did not find anything in that public enquiry which, which suggested that a, a bomb had gone off, nothing.

Mr Price: You say that the Kerslake enquiry did not get to the truth?

B **Mr Hall:** Well, yeah, the, the, that was a very early report which was not as detailed as the public enquiry.

Mr Price: The, the Saunders enquiry, the public enquiry, that did not get to the truth?

C **Mr Hall:** I mean in, in my book, there are quotes from the Kerslake Report and statements from witnesses that contradict the findings of the Kerslake Report. So I do tackle some of the Kerslake Report in my book. But it, I wrote it

D **Mr Price:** But you --

Mr Hall: I wrote it some years ago, so I would need to refresh on it.

E **Mr Price:** You say the Kerslake enquiry did not get to the truth of what happened?

Mr Hall: No.

F **Mr Price:** The Saunders enquiry did not get to the truth of what happened?

Mr Hall: No.

G **Mr Price:** The Abedi trial did not get to the truth of what happened?

Mr Hall: I do not believe so. I, I am not as well informed on the Abedi trial. I have not, that is something I have not studied in depth. But there are very unusual anomalies within that trial.

H **Mr Price:** Master Davidson got it wrong?

Mr Hall: In my opinion, yes.

A

Mr Price: Her Ladyship got it wrong?

Mr Hall: In that particular instance, yes.

B

Mr Price: Julian Knowles J got it wrong?

Mr Hall: Yes.

C

Mr Price: And, and not only have they got, got the wrong end of the stick, but they have completely bought a lie, each of these processes?

D

Mr Hall: Well, millions of people have completely bought a lie. The majority of the population. Having said that, 28% of the population have not bought the lie, as was discovered by King's College London in their survey. So it is, it is, it is no, there is no negative or criticism for someone believing what they have seen in the media and, and basing their opinion on the limited information that they have been given. There is no criticism. The majority of people believe a lie, in my opinion, in regards to this issue.

E

Mr Price: You have quite a few followers, do you not, Mr Hall? People who, like you, question the official narrative?

F

Mr Hall: Yes, yeah.

Mr Price: They follow your work?

G

Mr Hall: Yeah.

Mr Price: And because of you, many of them are now convinced that Martin Hibbert is lying?

H

Mr Hall: Well, because I have shown them the evidence, they believe that. Not, be, because of me, it is because of the evidence that I have highlighted.

A **Mr Price:** I mean if you look at, and there are some social media comments that, from the other day, I think the Monday evening trial, which Your Ladyship should have and I, certainly the Defendant has seen. And we will quickly look through those. There is a hard copy here, and one, and a hard copy *to the lawyers* perhaps you should do that.

B **Mr Hall:** Thank you.

Mr Price: There is someone called *Surviveandthrive@gardnet*, they may be in court, I do not know. I know a number of your supporters are. He says:

C **D** **“The truth of what happened that night is still unclear, we have already exposed huge anomalies with the official narrative. Martin Hibbert claimed a bolt went right through his daughter’s head and she lay on the floor like that for nearly two hours without medical aid. So many lies and no evidence.”**

22 July. Over the page, there is a very cruel comment about you, which I will not dwell on at the top. And then --

E **Mr Hall:** Which is perfectly fine.

Mr Price: Well --

F **Mr Hall:** It, it does not affect me.

Mr Price: I am, I am glad to hear you are steely enough for, for that, but. And then *Humblepie* says:

G **“He’s not suing the BBC are.”**

I think that is supposed to suggest that the BBC are behind this action.

H **“And he has got a lot vested in not being exposed for the liar he undoubtedly is.”**

Mr Price: And you have a responsibility as a journalist that is followed by these people, do you not?

A

Mr Hall: Well, I have done my best to comply with the National, National Union of Journalists Code of Conduct.

B

Mr Price: And you have a responsibility to your followers to help them find the truth, no doubt?

Mr Hall: Well, yes, yes.

C

Mr Price: But you also have a responsibility to your subjects, the people that you write about?

D

Mr Hall: Yes.

Mr Price: Do you agree with that?

E

Mr Hall: Yes.

Mr Price: In your cross-examination of Miss Burke and Miss Gillbard yesterday. Your Counsel, on your instructions, put to them repeatedly that they should have shielded Eve from the allegations you have been making about her, and the online material generated by those allegations. Do you remember that?

F

Mr Hall: Yes.

G

Mr Price: That was on your instructions. Why should they shield her from that?

H

Mr Hall: Well, I can answer that by saying that I have an eight year old son. Sorry, he is nine now. And he, he does not need, he does not know I am here. He has never seen any Manchester material. He has, he does not know about my book, and he skips out of school with a big smile on his face. And this, this has affected me, this trial, obviously. But he is completely unaffected about, by it, because it does not know a thing. And I think that is good parenting.

A **Mr Price:** But Eve is an adult.

Mr Hall: Sorry?

B **Mr Price:** Eve is an adult.

Mr Hall: Right.

C **Mr Price:** And --

Mr Hall: With, with, with a, the reading age of nine, which is the same age as my son.

Mr Price: And why should she be shielded from it?

D **Mr Hall:** Because that is good parenting. If, if it is, if it is, if she is being told that there is a stalker man by her mother, repeatedly. That is, that is not a good idea, in my opinion, and it is not good parenting.

E **Mr Price:** It, the, the proposition is that they should shield her from the allegations that you have been making about her. And, and, and that is because, is it not, they are very upsetting to her, do you accept that?

F **Mr Hall:** No, I do not agree that the, my, my opinions are upsetting to them in the way that they would describe. Certainly, comments that people make on social media can be upsetting. But I cannot, I cannot be held responsible for any of that. And, well, it, and I have made concessions in my reply to the letter before claim that, that I would remove images from the videos. But apparently, the, Sarah Gillbard was not even shown that letter. So how can she possibly take litigation against me if she has not shown my reply to the letter before claim?

H **Mr Price:** You said in your response to the letter before action that you had no intention of continuing to process the Claimants' data.

Mr Hall: Yes.

A **Mr Price:** Continuously since that date, you have processed their data.

B **Mr Hall:** Yes, yes. But the letter, I, I was negotiating and making concessions to prevent legal action. Obviously, once you have taken legal action, there is, there is action against me. So I then researched the Claimants in more detail. So once legal action is taken, then what I have claimed in that letter does not, it would not be fair for that to still stand. If the, if the legal action had been dropped, I would have, I would have honoured that promise in the letter. But you, you have continued with legal action, so I had to research and I was flabbergasted with what I found. And I thought it was in the public interest to publish it.

C **Mr Price:** Because you did not just continue publishing the material they had complained of, you published new material about them, did you not?

D **Mr Hall:** Absolutely, yes.

Mr Price: You knew how uncomfortable they said it made them feel to be the subject of your allegations, and you just persisted.

E **Mr Hall:** Well, I would refute, well I, I do not know what they, what they, well, let us put it this way, everything in the film is, is truthful. And is, there is nothing in there that could be refuted in that, in that particular film, Table for Two.

F **Mr Price:** You took --

G **Mr Hall:** Apart, apart from, apart from there is one error in that film, which is the IMDB entry. Apart from that, I stand by every word in there. All it is, is, is a publication of, of a lot of the media and public enquiry statements and then analysing them.

H **Mr Price:** They objected to you processing their images and your response was to take a photograph, treasured by Martin, and use it as a motif for a brand new video called A Table for Two.

A **Mr Hall:** Yes, because that, that photograph is an extremely important piece of evidence, because it is the single, it is the only piece of evidence that is used to show that he was in Manchester that night.

Mr Price: That is not true.

B **Mr Hall:** But, but it is, but it is not proven when it was taken.

Mr Price: It is not the only piece of evidence, you know that.

C **Mr Hall:** Well, well it is the, what other evidence is there?

Mr Price: We have been through that. You admit to having secretly taken footage of Eve's home address and of Eve and of her carer and of her mother.

D **Mr Hall:** Well, I can expand on that. When, when I left my camera rolling in a public place, filming a public street, which was about three doors down from the Claimants, and I viewed the footage. This was a very wide angle camera, and they were tiny in the footage. So it, it was not possible, as I explain in my book, to identify who they were. They may have been
E someone else, obviously on the balance of probability, it was them. So I, I, I filmed them. But it is absolutely, it was absolutely in the public interest to do that. And in compliance with the NUJ Code of Conduct, because I did try to speak to them first. That was not
F successful. I could not get the information by other means, so I filmed a public street. And the, but did not publish that, that is also important. It, it was viewed by me and then deleted. So --

G **Mr Price:** It, it was put to Martin Hibbert yesterday, and it was a theme of the cross-examination of all of the Claimants' witnesses, that were they to put anything about themselves into the public domain, it opens them up to you accusing them of lying.

H **Mr Hall:** Well, I do not think that is what my barrister said. I think he said that it, it, it opens them up to any sort of comment from anyone who wishes to comment, whether, whether it is agreeing with me or not.

Mr Price: So that is your case?

A **Mr Hall:** What is my case?

Mr Price: That they, that if they put anything about themselves in the public domain, they invite scrutiny of everything they have ever published on to themselves?

B **Mr Hall:** And I do the same when I --

Mr Price: And it is fair, it is fair game.

C **Mr Hall:** My work is all there to be scrutinised.

Mr Price: It is fair game, is it?

D **Mr Hall:** I would not, I would not use that term. It is, if you are, if you are putting something in a major national newspaper, then people are going to right, rightly scrutinise it.

Mr Price: You put to Mr Hibbert yesterday that, in a recent TV interview, he had expressed intense anger towards you?

E **Mr Hall:** The language appeared that way.

Mr Price: Is your case that he is angry with you because you are exposing his lies?

F **Mr Hall:** Yes, that is my opinion.

Mr Price: You accept you have caused Martin and Eve anger and upset?

G **Mr Hall:** My opinion would be not for the reasons that he states.

Mr Price: I think the answer is that you accept that they have been caused anger and upset, but not by you, is that right? I, you would --

H **Mr Hall:** You know, I am not inside someone else's mind, so I do not know.

A **Mr Price:** Can, can you think of any reason they might be angry with you, other than that you have exposed their lies?

B **Mr Hall:** Well, Martin Hibbert has built up a media career off the back of the Manchester Arena incident and exposing those lies threatens to undermine that in a very large way. So he may be upset about that, I do not know. I really do not know.

Mr Price: Just a moment, please.

(sotto voce conversation aside)

C **Mr Price:** Thank you very much. I do not have any other questions for Mr Hall.

Steyn J: Thank you very much, Mr Price. Mr Oakley, any re-examination?

D **Mr Oakley:** No re-examination, Your Ladyship.

E **Steyn J:** Thank you. I do not have any questions for you, Mr Hall, so you are free to (inaudible)

Mr Hall: Thanks a lot, thank you.

F **Steyn J:** I think that now takes us on to closing submissions. I do not know if you want to -

Mr Price: Happy to make a start.

G **Steyn J:** If you, are you happy to make a start before lunch?

Mr Price: Yes.

H **Steyn J:** Thank you.

A **Mr Price:** So in thinking about how, how to do this. I refined and slightly enlarged some of my opening submissions on the law. And it is a document, I am afraid, that is not particularly formal, but it might be helpful to see.

Steyn J: Yes. Thank you.

B **Mr Price:** So I have printed a number of copies and I, I apologise in advance for, I do not think there is real shorthand about *anything* but it is not, as I say, it is not (inaudible) by any stretch.

C **Steyn J:** Thank you.

D **Mr Price:** And in my submissions, I am not going to be long on the facts because they should be fresh in the Court's mind and I would only denature them and we have (inaudible) *through the witnesses*.

The main action is an, is a harassment action. And we are therefore situated in the '97 Act. And section 1 creates (inaudible):

E "A person must not pursue a course of conduct which amounts to harassment of another, which he knows or ought to know amounts to harassment of the other."

F And following *Hourani* at 129, a passage I have set out in my opening note. There are three issues on which I bear the burden. The first of those is whether or not the Defendant engaged in a course of conduct. I will expand on these in a moment. The second is, did that course of conduct amount to the harassment? And the third is, did the Defendant know or should he have known that the conduct amounted to harassment? And I am going to concentrate on those three *elements*.

G

H There is then the issue of the defence in section 1(3). The, as I will come to deal with, by the time we get there, we will have more or less decided the issue because the authorities show that, where the allegation is of harassment by publication, the issue of reasonableness is already front and centre in the first stage of the exercise. And therefore, when we come to consider the, where the Defendant has a burden of proving reasonableness, unless I have

done a job of showing that it is not reasonable conduct, then it is going, not going to take the Defendant very long to show that it was (inaudible)

A

Steyn J: Yes, I think, at the end of opening, you suggested that the defence of, in relation to investigation of crime had, had gone, it, it does seem to appear in Mr Oakley's skeleton. Just wandered, I mean is that still a defence of his?

B

Mr Price: I, I, I am not sure I have seen a, a pleading. So I mean I, I will, perhaps I will hear what Mr Oakley says in reply, in reply to that.

C

Mr Oakley: I, I think it is mentioned in his, his statement.

(sotto voce conversation aside)

D

Mr Oakley: Right --

Steyn J: Well, it is mentioned at paragraph 10 of your skeleton argument.

E

Mr Oakley: Yes. But of course, he, he was not taken to the justification for that in cross-examination. So I do not, I do not know if that is, it is conceded that because it is an offence to give false information to a public enquiry, and bearing in mind the Saunders enquiry published its first report, bear with me, Your Ladyship. I have *a great many* pages open on this.

F

(inaudible) I, I may have made a note of it. I, I hope Your Ladyship appreciates papers and pages strewn everywhere.

G

Steyn J: Yes.

H

Mr Oakley: Yes, here we are. The first of the three Saunders volumes was published on 29 November 2022. So, both in respect of my client's investigations, the initial videos, and indeed his book which was published on 27 March 2020, this was still very much a live issue. And he, of course, has been watching matters as, as they went along. But, it was not put to him in cross-examination this allegation is a nonsensical one. So I do not know how

we, we deal with it. He, he is still maintaining that position, as is evident from the general trend of his, of his evidence.

A

Steyn J: Is it an acceded defence? I think that is the point.

Mr Oakley: Oh, I do not think so, I did not, well I am not sure, let me double check. I did not draft the pleading.

B

Mr Price: My Lady, it is, it is not. And it was an agreed list of trial issues, agreed with Mr Oakley, and it does not appear there either. So I, I if --

C

Steyn J: (inaudible)

Mr Price: There is going to be an application --

D

Steyn J: So (inaudible) understood that it was not an issue.

Mr Price: I, I can actually deal with it in submissions, but I do not think I need, perhaps need to put a sentence to, to the witness about it. But, and I do not wish to be rude about the state of the Defendant's case, but it is not a particularly strong case, and I, I would be confident of dealing with it, with the right authorities, which I have not prepared, but I can.

E

Steyn J: Yes.

F

Mr Price: Perhaps I will continue.

Steyn J: Yes.

G

Mr Price: I suppose, just pausing to think about the last issue, as I probably should not do because we have moved on, but the same might be said on the other side, that it was not put to my clients that they were committing a crime, or that there were reasonable grounds to suspect that they were but, so, so perhaps a moot point.

H

So back to where I was in dealing with reasonableness. Well, I make my submissions really on that, and I will come to them in more detail. But by the time you get to the defence, there

will not be much work to do on the issue of reasonableness because it has to be packed in to, to the issues on which I bear the burden.

A

So section, dealing now with the issue of course of conduct. Section 3 defines it, well, expands on what it might mean. It says:

B

“It must involve, in a case of conduct in relation to a single person, conduct on at least two occasions in relation to that person.”

And that, importantly, in, in subsection (4), this includes speech.

C

The first question, therefore, is whether the Defendant’s conduct amounts to a course of conduct. And I am going to invite Your Ladyship to follow the course adopted in *Hourani*, which is to take that question before and discrete from dealing with whether any such course of conduct amounts to harassment. So it is a distinct issue. And whether or not events amount to a course of conduct is a question of fact and degree. And there is a couple of citations that are helpful.

D

E

“Whether two or more instances can be classified as a course of conduct will depend on such factors as how similar they are in character, the extent to which they are linked, how closely in time they may have occurred, and so on.”

F

And Warby J in *Hourani* suggested that it may be helpful, this is 1.53 of my note, when thinking about this issue, to consider whether a reasonable individual, in the position of the Claimant, would regard what happened to them, or what was happening to them, as a single event or occasion, or more than one. Now, in the cases involving harassment by publication, except for *Hourani*, this has never arisen because normally it is a series of articles. In *Thomas* it was in, it was quite a lot, over 20 I think, of articles in a national newspaper about a particular individual and the (inaudible) I, I doubt it is going to be sensibly disputed that the publication of a number of separate pieces of media, even if they are related, over a period of time, does not amount to a course of conduct. It seems to me that that is self evident.

G

H

Perhaps there is an issue about whether or not the one instance a year earlier of the visit, September 2019 is the visit. The publications are in 2000 and, *lost my note* for a moment,

'20 or '21. And they, looking at it there, there is a, a possible question as to whether the visit can be a, a, considered as part of the course of conduct. In my submission it should be, because it was news gathering for the intended publications. And, in any other context, they would be considered as part of a continuant in, in the context of a section 4 defence. The news gathering and the decision to publish and then the mode of publication are all relevant for the section 4 defence under the 2013 Act.

A

B

Steyn J: Can I just ask, so you are saying that the, the question of whether there is a course, course of conduct has to be considered separately from whether or not there is harassment. But, so when one is looking at whether there are two or more instances, and instances of, of what at that stage. If one is not looking for whether there is an instance of harassment, then what is the Court looking for?

C

D

Mr Price: That is a good question. But the pleaded case is that the, well perhaps the better way of doing that, in that case, because I can see the, I can see the conceptual issue with that and I am not quite sure what the answer is on my feet, and I may not come up with one. But there is a conceptual issue, I, I can see. But it is the way that Warby J proceeded in *Hourani*. The fall back of course is, is to then step back and, and, and I will go through the principles about the quality of the conduct and then to apply those together, and I am happy to do it on that basis as well. So perhaps I will do that for the time being.

E

And so I will move on then to 1.6.

F

Steyn J: Yes. Is, is your moving on, I just wander, is now an appropriate time to break, or?

Mr Price: Now is fine. Yes, I think, I think we (inaudible)

G

Steyn J: Well, let us resume then at 2.00pm.

Court Clerk: Court rise.

(luncheon adjournment)

H

Court Clerk: Court rise.

Mr Price: My Lady, dealing with your question about the defence of investigating crime.

A

Steyn J: Yes.

B

Mr Price: It, it is paragraph 42 of the Defence it is raised, and the specific reference to the, to the Act and the provision in the Act. And I had overlooked that when we spoke about this earlier. And the position is that the, there is no evidence in either of the Defendant's witness statements going to this. And my friend is fairly, alerts me to this and said he would be prepared to have the client recalled to deal with it. I do not need to put anything to him, because he has not provided the evidence, and the pleading is not sufficient and it is a defence on which he bears the burden. So I am going to make submissions on that basis.

C

Steyn J: Yes.

D

Mr Price: And so I will continue, if I may.

Steyn J: Thank you.

E

Mr Oakley: May I briefly respond?

Steyn J: Yes.

F

Mr Oakley: Yes, I, I raise this. The core of this comes from paragraph 38 of the particulars of claim, in fact. Which says, in broad terms, if the Defendant raises the issue of protection or prevention of claim, in the broadest sense, under both the Data Protection Act and the Harassment Act, then there will be a further pleading. And my client does deal with it expressly and raises the issue at paragraph 38 of the Defence, paragraph 42 of the Defence, and the very end at paragraph 43 of the Defence.

G

H

There was a reply, as was indicated, and it appears in the bundle. And contrary to the previous indication in the particulars of claim that prevention of crime issues would be dealt with, they were not. Now, I have a little bit of difficulty, because unfortunately my, the bundle, the PDF bundle that I received, for some reason, is not fully searchable, it is only partially searchable, which is a little bit irritating. But, and Your Ladyship will appreciate, I have, I have done this quite quickly.

A **Steyn J:** Yes.

Mr Oakley: But there is reference to the crime scene in the witness statement, which also deals with, well for, for example, paragraph 11, I think it is, I, I do not which witness statement this is. The video is very --

B
Steyn J: What page is it?

Mr Oakley: On my, what I, what I did Your Ladyship, when I got the unsearchable PDF, I converted it into a searchable Word document, but the page numbers have gone all over the place.

C
Steyn J: Right.

D
Mr Oakley: So doing, doing the best that I can.

Steyn J: This is in one of Mr Hall's statements?

E
Mr Oakley: Yes, it is, and it is paragraph 11.

(sotto voce conversation aside)

F
Mr Oakley: First witness statement, I am told. Oh are you telling me or asking me that?

(sotto voce conversation aside)

G
Steyn J: Does it start:

“For the accounts.”

H
Mr Oakley: The bit, paragraph 11:

“The video is very important evidence because it shows the crime scene in high definition very shortly after the time the device was set

off. There is far more detail of the crime scene within this video, than was produced in the subsequent public enquiry.”

A

And from the flavour of my client’s evidence, he has raised issue about the fabrication of evidence.

B

Steyn J: *But I mean* without referring to the crime scene in relation to a crime which is committed by Mr Abedi.

C

Mr Oakley: Well of course he does not accept that. He does not accept that at all. He, he says it is a fabricated incident carried out by crisis actors. But he also --

Steyn J: I, I understand that, but on terms of --

D

Mr Oakley: Sorry, Your Ladyship, you were saying?

Steyn J: But in terms of the reference to, to the scene itself. Well --

E

Mr Oakley: Yes.

Steyn J: OK.

(sotto voce conversation aside)

F

Mr Oakley: If, well you see the, the, there is a, the difficulty is, and my learned friend did make the point, well why did I not put to his clients that they had committed a crime? This is the unfortunate consequence of the summary judgment application, which was successful.

G

And Your Ladyship will be aware that I was very careful in my cross-examination of all of the witnesses, because I was paying full respects to the consequences of Master Davidson’s judgment. Had this matter proceeded as Mr Hall had intended, I think initially he, he said it would perhaps take 10 days to deal with the trial.

H

Steyn J: We are where we are, basically.

Mr Oakley: Yes.

A

Steyn J: How do you, do you wish to deal with this issue in submissions as, I think, Mr Price is willing and ready to do, and or are you submitting that I ought to be taking some other approach?

B

Mr Oakley: Well, as I indicated to my learned at about five to, I have not had much time to discuss it with him. We did deal with it in the pleadings, there was no response in the reply. The nature of my client's evidence has come out, at least in part, not least with his reference to the merchandise stall and the fact that *Jodie*, I forget her surname, Howarth, gave evidence to the enquiry that the merchandise stall had been blown apart whereas he was able to direct the Court to a photograph taken about four minutes afterwards, or at least a still from CCTV showing that it was in perfect condition.

C

D

So I am, I am entirely at Your Ladyship's hands, I am prepared to be flexible about this, but we are not conceding the point about the prevention or detection of crime. And I did not re-examine my client on that issue because it was not raised. Now this, it, it seems to me, is a question of fact. I do not know if Your Ladyship has been able to read the entirety of his book, it is replicated completely within the bundle. But the general --

E

Steyn J: (inaudible)

F

G

Mr Oakley: Yes, well you, Your Ladyship gets, gets the general tenor of it. And also my client, before the enquiry ended, actually sent a copy of his book, which had been published many months earlier, to the enquiry suggesting that they have a look at it and have it as part of their consideration before reaching a final decision. There was no response to that, but clearly he has not just sat back and thought, well I will write a book about this and make enough money to give me a tax return of £10,000 a year. He took active steps to send it to the enquiry, send his observations to the enquiry. So it seems to me, and I am prepared to be, be flexible, if, If my learned friend is saying, well it was not in the witness statement, then I will respond to say it was not dealt with the in the reply, and it is a pleaded point.

H

Now I could, I could, in turn, be snidey about this and say, he was not cross-examined on the issue, therefore the point is conceded. But, the other alternative which occurs to me, which is entirely in Your Ladyship's hands. We are making good time. Now I have spoken to my client after he finished giving his evidence, that conversation was generally on the

A basis of how did it go? I have also spoke to him about my thoughts on pleadings and asked
if he would be willing to go back into the witness box, without going any further. He has
said he is willing to go back into the witness box, and as this is a, I say, it remains a live
issue, then I would suggest that is the best option. But, of course, I am entirely in Your
Ladyship's hands on that. And I, I do not wish to say, in the interests of fairness, I do not
B wish to say, well, my client's allegation, and bearing in mind his defence is signed with a
statement of truth, and my learned friend referred Mr Hall to the statement of truth attached
to Mr Hibbert's statement, a particulars of claim is evidence.

Steyn J: Yes.

C

Mr Oakley: So --

D

Steyn J: So are you suggesting that he should go into the witness box in order for you to
adduce evidence in examination in chief?

Mr Oakley: No.

E

Steyn J: No.

F

Mr Oakley: I am suggesting that I open him up to cross-examination, which I was, I was
expecting, we were ready to deal with that in re-examination if necessary, but the matter was
not raised. So what I am suggesting, I know my learned, learned friend has started already,
but let us scratch that, put my client back into the witness box, he can deal with it, and then
I can re-examine if necessary. But, if he does deal with it, there is no necessity for doing so.

G

Steyn J: OK. Well as I understand it, Mr Price, you are content to deal with the matter on,
on the evidence.

Mr Price: Yes.

H

Steyn J: That there is, without (inaudible)

Mr Price: Including paragraph 42 of the defence. It is a bare assertion, does not, does not,
does not hit, hit the mark.

A **Steyn J:** Yes, I think, I mean, it, on the basis that you are not asking to further cross-examination Mr Hall, I do not think there is any basis to ask for him to go back into the witness box so we will continue with submissions.

B **Mr Oakley:** Very well.

C **Mr Price:** So I got to the quality of the conduct, second page of my note, 1.6. And I tried to collect up from a number of sources clustered around *Hourani*, but not, not exclusively that case, as much as I can on this. And there is sort of a number of adjectives that, that you can pick from. I think they are supposed to be conjunctive, but actually they, they often overlap. So if we look at my 1.6, we have got from *Hayes v Willoughby*, the conduct needing to be persistent, deliberate, unreasonable, and oppressive. I think persistent and deliberate, they are not the same thing, but as I said, there is quite an overlap between those two concepts. **D** And, but the, we can deal with them distinctly.

Then, it can include, including alarming a person or causing her distress, *Majrowski*. But importantly, it might be harassment even if no alarm or distress were in fact cause, was one of the major ratios from *Majrowski*, rather shook respondent employment lawyers, I remember at the time. But the, but that, there it is. And a great deal is left up to the wisdom of the courts to draw sensible lines between the ordinary banter and badinage of life and genuinely offensive and unacceptable behaviour. Now this, the border, the boundary, the dividing line is something that we are going to be focussing quite intensely on. And on one side of the line, at 1.10, are irritations, annoyances, even a measure of upset, which we must all put up with. But to cross the boundary, we must look for conduct which is oppressive and unacceptable or regret, from the regrettable to the unacceptable. **E**

F The gravity of the misconduct must be an order which would sustain criminal liability, that is true and is always good to have in the back of the mind but it is becoming a little bit trite because it is always said and is not more meaningful than simply that there, there must be sufficient gravity in the conduct to cross the boundary. **G**

H And from that collection of principles, I have detected at my 1.13 that unreasonableness appears to be a necessary but not sufficient quality of any conduct. But if it is going to amount to harassment, not, it comes from *Thomas* and has been therefore applied in the harassment

A by publication cases and certainly must be present in a harassment by publication case. But it appears to me that the statements are of general application, but we do not have to worry about that because we are dealing with a publication case, a case that includes publication. Where, it seems to me, unassailably, a case that the conduct must meet the gravity of unreasonableness.

B The fact that conduct that is reasonable will not constitute harassment is clear from section 1(3)(c) of the Act, well that is the defence. While that subsection is placing the burden of proof on the Defendant, that does not *absolve* the Claimant from pleading facts which are capable of amounting to harassment. Slightly curious statement because it appears to be setting up a rule of pleading, and not necessarily shifting the burden. But I do think, I mean C I, and have to accept a burden for, for today's purposes. And since the Defendant has raised the defence of reasonableness in any event, I am going to have to deal with it on one, on one side of the equation or the other.

D And then we have got the course of conduct taken as a whole. Must contain the necessary quality, rather than individual instances. So the Court is encouraged to look at the ark of the conduct and, and I will be asking Your Ladyship to do exactly that. And it must be judged E objectively, and not by reference to the subjective feelings of the Claimants, and that is from *Dowson and Trimingham*. And in *Trimingham and Hourani*, it is stressed that that need to judge it objectively is particularly acute in a harassment by publication case.

F Now enters the Convention. The *Thomas* case, in particular, grapples with the need for the Act to be construed compatibly with the Convention, or apply the compatibly with the Convention rights. And there is plenty of high authority that is in any publication case, those rights must be applied with a relevant degree of scrutiny. Most notably, of course, The *re S* [2004] case which is the, the originating dicta of the balancing exercise, where the, where G the competing rights are 8 and 10 as, as here.

H First, neither article has such precedence over the other. Secondly, where the values under the two articles are in conflict and intense focus when comparing the importance of specific rights being claimed in the individual case is necessary. Thirdly, the justification for interfering with or restricting each right must be taken into account. Finally, the proportionality test must be applied to each, and focus the meanings. I will call as the ultimate balancing test.

A

Now, much has been said and will be said, both in this case and others relating to harassment by publication about the article 10 side of the balance. *Re S*, importantly, focusses on both sides with equal weight and scrutiny. And, uniquely, from what I can see in, in the case law, the article 8 rights at play in this case and Your Ladyship *will understand I* have in mind both of my clients, but it is inescapable in relation to Eve, are particularly strong.

B

And so whilst the freedom of the press is a foundational principle of the Convention, one of the pillars of democracy, I accept that. So in, indeed, is article 8, one of the foundational, one of the foundational protections for individual, individuals deep within the State. And where, as here, rights are engaged, it is still a qualified right, we are not, we are not, not elevating it beyond that, but it is of equal importance even to the freedom of the press. And in appropriate cases which, as we will come to see, need be exceptional and rare, but in appropriate cases, is capable of defeating the article 10 right.

D

And one detects it from the Defendant in his approach to the case and his evidence, a slightly arrogant presumption that his article and rights trumped everything else. His search to find and publish the truth was of paramount and singular importance and everything else was secondary. And that, of course, is not a Convention and compliant approach, although it, it, it conflicts with *re S* in the ultimate balancing test, because it elevates him above my clients.

E

Now, I go on to say at 1.18, that of course the balancing test may need to be applied at any stage into the analysis of a harassment claim. Harassment claims are relatively technical and the framework being statutory and of course at every stage that application, the, the, Convention rights need to be applied if they arise. But it is at its most pertinent, as we see from the case law, and should be, and should be obvious from the structure of the section, when seeking to ascertain whether a course of conduct has crossed the boundary. So it is in the, so it is in the seeking to determine where the line is in an individual case, that the balancing exercise comes into play. The boundary between the regrettable and the unacceptable, or however else one phrases it.

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H

And then I have set out a few more detailed submissions in relation to harassment by publication in the press. And I, as I understand the Defendant, he wishes to be treated, for the purposes of any exercise, his article 10 rights as a journalist, as a professional journalist, a member of the press. And those, what one finds both in the Strasbourg Jurisprudence and,

A and domestically, that the Press may be treated with a greater degree of deference, subject to them taking their responsibility seriously. And in a regulated case, and I know this is not one, but in a regulated case, of course, there is quite detailed rules that they need to follow in order to be able to get the benefit of their rights protected under article 10.

B So I, I, again, accept completely that the Defendant has very powerful, potentially very powerful article 10 rights as a, as a, as someone publishing in the Press. But concomitant with those must be some deference by him, some respect for some kind of ethical framework, some rules. Even if, even if you are not regulated, even if he does not adhere strictly to the Ofcom Code, for example, which he used to work under. He needs to have regard to his
C duties and responsibilities somewhere along the line.

Steyn J: Would this be political speech?

D **Mr Price:** It would not, for the reason, not, not the speech that my clients specifically complain of. I, I think, and I hope I do not have to answer the question (inaudible) knotty. But I suspect that there is a more a respectable argument that the complaints about the State
E controlling people, and controlling the narrative, are probably political, or, or they are more likely to be political. Speech that focusses on my, my clients' private interests, like their own injuries, and they, they did not thrust themselves into the limelight. I accept that Martin
F Hibbert has done quite a lot of publicity as a way, he has said, of coping with what has happened to him, and he has been thrust into the limelight and has accepted that limelight. That is not the case at all with Eve, it cannot possibly be political speech to examine the
G reasons why she has kept herself out of the public eye. Or to look at the few statements which are heartfelt but, one might say, saccharine about her by, for example, Martin in, in the Press. Which, which are, and, and, and to analyse those and to say that that is political speech. It is not, and I do not think that would be recognisably political in, in any jurisprudence, I, and I would be interested to see if the contrary position is put. I can certainly do some more
H research on that if it would be helpful. But I, that, that is my answer. So in a broader sense, it may be. And when we come to deal with, perhaps with remedy, if we do, and if one is framing a way of addressing my clients' concerns, that will tap into them.

H We are going to have to run, probably with a line, because I, I, they would not say, they may wish him never to speak about the events in Manchester again, but I do not think that is likely to be a proportionate restriction. Their real beef, of course, is the fact that he keeps calling

A them liars and questioning everything that they put in the public domain about themselves. And that can be dealt with in a way that does not infringe the broader political points, one might say.

B **Steyn J:** OK. I mean as I understand it, one of the, one of the videos complained of is one from 2018, in which I think neither of the Claimants are specifically referred to. So my understanding was that the basis of the complaint is what is being said is the witnesses are lying and so the whole narrative that, that the bombing is a hoax is put forward and the complaint is made about that on the basis that, well, his complicity in that that they, *as some of the* victims are, are lying. But that reliance upon that video does not then appear to be quite consistent with what you have said about where you would draw the line.

C **Mr Price:** So the way I have been considering it is that the totality of the conduct complained of, the arc of the conduct, takes in those videos because they give context to the later conduct. And that had the, so the first two, of the, I think it is four or five videos, or publications complained of. Of the first, of those, the first two are early and do not name the Claimants. And, as I have said in opening, I am not asking Your Ladyship to make any findings about meaning, whether natural, ordinary or innuendo or anything, thank, thank goodness. But, so I am not going to, I am not going to suggest that they mean, in, in the strict sense in, in the single meaning sense, anything about my clients. But they do give context to the later claims, where they are named. And so relief which prevents my clients from being specifically identified, or their information from being specifically scrutinised, is probably proportionate. And, whilst that may mean that, that videos like the earlier two could remain, they could still be published or could be published again, unless they are tethered to specific, that, where my clients are specifically identified, and where their, their injuries are specifically scrutinised, they may not, they may not be attuned. Now, I accept that is relatively sophisticated and not particularly simple, but it, it appears to me, to come out of the principles. So --

G **Steyn J:** So just --

H **Mr Price:** Yeah.

Steyn J: To check that. So in relation to those first two videos that you are referring to, are you asking me to find that those are instances of harassment of the Claimants? Or is this

A where I think the submission you were making is that (inaudible) one has to separate out the question of the course of conduct and so are you saying they are part of a course of the conduct, and then one looks at the course of conduct as a whole --

Mr Price: Yes.

B **Steyn J:** To establish whether that is harassment if, as I was querying before lunch, one has to consider whether they are instances of harassment, is it your submission that, that those videos are, that they make that test?

C **Mr Price:** They are part of the course of conduct. But I, I, so I have, I have, it is at 1.14, I have taken the Court of Appeal's proposition from *Iqbal v Dean Manson Solicitors*, that the course of conduct taken as a whole must contain the necessary quality, rather than individual instances. And from that I take that a course of conduct need not contain a series of granular
D instances of harassment, although they become instances of harassment once the course of conduct itself is assessed as being harassing.

Steyn J: Right.

E **Mr Price:** But if you were to take a course of conduct and deprive it of one or two elements, it may no longer be harassment. And so, and to take, to, to bring us back to the *instant* case, let us say we have five publications that I am complaining about, ignore for a minute the, the physical conduct, and, but, and two of them do not mention, specifically by name, the
F Claimants, but three do. Were you to take, so that I say is a course of conduct amounting to harassment because they are, they are linked, they contextualise each other. If you take the first two away, so the, the latter three away, you are left with a course of conduct still, being the first two videos, but I would not be arguing that that amounted to harassment, constituted
G harassment. And then you would have two, two distinct courses of conduct, although they would overlap by three publications. I hope I have managed to --

Steyn J: Yes.

H **Mr Price:** Make, make that clear. So I am going to have to go 1.19 if I may, unless Your Ladyship has any further questions?

Steyn J: No thank you.

A **Mr Price:** On, on where we have got up to. And, and I preface that with my little speech about that it, that if, if the Defendant's going to be treated as a member of the Press, where he gets a little more deference from the authorities, he has to take the concomitant responsibilities. And with that preface, we can look at how harassment by publication in the
B Press has been dealt with. So harassment by publication, including the Press is legitimate, as a matter of principle, and as noted in *Subay*, much harassment does involve the persistent publication of embarrassing or otherwise unwelcome statements, true or false, on the internet or social media. Now that, that is what Warby J says in building up to the, to his dealing with
C harassment by publication in the Press. So he is not talking about harassment by publication in the Press, but he notes that much harassment these days is by publication on social media and on the internet.

D And it may not always be obvious where harassment is simply on the internet or social media and harassment is in the Press, because there are fuzzy lines between harassment on social media and the internet these days, *so they suppose*. But where the Defendant is a press publisher, I think we can, we can establish a set of principles that are distinct to that circumstance. And here, as I said, I am prepared to treat the Defendant as a press publisher.
E The Court must be especially mindful in such a case of the threshold of gravity, so again that is the dividing line, the boundary. And this Court must remember what I have said about that, being mindful about the threshold of gravity means applying the *re S* balancing exercise in seeking to, titrate it, in seeking to, to identify where it is, locate it. So that it is not simply
F a question of saying, well I have got to be mindful about the boundary, there are some article 10 rights and freedom of press in play, therefore it is way out in, in one direction. That is not how it works.

G Mindfulness may well push it to the other extreme in a particular case. The fact that a publication is going to happen in the mass media, in the Press, may engage article 8 to a greater extent than would otherwise be the case. So it is not simply a question of, of greater protection for the Press in all cases.

H *1.19. 3*, in assessing reasonableness in relation to publication, the answer does not turn upon whether opinions expressed in the article are reasonably held. Now, this is going to be at the forefront, I imagine, of my friend's submissions, and I imagine he will tread a careful line

A between acknowledging that his client's express, expressed opinions are unreasonable on the one hand, or, or in fact simply saying you should ignore their reasonableness. And I, he, he will go for the latter. The, the citation from the *Thomas* case is:

B **“The question must be answered by reference of the right of the Press to freedom of expression which has been so emphatically recognised by the jurisprudence both in Strasbourg and this country.”**

C This, as I have said, is that, simply means that the analysis must include the *re S* balancing exercise and give due regard to a publisher's article 10 rights. And as I will come on to deal with when I look at truth or falsity and its function in the reasonableness test, the reasonableness or otherwise of an opinion is not irrelevant. What I understand to be being said in *Thomas*, is that it is not dispositive, and I accept that.

D **Steyn J:** Yes, so you are saying, saying it does not turn upon, what it is effectively saying is that is not the test.

E **Mr Price:** Yeah, My Lady, that is right. And then at 19.4, 1.19.4, *Thomas* and *Hourani* generally even robust press criticism does not constitute unreasonable conduct for the purposes of the '97 Act. Well, that, that, again, must be right. The Press must be free to robustly criticise its subjects.

F They must, so 19.5, for Press publications to constitute harassment, they must be attended by some exceptional circumstances and such cases will be rare. And I embrace that in this case. It is a rare case, and the circumstances are exceptional.

G And then Warby J has helpfully collected up Press harassment principles in *Subay*, applying quite a lot of what we have just been through, but through that lens and it is quite, it is quite a helpful, some of the things, there is a little bit of repetition in it, for which I apologise, but it is still quite useful.

H **“It is for the Claimant to demonstrate that the conduct complained of is unreasonable and is not a question of assessing the unreasonableness of an opinion expressed in a publication.”**

was not acting as a neutral or objective interviewer in the, in the sense that the news journalist in *Jersild* was.

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If, if Your Ladyship reads again, which I am sure she will, or views the videos of the statement analysis videos, it, it, there is no inquisitorial process, it is not journalism in that sense, it is a discussion between two likeminded people, encouraging each other to reach similar conclusions. So I, I do not think it works for the Defendant to seek to rely on that in *support* of his case. And, in any event, he has published the material on his website and reproduced it in his book. So in conventional, domestic publication law, he is responsible for it. He cannot escape by simply saying it was, it was an editorial decision to present it as a dialogue with a, a so called expert.

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Then, at 1.19.6.4, sorry about this numbering, it is not very helpful. The Court's assessment of the harmful tendency of the statements complained of must always be objective, and I will come on to this, and not swayed by the subjective feelings of the Claimant. Well, that is something we picked up from some of the earlier dicta and it must be right. We are very much in objective territory in this, in this discussion. Nothing short of conscious, this is the sentence that is going to be slightly against me, I have no doubt, or negligent abuse of media freedom will justify a finding of harassment. But, again, I embrace that. And in my cross-examination of the Defendant, I sought to explore and give him an opportunity to show that he had properly, and with care, sought to exercise the media freedom he seeks to claim. And I gave him every opportunity to refute the charge of negligence that is pleaded against him, and that is why I took him to the Code and I gave him an opportunity to talk about the way he has been thinking about what he is going to publish, whether he owed anybody any sort of duty, (inaudible) to the truth. And his evidence was clear when he did descend into proper answers and, in my submission, clearly showed that he, he was negligent at the very least. He just did not care about his subjects. The very definition of, of negligence.

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And it will be a rare or exceptional case in which these criteria are satisfied in relation to these publication. Now, again, I, we are, the Defendant wishes to be treated as a, as a, as a journalist, a professional journalist and a press publisher. It, it would be exceptional and rare if, for a press publisher to appear in this court having published this kind of material, it seems to me to go without saying, anecdotally and as a matter of principle.

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(sotto voce conversation aside)

A **Steyn J:** Be quiet in court, please.

Mr Price: So again, going back to the, some of the case law in *Thomas*, at 50 we find this in 1.19.7.

B **“A publisher is required...”**

And this goes to my points about responsibilities of the Press and that --

C **“A publisher is required to consider whether a proposed series of**
articles, which is objectively likely to cause distress to an individual,
will constitute an abuse of the freedom of the Press. Which the
pressing social needs of a democratic society require should be
D **curbed.”**

That is taken, paraphrased very slightly, taken directly from *Thomas*.

E And that principle requires a publisher, and Your Ladyship will see we are moving into sort
of section 4 territory, and we get firm, firmly into that the later we go in, into the authorities.
But a publisher who appreciates, discerns that they are likely to be publishing something that
is of a degree of gravity against a particular individual, there is no doubt a threshold to that
gravity, but I will say it has been met in this case, is required at that point, to have regard to
F what they are doing and to think about it through the lens of, of the media freedom they see
to exercise, and whether they should curb that. And whether there is a limit, in fact, to their
freedom of speech at that point. And, as I have said, I have tapped on to the end of 1.19.7 in
order to protect some sufficiently strong countervailing right of the Claimant, that must be
G right.

If it, if it is in the mind of the Defendant that they are likely to cause damage to another
individual’s protected interest, in this case the article 8 right, they need to think about
whether or not they can mitigate that. And, again, I gave the Defendant every opportunity,
H in cross-examination, to demonstrate, because he had not done it in his witness evidence and
his statements, to demonstrate that he had thought about it, but he did not, because he had

not. He appeared to be guided only by his understanding of the truth, and everything else was subservient to that, including my clients' rights and feelings.

A

And then 19.8. Where the publications at issue include grave imputations against the Claimant, as I will say they do in this case. The countervailing rights to be considered include the fundamental right to respect for private and family life under article 8 of the Convention, and it is therefore necessary to assess the gravity of the interference with the article 8 right, and whether that interference is justified under article 8(2). Now, of course, the Court has to do to this. The Court has to do this by virtue of the Human Rights Act. But I say that the model established in this way of thinking applies to journalists wishing to exercise their rights and freedoms under article 10.

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And we see that being implemented domestically in the 2013 Act, and we have seen the case law on section 4 of the 2013 Act very much follow that model, so that the, the judicial thinking about the balancing exercise has been imported into judicial statements about how journalists should think about the cases they are working on. They need to avert to the rights of the subjects that they are writing about. They need to think about the damage they are causing to the Claimant. They need to have, in, in section 4 terms, they even need to appreciate a particular meaning they might be imparting. We are not in, quite in that territory. But in this case, it is quite clear what was being said. It is being said that the Claimants are, are lying.

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Steyn J: On your analysis then, should the Court be considering this in section 4 terms, to the extent that if there was a section 4, if there would have been a section 4 defence, presumably you would expect that, and a harassment claim would not run?

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Mr Price: I see, yes.

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Steyn J: So is that part of the analysis that, in this context, the Court should be able to *take it?*

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Mr Price: Yes, in, in fact it is dealt with, it is dealt with explicitly in *Hourani* on that basis. Now, *Hourani* was both defamation and harassment.

Steyn J: Yes.

A **Mr Price:** But we will see when we get on to, I mean it, it is actually dealt with at the 1(3) stage in *Hourani*, in the defence stage, but it is still dealt with as reasonableness. And in, in that case, Warby J specifically says there are parallels and in fact, I might have to take us into the authorities bundle just to look at that paragraph in a moment, but perhaps we will wait until I get to it then. But, broadly speaking, yes, is the answer. And broadly speaking, **B** had, were a successful section 4 case run in, in a, in a twin harassment defamation case, it is hard to see the harassment case succeeding, not impossible, because they protect different interests.

C **Steyn J:** Yes.

Mr Price: But, but, but hard to see. So back to 19.8. I have talked about grave allegations. 19., 19.9, the balancing exercise requires that, on each side, the three part, we return to this, **D** the three part test is applied. That test of necessity in a democratic society requires, this is the three part test, Your Ladyship will be familiar with it, requires the Court to determine whether the interference corresponds to a pressing social need, whether it is proportionate to the legitimate aim pursued, and whether the reasons given to justify the interference are relevant and sufficient. Now that is summarised in *Nilsen and Johnsen* and, as I have said, **E** we are frequently talking about it from the article 10 point of view. But there is every reason to think about it from the article 8 point of view as well at the same time. I mean it, it should result in the same analysis more or less, but it can be too easy to think we are just talking about impinging upon freedom of expression, and we are not. We are talking, because the **F** allegations are grave and serious, we are talking about a starting point where my clients have been, my clients (inaudible) have suffered a grave interference.

Steyn J: Yes. So the first part of that sentence where you are referring to on each side, that **G** is referring to article 10 *in this way, so --*

Mr Price: Yes, yes. I mean I know in, in, in theory it should, it should always have the same output wherever you apply it. But, as I have said, there is a tendency, if one simply comes at it from a, an article 10 point of view. And I have to say, instinctively as a, a defendant media **H** lawyer, you know, that is how, is how I come at it. But, but the Claimants asserting article 8 rights have a right to have those dealt with in the same way at the same time. They just do not take precedence.

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So how to determine whether the conduct meets the harassment threshold in practice. We get into the sharp end. And I, I have said this at 19.10.1, it is a necessary element of harassment that it has caused the relevant effect. I get this from *Hourani* at 148. An initial question will be has the Claimant proved the actual harm claimed? And it is, want not to lose sight of that, but what, that is a necessary element, that, so that has to enter the analysis at some stage, but of course it then has to leave the analysis because we are, we are all about objective after that. But it cannot be ignored completely.

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Steyn J: Yes. I am just wondering how that fits with 1.8?

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Mr Price: The harm may not arise, I think the, in, in *Majrowski*, essentially it was because there was harassment going on behind the Claimant's back. And the, and some of those instances were used, I mean it is difficult because it is an employment case where it is a, it is a, it is a much more regulated environment than the general sort of publication space. But the argument was, well, if they did not know about every instance, it could not be prayed in aid in, in the course of conduct.

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Steyn J: Yes.

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Mr Price: And the neat solution was, well, it does not, does not have to be every instance that causes that.

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Steyn J: Yes. Yes.

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Mr Price: But if we do not, if I do not have alarm and distress at some point, I do not have a claim, so it has to be there. And then, if you are satisfied that, I mean that is why I have sort of tucked it away at the front, because I think we can get over that pretty quickly. I mean if, if so, if I have not got over it then we can, we can all get out of here quite quickly. But assuming I, I have, then we can move into the sort of meatier arguments about, which are all objective, about whether the conduct was calculated or likely to, to produce the, the relevant effect. And it is not, and this is not something I have taken from any authority, the second half of 19.10.2, but it must be right. The harm or distress at issue in this stage, is not, need not be the harm or distress actually caused. So when, when you are looking objectively at whether the conduct has the damaging tendency, which is how Warby J puts it, whether it is

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calculated or actually produced the effect, does not have to be the precise effect that was in fact produced, as proved by the Claimant.

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So you will need to look at the Defendant's conduct and ask yourself whether it has reached the necessary level of gravity. The personal characteristics of the Claimant are relevant to this issue. That is taken from *Trimingham*. It is repeated in *Hourani*, both at 151 and, in fact, at 161 later on, for Your Ladyship's note. And I am going to be basing some, some of my short submissions on the facts of that principle. And then we have got guidance in the statute itself, for the purposes of this section. The person whose course of conduct is in question ought to know that it amounts to or involves harassment of another if a reasonable person in possession of the same information would think the course of conduct amounted to, or involved harassment of the other.

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Of course, that is just establishing that it is objective, but it is worth being reminded that that is the, the sort of thought exercise that the Court is invited to do, is to look at the conduct and ask would a reasonable person, knowing what the Defendant knows, and knowing what the Defendant knows about the Claimants, consider that amounted to or involved harassment.

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Now, this is going to be quite challenging, because, and, and it is something that Warby J deals with in *Hourani*, because in that case, he found that the principal Defendant believed that the Claimant had committed the crimes that he alleged. But would a reasonable person with that knowledge, conduct himself in the same way? And that is quite an important break in favour of the Defendant, because it might require the Court to acknowledge that he genuinely holds these beliefs and then enquire whether or not, even in, in those circumstances, it is reasonable for him to publish them the way he has. And, and doing it that way, I say, if the Court is still with the Claimants and find in the Claimants' favour, having applied such a rigorous and fair to the Defendant approach, then any result is certain to be compliant with the strictures placed on a, a media harassment case.

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So just quickly on, on the course of conduct.

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Steyn J: Sorry, just in relation to 1.19.10.5, possession of the same information. And one presumably there looking at whatever, what information the Defendant would have had at the time of each of the particular elements of the --

A **Mr Price:** Yes.

Steyn J: Course of conduct that you are putting forward. So I mean, it may be that you need to, you might need to tell me precisely what, what information you are suggesting that he would have had at any particular point.

B **Mr Price:** Yes. The, the, they basically had is, is certainly information that he has set out.

Steyn J: Yes. So that is --

C **Mr Price:** And it includes evidence in the public domain. At some point, it will include, and this is, I do not have the chronology clear in my head as to the publication of the various enquiry reports. It does not include, obviously, the, well, it does include the recent judicial pronouncements in this litigation because the complaint is the harassment is ongoing because the publications are still being made. And, and Your Ladyship will have detected from my cross-examination that one of our complaints is that simply no proper allowance, no, in no objective journalistic way, is proper allowance made for the Court's determinations in, in, in the Defendant's published material, which shows him to be dogmatic and unreasonable, that he is, he is not able to accept the repeated judicial assertions. So, if it will assist, I will try to distil into a chronologically sensible table, what information the Defendant had. But it should be relatively clear what he was basing the, the publications on.

F **Steyn J:** Yes, thank you.

G **Mr Price:** So, in the submissions on course of conduct, I have not included, which I should have done, the first two pleaded, the 2018 pleaded videos, but they are in the claim, particulars of claim, they are in my opening skeleton. I have focussed on the material that might be the subject of relief, but it should be taken, it should be taken to include everything we have pleaded, which is (inaudible) the video. But it, so the, so it is the, the book, the film, the, the statement analysis videos and the earlier, two earlier videos.

H Material has been added to this which we have not amended the plea, and we maybe could have done, but it may not have proportionate to do so because there is quite a lot of material being produced as, as things progressed. It is not a case where the Defendant has suspended

A publication pending the outcome of the proceedings. In fact, he has published more materials, as Your Ladyship knows, including a video based on the San Carlo restaurant photograph taken on November '23. But the material includes photographs of Martin and his injuries, the Claimant, neither Claimant received any injuries at the attack, and allegations that both Claimants and those close to them lied about their roles in the attack. Statement analysis videos containing allegations that Martin is lying, being deceptive about what has happened to Eve and so on. And all of the publications continue and this is a course of conduct. I do not know that that is going to be seriously disputed. But it seems to me that it, it is. If it is possible for a media Defendant to pursue a course of conduct through publication, then this is that.

C It does also include a visit, the, the preparation for that. The attempt to contact Sarah over Facebook and failure to do that. Knocking on the neighbour's doors. Again, if that was a single episode, it may not have the multiplicity that is required to amount to harassment. But as part of the broader course of conduct, the news gathering and the publication, it is, we say, corroborant with the rest of the conduct, so should be considered as part of the course of conduct.

E So I say it is a course of conduct because it is more than one occasion. It is closely linked and persistent, targeted in each Claimant and a reasonable person in the, the Claimants' position would regard it as a course of conduct, as indeed they do.

F So then I move on to some brief submissions on the quality of the conduct. And I do not need to spend very long on this, because it seems to me that all I have got really to concern myself with is the issue of reasonableness, because the, there is no doubt, I know that the Defendant wishes to say that these are just expressions of opinion and they cannot possibly attract any sanction because of that. That he has total impunity if he, if he prefaces everything by saying it is an opinion, although the, the allegations of deception are made by a third party. None of that works. He has clearly, he is clearly responsible for publishing extraordinarily serious allegations about Martin and Eve. And it is important to have in mind their circumstances, their characteristics. Martin and Eve are not two public figures, who have made a living out of presenting TV shows, performing in films, or the, or such like. They have not set out in either of their lives to be public figures. Martin may be, to some degree, now. They are both private individuals who, by reason of being in the wrong place at the wrong time, have both suffered the most appalling tragedies. Not just their injuries,

A physical and psychological, but everything that goes with those and the life changing nature of them. But Eve's life was just beginning. She was just flourishing and, at the age of 14, it, it is hard to imagine a great, a greater tragedy, even had she, had she died, for her and those close to her, including Martin and also her mother. And she is an unwilling and unwitting participant in the Defendant's baseless speculation about what might have happened to her and others at the event. And to say, therefore, that she is lying about it, or that those close to her are lying to her about it, and that her parents are using her as a pretext to propagate this State sponsored fraud, is a very serious, very grave allegation, with huge consequences for Eve. And the same goes for Martin, with some, with some qualifications. So --

C **Steyn J:** And there are not, I know there are obviously no statements by Eve, so there is no analysis of any statement by her equivalent to those by, made by Mr Hibbert. I mean is it expressly, or do you suggest that it is impliedly said that she has herself lied about any of this?

D **Mr Price:** As Your Ladyship knows, Eve knows that she was caught up in the blast. The, it is not, there is no, it is not suggested in any medical evidence that she has no recollection of her life before the blast, or of that night. And it is a consequence of the Defendant's assertions as they are pleaded, therefore, that she is either, herself, perpetrating, or is conniving in the perpetration of a lie about what happened to her. Even if only, for example, to *Miss Burke*. It is not, it was not put to *Miss Burke* that she was part of the plot, but *Miss Burke* looks after Eve, as she said, on the basis that Eve is a victim of the attack. And it must follow from the Defendant's assertions that there is a lie being perpetrated there, by Eve.

E And Your Ladyship also knows enough about Eve to know that, or to resist I hope, the temptation to be too patronising about her, given her recovery. She does have agency. She is trying to lead a life. It is difficult to disentangle what Eve's position must be from that of Sarah and Martin, I appreciate. But, as I said, one must resist the temptation to patronise Eve and assume that all decisions are made for her, that she is told what to think. I mean I suspect that it will be a submission made against me and I, I would resist it for the reasons I have just given. It is offensive in the context of how Eve is trying to live her life now. She goes to college.

A You can relate it to the, detect it too in the submissions I, I was going to make which I, which
I will make now. Which is, from the cross-examination, which is that it was seemed to be
put to my witnesses that they were under some sort of duty to shield Eve from the
Defendant's conduct. Now, that is a, a detail that I can use in support of the analysis at this
stage, to show that the quality of that conduct was both offensive and known by the
B Defendant to be offensive, because he was putting it to my witnesses that they should shield
Eve from it. Well, why, why should they do that if it was not going to upset her, if it was not
going to cause her any harm? So not only is it objectively harmful, distasteful, oppressive,
and an allegation of grave dishonesty, but it is known by the Defendant to give rise to upset
and anxiety on the part of Eve. Why else would he suggest that they should shield him, they
C should shield her from it?

So just to go back, I mean I do not dwell on this. Your Ladyship has heard the evidence and
it is fairly obvious what my submissions, submissions are on this. But, objectively, any
D reasonable person, I say, in the Defendant's position would have thought that all, that the
material that they were publishing about Martin and Eve was likely to gravely upset Martin
and Eve. Ignoring for a minute any issues of reasonableness or any defences or any
justification, that must be the starting point. And I, I gave the Defendant in cross-examination
an opportunity to agree with me about that, thinking that he might then seek to justify why
E he needed to do it in any event. But he did not even get that far, was not prepared to agree
with me about, about whether reasonable people would, would deem it to be offensive or
upsetting to Martin and Eve to publish that they were part of a big conspiracy, they were
being dishonest.

F And that, I say, goes to the reasonableness issue that I can deal with now. It is not reasonable
not to at least think about that, not to at least consider that they might be upset by it. And
that makes, that, that infects all of the conduct with unreasonableness. And so there is simply
G no answer to that element of the tort. It is unreasonable to publish such grave allegations,
with such significant consequences about these two individuals, these particular Claimants.
It is unreasonable to publish those without thinking about whether or not, without
considering the degree to which it might upset them. What you do about that might be
H another conversation, but we are not having that conversation because it did not enter the
Defendant's mind.

A

Their rights, their position in all of this was totally subservient to his need, as he saw it, to get to the truth and, therefore, he did not go through that exercise. And just in terms of their article 8 rights, because they will come into play at this stage, I have said they are entitled, so it is the sort of shape of the article 8 right questions, that Martin and Eve are entitled to live free from persistent unwarranted attacks on their honesty and integrity, and that must be, that must be right. And it was cited in my skeleton argument, the, the rather old, but still very pertinent description of the article 8 right as amounting to a sort of carapace of, around an individual in which they are entitled to live, *which law is it?*

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Mr Oakley: Your Ladyship, would it be possible to have a, a short comfort break, please?

C

Steyn J: Yes, of course.

Mr Oakley: Thank you.

D

Steyn J: We will take a 10 minute break.

Court Clerk: Court rise.

E

(adjournment)

Mr Price: So My Lady the dicta that I was scrabbling in my brain for is at paragraph 43 of my opening skeleton and it is from a Broadcasting Standards Commission case, a precursor to Ofcom in 2001. Lord Mustill sitting in the Court of Appeal describing the quality of the article 8 right.

F

“To my mind [he said] privacy of a human being denotes at the same time the personal ‘space’ in which the individual is free to be itself.”

G

Space is in inverted commas.

H

“And also the carapace, or shell, or umbrella, or whatever other metaphor is preferred, which protects that space from intrusion. An [infringement] infringement of privacy is an affront to the personality,

which is damaged both by the violation and by the demonstration that the person's space is not inviolate."

A

Now, it is well settled that reputation is an aspect of the article 8 right, but and, and this is why this is a harassment claim and not just a defamation claim. The interests protected by a harassment claim are broader. They include all of the article 8 rights, not just the right not to be defamed, but the right to be let alone to be free to develop and not to be targeted by the sort of oppressive conduct engaged in by the Defendant. And it is why it is particularly offensive that a major theme for the cross-examination was that Martin and Eve should be prohibited from putting anything about themselves into the public domain, or totally lose control over the sort of scrutiny that they deserve to then have applied to them, because of their involvement in the attack. And article 8, article 8 prevents that submission from succeeding, because it gives due respect to the carapace in which Martin and Eve may still live, even if they, even if they seek to lead some life in the public domain, as Martin does.

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Now, I am going to move away from the quality of the conduct and on to reasonableness and, as we have discussed, that is not a clean break. But if there is anything you think I have missed, My Lady in the first bit of the analysis, please tell me. Or, or shall I --

E

Steyn J: (inaudible)

Mr Price: Move on. So section 4 of my note deals with the defence of reasonableness. Section 1(3) provides it. Section 1(1), the, the prohibition on harassment does not apply to a course of conduct if the person who pursued it shows that in the particular circumstances, the pursuit of the course of conduct was reasonable.

F

We have identified what I say the course of conduct is, and why I say it was unreasonable.

G

And Warby J says this, at 4.2:

"Analytically it may be possible to pursue a course of conduct against a person, the quality of which meets the gravity of harassment, but where the Defendant demonstrates, nevertheless, it was in the circumstances reasonable."

H

A Now I agree with Warby J that, analytically, under strict terms of the Act, that is the case. But, as I have indicated to Your Ladyship, I cannot quite see how it is possible in a case of harassment by publication, that you could succeed in the first half of the analysis and fail in the second. Because, as I have said, I think I am under a burden to demonstrate unreasonableness in the conduct. And if I have done that, it is hard to see how the Defendant can stand up and say, nevertheless it was reasonable. But, yes, it is, from the strict wording of the Act, still analytically possible. But it is not something I think we need to dwell on, as I have suggested in paragraph 4.3.

B
C But I am interested in this side of the argument and the way that it is dealt with in *Hourani* because it introduces the concept and the relevance of falsity, truth or falsity in, in, in the materials published. And that I do think is of application to our case. Falsity is not irrelevant. Failure to prove truth is not fatal. I accept that. It will be surprising if it were, again we are, we are not in defamation territory, it is possible to be harassed by true allegations, it is possible for false allegations to be published without amounting to harassment. This is all, it seems to me, fairly trite. But the question is whether it was reasonable in the circumstances of the case to pursue conduct which, in other circumstances, would amount to harassment. And here, I think we are beginning to get to the nub of it. Setting aside for a minute both the question of the strict meaning of the allegations complained of, whether statements of opinion or statements of fact. And setting aside for a minute their truth value. The, and as I have already averted to in dealing with the other side of the argument, of the process, a defendant who is about to publish incredibly serious allegations, be they incredibly serious statements, statements which are gravely defamatory and have grave consequences, regardless of whether or not they are true, regardless of whether they are, expressed as opinion or fact. That defendant is not reasonable unless they take account of that and unless they seek to, or at least consider, mitigating the effect of what they are about to do. And if they do so repeatedly, they may be guilty of harassment, as we say, has arisen in this case.

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G And that is why, at 4.6, I think it is interesting to, to think about whether, in other circumstances, such conduct might amount to harassment because that is the point at which the Defendant has an opportunity to try to prevent the harassment. It may be that it is important to publish what is proposed to be published, but there may be things that can be done, if the Defendant has been reasonable and considered the question, to limit the harm, and that would be a reasonable thing to do. This is where the overlap with section 4 begins to come into view. We are just not in that territory in this case because the Defendant did not

do that. He, he stopped short to even accepting that he might be about to do something that, that harmed the Claimants.

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And then, at 4.7, you, you will see My Lady, we, we have, Warby J acknowledges your point, which is that the streams may cross. And, as I said, in *Hourani* itself, that was a case involving both courses of action and both, and defences both of reasonableness under the Harassment Act and publication or matter of publication under section 4 of the 2013 Act. And he says there are some similarities with the evaluation of a public interest defence under section 4, and that is what I would adopt.

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Just see if it is worth going to 213. Yes, I think it, I think it is, My Lady. So we are in the authorities bundle at tab 13.

C

Steyn J: Yes.

D

Mr Price: And it is para 213 and I am afraid I do not have the internal page number, but I will --

Steyn J: *I have it.* Thank you.

E

Mr Price: Find it. So it is, it is internal page 369, sorry not in the, it is PDF page 369, I *still* remember the internal pages are not paginated:

F

“In my judgment [213] contrary to *Mr Hudson’s* submissions, the exercise of determining whether a course of conduct involving publication of a harassment nature is reasonable and hence not actionable under section 1 has some similarities with the evaluation of a public interest defence under section 4. I do not say that the exercises are the same, but they do involve overlapping considerations. The same outward behaviour by a defendant may, as here, give rise to claims in defamation and in harassment. The interests protected by the two torts are different because, of course, defamation is limited to protection of reputation, harassment includes that but is broader. [And] and that will affect the approach, but claims of both kinds are likely to engage the Convention right under article 8, though they may

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not always do so. The burden of proving each of these defences lies on the defendant.”

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Although, as we have said, that is complicated in a, a case of media publication because the authority seems to suggest that the burden disproving a reasonableness defence sits with the Claimant from the outset. The defences will inevitably engage at least article 10, if not article 11. And I do not think we are in article 11 territory here. That did arise briefly in *Hourani*.

B

The reasonableness defence to harassment must be interpreted and applied in such a way as to strike an appropriate balance, giving due weight to competing and infringing rights. A public interest defence to defamation designed to achieve the same aim. So I think we can take some analogy. And I do think in a case where the, of media harassment, harassment by publication in the Press, where the Defendant seeks the protection of article 10 and press freedom. I do think it is particularly pertinent to apply the, the sort of *Reynolds* type factors to their conduct, to assess its reasonableness. And I, I do not, I am not, we cannot use *Reynolds* as a checklist in any event as we now know from, from *Malkovitz*, but those sort of concepts, those sort of factors are going to be relevant.

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What steps, I mean crucially, what steps did the Defendant take to verify the information before publishing it? Were those steps reasonable in the circumstances, having regard to the gravity of the allegations I am going to make? How urgent was it that he published the material? What steps were taken to approach and obtain comment from the Claimant? If any. If those steps proved fruitless, what care did the Defendant take to include the Claimants' anticipated position in, in, in the published material. None of that applies here because the, it appears the only steps that the Defendant took to contact the Claimants was an attempt to see if Eve really was in a wheelchair.

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OK, so I have cited 214 as well, which I will not read out. So that is what I say about reasonable as a defence. I do not, I hope that, I mean if we have got this far I hope I have already defeated the Defendant's case on reasonableness. And if I have not, I have made a few extra submissions just in case.

H

I will deal now with the issue of, of protection and detection of crime defence.

Steyn J: Just before we go there, Mr Oakley's opening skeleton tends to place, place reliance on article 9 and I wondered if you are --

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Mr Price: Oh yes, I was going to make some submissions on that.

Steyn J: I do not want to take you out of order, but I just wondered if you wanted to address that.

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Mr Price: This is not a case that engages article 9. We, we are not seeking the Court, the Court's intervention into the reasonable expression of a, of a protected belief. This is very much a publication and, and an article 10 case. The, I mean I, I think I need to wait to hear those submissions developed because it, it seems to me, it jars as an article 9 case and it, I do not think it will be fair on my clients if I were to speculate as to why it does, till we have heard from the other side. But it is not an article 9 case.

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Steyn J: Thank you.

Mr Price: So paragraph 42 of the Defence, we see what purports to be a pleading of a, and that is sorry, page 40 of the bundle.

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Steyn J: Yes.

Mr Price: What purports to be a plea under 1(a), 1(3)(a)(b), now what, what it says is that it is a defence being further and in the alternative to what is above, and do not forget this was a defence pleaded, which was primarily directed at proving the attack did not happen at all, before it, before it had been, before those passages had been dealt with summarily. But as an alternative, the Defendant raises the defence of conduct pursued for the purposes of preventing or detecting crime. He does not say that he pursued the conduct for that purpose. Now that may seem picky but the reason why it is relevant, you will see, My Lady, is because there is very high authority for the technical way in which such a plea must be addressed by a Defendant and that is the case of *Hayes v Willoughby*, which is in our authorities bundle. And I do not think I need to take the Court to more than the headnote, because it is quite, it is a, it is a judgment of law assumption and it, it is fair to say that the Court had some difficulty with some of the contents. But the result is pretty clear, and that is in the headnote, which is in the authorities bundle at page 281.

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Steyn J: Yes.

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Mr Price: It is dealing squarely with that section. The purpose in section 130 of the Protection of Harassment Act was a subjective state of mind, fine, and that section 130 was not subject to a wholly objective test of whether alleged *harassment conduct* was for the purpose of preventing or detecting crime based on his reasonableness in supposing that there was a crime to be prevented or detected, or that his conduct was calculated to achieve those ends, since the application of such a test is not consistent with either the language or the purposes of the Act, and given the terms of section 13(c), which render section 138 otiose.

B

But, and this is the, the operative bit, dismissing the appeal, parliament did not intend there to be no limits to the pursuit of a course of conduct, no matter how irrational, perverse, or abusive its pursuit might have become. And so did not intend that a purely subjective belief in the mind of the harasser that he was preventing or detecting crime would fall within the section defence. So that, the correct test was to be found in the concept of rationality, which applied a minimum objective standard to the Defendant's mental processing by importing a requirement for good faith, a requirement there should be some logical connection between the evidence and the ostensible reasons for the decision, an absence of arbitrariness, of capriciousness or of reasoning so outrageous that its defence defines the logic as to be

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perverse. It followed that, before an alleged harasser could be said to have had the purpose of preventing or detecting crime, he had to have thought rationally about the material suggesting the possibility of criminality and formed the view that the conduct said to constitute harassment was appropriate for the purpose of preventing or detecting it. That if he had not engaged in those mental processes, the law would not regard him as having had the relevant purpose at all, since he had not taken the necessary steps to form one. And the causal connection, section 1(3)(a) posseted between purpose of the alleged harasser and the conduct constituting harassment would not exist and accordingly, and that is specific to, to

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the disposal of the case.

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Now, what Your Ladyship will see there is some pretty strict requirements on the sort of evidence that a defendant needs to give to get the advantage of the defence. The bare pleading does not do that, and there is no evidence tendered in support of this at all, so I say it, the pleadings (inaudible) be struck out and, in the event, the Defendant has not come up to prove it.

H

A The Court has no say, I mean it says, this a defence upon which the Defendant bears the burden, there is no doubt about that. Reasonableness, I know, we have, we have discussed at great length, not in that territory. I do not have to prove anything in relation to this defence, and he has not, he has not come up with proof, according to what is required as set out by this case in the Supreme Court. So those are my submissions on that.

B Remedy under the Protection From Harassment Act, I, we will seek, if we succeed, an injunction which may need to be worded following further submissions, based upon the content of the judgment if the Claimants are successful. But it is plain that, without an injunction, if the Defendant has harassed the Claimants, that he will continue to do so because he does continue to do so, despite their complaints. And has in fact published further material based on the photograph.

D And then damages which the Court would, I submit, be in a position to fix were, in a reserved judgment, were the Court to find for the Claimants, according to the principles that I have just copied and pasted from *Parkes v Hall* in one of Murray J's recent cases. And, and Murray J has a tendency to distil really succinctly the basic elements of an issue upon which he is ruling. And that, I say, is both comprehensive and clear in paragraphs 38 to 41 of *Parkes*, and 42.

E So we would obviously be submitting that this is an exceptional case, has to be an exceptional case, given the need to surmount that threshold on the harassment claim because it is harassment by publication. So we are, well, well in the upper band, possibly in excess of the upper band in relation to both Claimants' (inaudible) and I am looking at paragraph 42 here. They, the Claimants and their witnesses have given clear and cogent evidence that the Defendant's conduct has caused them a huge amount of distress, anxiety, and upset.

G They all realistically accept that their lives are, unfortunately, already clouded by quite a degree of anxiety and distress and upset, because of what has happened to them. But it is clearly discernible that that has been exacerbated to a very large and totally unjustified degree, by the Defendant's conduct and the Court should mark that with appropriate damages.

H But, in relation to data protection claims, this is very much the sort of junior aspect, but it is important because the, the Defendant appears to have misunderstood what was being

A complained of. It is, the letter of claim made the fairly straightforward proposition that the
Claimants are data subjects and he is processing their data by analysing and publishing it.
That seems to me to be undeniable and straightforward to the case. His response, what we
have seen, was to offer to delete their images and not to turn up on the doorstep again, but it
was limited to that. And it did not appear to be a genuine offer to meet their data subject
rights by ceasing to process their data altogether. And they are entitled to relief for that, that
B I will not make submissions on damages under the Data Protection Act that are separate from
the harassment damages. But, even if they fail in the harassment claim, there will be extant
issues over what the Defendant is entitled to do with their data. One thing we have heard
nothing about is the journalism exception that was floated by the Defendant. Again, he has
C given no evidence about that, it must fail. That he therefore is a processor, subject to the
same duties and responsibilities as any other data processor and my clients have pointed to
information, to, to data he processed about them which is false, irrelevant, and to which they
object, and they have a right to enforce that. Again, this may be something upon which more
D detailed submissions need to be made at the remedy stage, subject to the Court's ruling on
liability generally.

E There is still some use and some utility to this claim. Given that the Claimants were primarily
concerned with the harassment, it would not have been proportionate to have issued these
harassment proceedings and then also gone to the Information Commission as is suggested
by my *friend*, seeking to enforce the data protection rights would have served no purpose
and would have engaged both sets of parties in paradigm proceedings.

F So, My Lady, those are, are all the submissions I am going to make on those ancillary
matters. And, unless I can assist the Court further, or unless the Court wishes to have a little
time to consider whether I can assist it further, those, those are my closing submissions.

G **Steyn J:** Thank you, Mr Price.

H **Mr Price:** One moment, sorry. Yes, I have just, thank you. I am reminded that a document
has been uploaded which is intended to establish an important piece of chronology, and it is
a procedural document. It is called an N235.

Steyn J: Are you (inaudible)

Mr Price: Yes.

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Steyn J: (inaudible)

B
Mr Price: And its date, you will hopefully, the significance of the date will not have escaped Your Ladyship. The, the letter of claim is written from Martin and Eve. And, for reasons that are privileged, several months later, Martin was replaced as Eve's litigation friend by Sarah. Now, there was another important piece of evidence dealt with by Sarah which I am not going to go behind but which is a matter between her and my instructing solicitor. And I cannot say anything more or less about it than that, as she gave me (inaudible). But, in terms
C of the chronology of the N235, that speaks for itself. Thank you.

Steyn J: Thank you, Mr Price. Mr Oakley, are you happy to, to start or --?

D
Mr Oakley: No, Your Ladyship. My focus is going to be primarily on the evidence that has been given and adapted to the principles rather than reiterating the principles because I do not, not least the chronology of various events, is of extreme importance in this matter. So with Your Ladyship's consent, maybe tomorrow morning?

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Steyn J: OK. We will start then at 10.30 tomorrow.

Court Clerk: Court rise.

F
Thursday 25 July 2024

G
Court Clerk: Court rise. This hearing will be conducted both in court and remotely and will be recorded by His Majesty's Courts and Tribunal Service. These are legal proceedings, and you must not make or transmit any recording of any part of the hearing. To do so will be an offence and could amount to contempt of court. The hearing will be conducted over Cloud Video Platform but that does not change the serious nature and importance of the hearing of the matter of *Hibbert and Others v Hall*, Thursday 25 July 2024, trial part heard.

H
Steyn J: Good morning.

A **Mr Oakley:** Good morning, Your Ladyship. Now, as indicated yesterday, it was my view that the chronology of, of these facts, both as far as the Manchester incident are concerned and in respect of the Claimant and the *claim orders* are important so I have produced a chronology --

B **Steyn J:** Thank you.

Mr Oakley: Which I have handed up. And I have pointed out one of the most important thing which was the October 2022 Panorama --

C **Steyn J:** Right.

Mr Oakley: Broadcast. But, so, I have handed up the manuscript.

D **Steyn J:** Yes. Thank you. You handed *the* manuscript on (inaudible) yes.

E **Mr Oakley:** Now, to begin with I would say that the *general* proposition surrounding the law, or anything canvassed very widely both in two sets of skeleton arguments, my learned friend's opening and his closing, but of course each case must turn on its own facts. And in that regard, the facts of this matter are of extreme importance and to that extent I am a little bit surprised that my learned friend did not deal with the facts in any detail yesterday, but I am going to deal with them. I do reiterate though that the particulars of claim remain vague and unparticularised and, although my learned friend has tried to tighten down again in closing what the parameters of any imposed injunction would be, it is my submission that this should have been done well in advance. The best that I can understand it is, and I may be wrong about it because of course I do not have a draft Injunction Order, but it is perhaps to delete the references to the Claimants from the publications. That of course I say at least

F

G in part was something that Mr Hall said he was willing to do in the response to the pre action protocol letter back in January 2023. Now, dealing with, I beg your pardon ...

Steyn J: *It will depend on* (inaudible)

H **Mr Oakley:** Now, even though I say the (inaudible) remains unparticularised, we can glean in broad terms what the complaints are from paragraphs 23 to 25 of the amended particulars of claim which are at page 14 and then paragraphs 13 to 15 of Mr Hibbert's very recent first

A statement of 28 June 2024 at page 155 set out a number of complaints. Before going on to
consider those in more detail vis a vis the chronology, in general terms if we look at page
155 paragraph 13a the video entitled Hiding from terror 2018 UK tour. There is no mention
of the Claimants at all in that. They do seem to be mentioned in video number 24, that is the
transcript number 24, item b. They do seem to be mentioned in item c, which I think is video
transcript, video transcript number 4, and they do not appear to be mentioned in video d,
Brexit, Jo Cox and the Manchester Arena bombing, but I am not entirely sure about that.
Your Ladyship will appreciate that many, many videos have been produced, so if I, if I am
wrong in that I tender my apologies to the Court.

C But then we come to paragraph 50:

**“Mr Hall has published further videos regarding either me, Eve or
these proceedings.”**

D Including videos dated 16 June 2023, another one on 22nd to 24th, well, actually, before I
move on to that, the, the one on 16 June was purely in respect of legal fundraising on the
part of Mr Hall, and I do reiterate that at no stage in these proceedings has any interim
injunction been sought against him to stop him mentioning the facts and matters set out in
his books and videos.

Steyn J: Yes.

F **Mr Oakley:** So, self evidently, that video caused solely and entirely by, I think it is fair to
say, Martin Hibbert’s decision to bring these proceedings and not, not otherwise. We then
have the video of 22 to 24 November 2023 (date unclear). Now I did ask Mr Hibbert about
this in cross-examination, all the videos that he complains about and he was incredibly
vague, and I do stress to, to the Court, Your Ladyship, Your Ladyship will not need to be
reminded, but he who asserts must prove and certainly in respect of the later videos it
appeared to me that Mr Hibbert really did not know what was in them, so what is he
complaining about? But the one of the 22nd and 24th, that one does not appear to be in the
transcript file. The 13 December 2023 video is, we think, number 31 but there is no mention
of the Claimants in it. Number 32 is 22 February 2024, and the Claimants are mentioned in
that. The final one of 25 April 2024 is after the summary judgment and Your Ladyship will
recall at that time I questioned Mr Hibbert about his appearance on I think it was Good

Morning Britain when he was making very threatening allegations or, or statements rather about Mr Hall.

A

“Nobody messes with my little girl [etc].”

And he had to be pulled up by the presenter about it. This of course is a common theme because Mr Hibbert is not someone who shied away from publicity. On the contrary, as indicated in the course of proceedings, my client had estimated that there were around 168 media mentions of him. Now, whether that is in the newspapers or video it is not entirely clear, but I did ask both Martin Hibbert and Sarah Gillbard about that and they did not dispute that that might be correct.

B

C

I will come back to that later but looking at the chronology itself, from his witness statement in early May 2018 Mr Hibbert had this recollection and the recollection I submit is broadly accurate even if he is not aware of the precise date, for two reasons. Firstly, he was plain that this was on or about the first anniversary of the Manchester incident, which was on 22 May 2017, and secondly, he had been returning from a TV interview at the time. In his witness statement, he refers to viewing a critical online video about the Manchester incident, which was challenging the, the usual views which people hold about it and this could not have been a video produced by Mr Hall, at least not a video complained of by Mr Hibbert, because filleting the paragraphs in the particulars of claim and Mr Hibbert’s first statement into the general chronology, we can see that the Hiding from Terror 2018 UK tour was released on 15 June 2018. So, even though that video did not refer to the Claimants, there is no way on the basis of Martin Hibbert’s evidence that he was complaining at that time of the activities of Mr Hall, and it is notable that he does not mention Mr Hall in his witness statement.

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So, then we go on to, I have, I have italicised the various videos and the book, 18 May 2019 video, Brexit, Jo Cox and the Manchester Arena Bombing was released. Self evidently, the Claimants were not aware of the publication at the time. 1 September 2019, and this was not challenged by the Claimant or his witnesses, this is the sole occasion that Mr Hall filmed outside Eve and Sarah’s home, then in the background from 5 February to 17 March 2020 we had the trial *Asha v Bedi* [full citation not said] apologies I just pulled that from Wikipedia. It is perhaps not authoritative, but it, it seems to fit in with the general narrative. 27 March 2020 there is another video complained of, I beg your pardon it is not a video it is a DVD and a book. Now, I was not entirely clear from Mr Hall’s evidence yesterday whether

G

H

A the book and the DVD and the download had been available at the same time. It was not entirely clear but nonetheless both the book and, and the DVD/download were produced within a period of about six weeks as I understood his evidence.

B **Steyn J:** As I understood it, they were published and told that they were available for preorder. They were published on the same date and the DVD remained available after the six week period but after six weeks then the video was freely available so (inaudible) sales are (inaudible) that one.

C **Mr Oakley:** Yes, and certainly that would, that would not contradict the pleading put forward on, on behalf of the Claimant because I think there was a mention that *linked* [40.04] into the DVD having been produced on 15 May. I do not, I do not challenge that. It is all in the same general period. And then, this is, this is very important, on 2 April 2020, as is clear from paragraphs 31 to 33 in Mr Hall's statement on page 221 which was not challenged as I recall in cross-examination, Mr Hall wrote to the Saunders inquiry enclosing five copies of his book for the assistance of the chairman and counsel. He did not get a reply, so self evidently his intention was to draw the attention of the inquiry to the very serious points that he raised in his book as a matter of public interest. Thereafter, and this fits in with our discussion a few moments ago Your Ladyship, 15 May 2020, Manchester The Night of the Bang documentary film. The Claimants were unaware of its release at the time. 16 May 2020, the Statement Analysis of Manchester victims was released. The Claimants were unaware of this at the time.

F **Steyn J:** Sorry, on, on each of these things, when you are saying the Claimants are unaware of these at the time, where, where are you taking that from?

G **Mr Oakley:** Well, in two, in two regards. Firstly, from the third witness statement of Mr Hibbert, let me just find the, the reference for you to go to.

(pause)

H Bear with me, it is a, it is a very important point but, well, you can see my papers are covered in red lines and tape, let me just find that.

Steyn J: That is fine.

A

Mr Oakley: Yes, here we are. It fits in between paragraphs 5, 6 and 7 starting at page 153.

Steyn J: Yes.

B

Mr Oakley: Now, I have already referred to Mr Hibbert's recollection, paragraph 5:

C

“It was around the first anniversary of the bombing that I first became aware of conspiracy theories accusing Eve and me of lying about being involved in the attack. On the journey home from an interview, it was Good Morning Britain in early May 2018, Lee was scrolling through social media accounts, he came across a YouTuber who stated the arena bomb had never happened.”

D

Paragraph 6:

E

“According to the videos, all of the survivors including Eve and me, and deceased victims had been actors paid for our services. Deep down it all infuriated with me.”

F

Pausing there, as I have demonstrated from the evidence produced by Mr Hibbert and indeed the chronology of the production of the videos, that could not have been a video produced by Mr Hibbert, by Mr Hall at the time. But then Mr Hibbert goes on in paragraph 7:

G

“Then in the summer of 2021, they raised their heads again.”

H

And in that paragraph, he refers to the visit of Greater Manchester Police to Eve and Sarah's home which appears to have taken place on 21 July. So, it is quite clear from his evidence there was an issue around about May 2018. That was nothing to do with Mr Hall. Then he does not mention any other incidents until the summer of 2021, and I also in that regard rely upon the oral evidence of Sarah Gillbard, and again I trust Your Ladyship will bear with me

...

Steyn J: Yes, of course.

Mr Oakley: Let us have a look.

A
(pause)

Mr Oakley: Yes, and the note, which is not, which is not my note, but the notes are actually not, not bad. She was questioned about paragraph 13 page 165 of her statement and the question was put:

“Martin told you after July 2021.”

C To which the answer was:

“Yes.”

D **“You weren’t aware before 2021.”**

To which the answer was:

“No.”

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But that theme is also very clear from Sarah Gillbard’s witness evidence. She only really raised complaints after a visit to Greater Manchester Police in July 2021. Now, I think I, I do not know if I have mentioned it but I will again if I have, going back to the chronology 13 June 2020 is Tommy Mair, Jo Cox, Manchester bombing, Rendlesham UFO, the Claimants, from the evidence, were also aware of the release of this video at the time. That has to be right. And then I have highlighted the date of 21 July 2021 because it is very important. On that date, the police visited Eve and Sarah’s home under the erroneous belief, and it must be stressed that it was an erroneous belief, that Mr Hall had filmed in their garden and it is only on or after this date that the first Claimant became aware of at least some of Mr Hall’s publications. So that is really the first time that any of the Claimants were aware. Also, well, especially as a Claimant. And then there is the October 2022 Panorama interview. Now, before that Your Ladyship will recall that Mr Hibbert mentioned a podcast which had been produced by the BBC. I am not quite sure of the date of that, but it was certainly before the Panorama programme.

Steyn J: That, that is the disaster trolls one.

A **Mr Oakley:** Yes, I, I think so. I think so. The reason I have not put that in those was because
I do not think a date was elicited but certainly it is common ground it appears that the
B Panorama interview was broadcast in October 2022. And it is important to stress that in
common with Mr Hibbert's general approach to the media, he is more than happy to co-
operate with the media, regularly appears on television, is regularly featured in the
newspapers, he chose to take part in this programme. It was obviously going to highlight the
issues surrounding, the questions about the inquiry again, and indeed it did, but by contrast,
C my client, his evidence was that he had been emailed about 11 times by Panorama, refused
to get involved but was nonetheless, I do not know if you can call it doorstepped but he was
approached when he was working on his market stall without prior notice, ambushed in a
way. But it is very evident that Mr Hall was not interested in getting in touch with the media
and indeed his work effectively had been done at the time of the publication of the book,
D Manchester The Night of the Bang. That was, to reiterate, on 27 March 2020, sent to the
inquiry on 2 April 2020 and then three more videos shortly thereafter, the last of which was
on 13 June 2020, but he had stopped his investigations into the Manchester incident by that
time and certainly had not published anything in the interim. I would like to refer to Mr
Hibbert's witness statement with reference to paragraph --

E

Steyn J: Sorry, you, you said he had stopped his investigation, but I think Mr Hall referred
to considering the material that was presented to the Saunders report. That would have been
after.

F

Mr Oakley: No, no. That was, that was before. This is why, I see exactly where Your
Ladyship is coming from, there are lots of dates and it is a little bit confusing. If Your
Ladyship turns to, I have a slightly different one for my own purposes but the first page of
G the chronology --

Steyn J: Yes.

H **Mr Oakley:** There is an entry for 2 April 2020 which is mentioned at paragraphs 31 to 33
in Mr Hall's statement at page 221, and he sent the books to the Saunders inquiry on 2 April
--

Steyn J: Yes.

A **Mr Oakley:** And leading on from that there was a video on 15 May, 16 May and 13 June that same year, but it does not appear that there was anything else after that. Therefore, it was one year and one month after this final publication that matters were stirred up again. And they were stirred up by the Greater Manchester Police visiting Eve and Sarah's home under the, the erroneous belief that Mr Hall filmed within the garden. Now, I make no criticism whatsoever of Greater Manchester Police. They had received information. They thought it was a matter of concern and it is perfectly right and proper of them to investigate it. However, it is plain that if upset was caused to Martin Hibbert and Eve at or around that time, and certainly from his witness statement Martin Hibbert says quite clearly that matters bubbled up again in the summer of 2021, that was nothing to do with the activities of Mr Hall. And I will come back to that later because it is not disputed that he did attend the road outside their home on 1 September 2019 and did some door knocking, but that is it. So, yes, I was going to mention Mr Hibbert's statement, page 157, Your Ladyship. Do you, do you have it out?

Steyn J: Yes.

E **Mr Oakley:** Paragraph 32:

F **“Marianna’s podcast was so good her boss decided to film the Panorama documentary investigating disaster trolls. The Panorama programme screened in October 2022 triggered a huge reaction.”**

In Mr Hibbert's words:

G **“I was invited on to TV to discuss it and I became increasingly worried for the safety of myself and Eva [sic].”**

H So, it is evident from Mr Hibbert's own words that his conscious decision in line with his general wish to appear on media programmes, his conscious decision to get involved with the podcast and Panorama led to a huge reaction. That was as a result of his choices. It was nothing to do with Mr Hall. And similarly, when he is invited on to TV thereafter to discuss the Panorama programme, it is at that stage that Mr Hibbert becomes:

“Increasingly worried for the safety of myself and Eve.”

A

But not before. And again, that was entirely a choice of Mr Hibbert. Nothing to do with Mr Hall.

B

Going back to the chronology, the next thing that happened was 29 November 2022. The first Saunders report was published entitled, Security for the Arena. On 1 March 2023, the second Saunders report was published, Emergency Response, and 2 March 2022, the third Saunders report was published, Radicalisation and Preventability. Then on 22 December

C

2022, the pre action protocol letter was sent to Mr Hall and his reply was on 11 January 2023. He did make certain concessions, but it appears that the correspondence ended at that time. There was certainly no attempt in line with the overriding objective on the part of Mr Hibbert’s solicitors to engage further with Mr Hall and see if a resolution could be achieved.

D

On the contrary, the claim itself was issued on 17 April 2023. And thereafter, I simply describe them as video, these are the videos referred to in paragraph 15 of Mr Hibbert’s statement. So, we have 16 June 2023, 20 to 24 November which probably does not exist, 13 December, 22 February 2024 and 25 April 2024. Those of course were precipitated by these very proceedings. That is very clear indeed from the chronology itself. And the last major incident of note was the letter which was sent on 5 July 2024 from Greater, Greater Manchester Police in which they described their visit to Eve and Sarah’s home on 21 July 2021 and make it clear that there have been no further incidents and certainly there has been no police action.

E

F

Dealing with the visit of 1 September 2019 now. This was the only visit, and it was lawfully filmed from the public highway. Mr Hall was perfectly entitled to do this, and Your Ladyship may be aware that there has been some press interest in this matter and both Mr Hibbert and Mr Hall have been photographed without their knowledge or consent outside this very court over the past few days. I do not see any complaint being made by either of them about that.

G

Mr Hall was not challenged about his confirmation that the footage had never been broadcast or that it had been electronically destroyed by reformatting the memory card, and of course the letter from the police of 5 July confirms that there had in fact been no filming within the property. It was purely from the street. It is my submission that this 2019 visit cannot be an incident which is part of the course of conduct for the purposes of the Protection from Harassment Act. Firstly, it was entirely different in kind from the publication of the books

H

A and videos. It occurred over eight months prior to the first video in which the Claimants were mentioned, that is the statement analysis of Manchester victims dated 16 May 2020, and the Claimants were self evidently completely unaware of the visits until police attended the home on 21 July 2021. The criminal requirements are as stressed in Sunderland, *Sunderland City Council v Cole* [full citation not said]. I mention that in my skeleton argument. I do not intend to reiterate it.

B (pause)

C **Mr Oakley:** Forgive me. And the fact that the criminal requirement, if I may call it that, set out in *Sunderland* was not met is demonstrated quite clearly by the decision by Greater Manchester Police to take no further action. And the Defendant did not inform the Claimants of the film and therefore does not fall foul of section 1(1A)(b) of the Act. He did not intend them to know about it, and they did not know about it. And --

D **Steyn J:** So, it does not fall foul of section 1A(b).

E **Mr Oakley:** Yes, hang, hang on let me, my notes are, I, I will, I will find it later, Your Ladyship. Yes, it is section 1(1A)(b) and these are the criteria, the intention they should have knowledge etc, I, I am not defining it very well, but it is there. And I also rely upon (inaudible - change in audio track) dicta set out in my skeleton argument in the *Baron Bernstein v Skyviews and General Ltd* [1978 QB 479] case.

F Now, moving on to (inaudible). It was established on the first day of the trial that the claim form that limits damages to £50,000 had been issued on 17 April 2023. The pre action protocol letter at page 1052 is dated 22 December 2022, and the Defendant's reply of 11 January 2023 was at page 1057. In the course of her live evidence, Sarah Gillbard confirmed that she had seen neither letter, and I was quite astonished by that so double checked and asked if she was sure to which she replied:

G "Yeah."

H In the course of my learned friend's closing submissions, the form N235, the certificate of suitability to be a litigation friend was disclosed and this is dated on its face 31 March 2023. It precedes the issuing of the claim form, and it demonstrates that Sarah Gillbard has been,

A has been a party by proxy, if one can call it that, for over one year and three months prior to the trial. I certainly accept, as submitted on behalf of, of the Claimants, that it is inappropriate either to go behind the firm evidence that she gave in the witness box that she had not seen this correspondence or to enquire into matters which are self evidently privileged. However, it is astonishing, gravely astonishing that the solicitors for the Claimants did not direct Sarah Gillbard to the essential correspondence in this matter. Now that, I suggest, has had the consequence that this matter perhaps could have been resolved by other means and I mention in my skeleton argument the exhaustion of alternative remedies not least a complaint to the data, sorry, the information commissioner under the Data Protection Act. But that opportunity in line with the overriding objective was lost, and the opportunity was lost I say because the Claimants' solicitors did not inform Sarah Gillbard of pertinent parts of this litigation and indeed the *office*, however unacceptable they may be. We do not know because there was no reply to Mr Hall's response, but this matter could potentially have settled without having to come to court.

D Indeed, when Sarah Gillbard was asked:

E "Had you known about the responses from Mr Hall, would you have told Eve?"

She answered:

F "Yes."

And this is particularly important because of Mr Hall's concession in his letter that:

G **"I am not currently, nor do I intend to in the future pursue any activity that could amount to a harassment of your clients, and I have no intention to gather data or process data on your clients in future."**

H He was very clear. And the same for the videos, the later videos which have been instigated by the issuing of these proceedings. Mr Hall's perfectly entitled to produce and disseminate those videos, but apart from that he has proved to be a man of his word. Nothing else has been produced. The culmination of his research was self evidently Manchester The Night of the Bang and the associated video. After that, he stepped back.

A The oral evidence, my impression of the oral evidence was that Eve's knowledge of Mr Hall's activities was imparted to her solely by her parents. Certainly, the evidence of *Sarah Burke* was that *Sarah* would not instigate any such conversations although Eve herself might start talking about the stalker man. Eve's mother also confirmed that although Eve uses the internet on her phone this is for playing games and music, and she does not research more

B widely into websites of the kind produced by Mr Hall. In addition to that, it emerged in the course of the proceedings that Eve has a reading age of approximately nine, and Your Ladyship will be aware of the contents of the private third witness statement of Sarah Gillbard which gives a little bit more information.

C There has been no actual contact at all between Mr Hall and Eve. She was not present when the camera was left in his car and filmed her leaving home on 1 September 2019. Eve has not herself accessed any of Mr Hall's videos. She has not read his book. Accordingly, it is

D my submission that any distress she has suffered has been imparted to her by her parents. And I know that is a very serious thing to say, but it is abundantly clear from the failure by the Claimants' solicitors to bring Sarah Gillbard into full knowledge of the correspondence, but this has been the consequence. And I would suggest that Mr Hall ought not to bear the

E brunt of that, and certainly insofar as Eve is concerned, the claim should be dismissed.

F Now, it is potentially a *novus actus interveniens*, sorry I would say my Latin was rusty, but I never actually did any Latin at school. It might be one of those. Alternatively, it might be the direct cause of the distress said to have been caused to Eve, and in that respect, I would

F like to refer the Court to part 21, part 21 of the Civil Procedure Rules. Eve is, as a fact, a protected party for the purposes of the CPR and that cannot be in dispute because we have a, a certificate of suitability. Does Your Ladyship have the White Book?

G **Steyn J:** Yes.

Mr Oakley: I am looking at the very beginning of part 2103 statutory notes which are very helpful as they usually are.

H **Steyn J:** Is it 1103? Yes.

Mr Oakley: The heading:

“Lacks capacity.”

A

Steyn J: Yes.

Mr Oakley: Rule 21(1)(2c) adopts the meaning of lacks capacity as contained in the Mental Capacity Act 2005. Section 1 of the 2005 Act sets out five key principles for the purposes of the Act, and I would like to highlight in particular (2) as mentioned in the White Book:

B

“A person is not to be treated as unable to make a decision unless all practicable steps to help them to do so have been taken without success.”

C

And (4):

D

“An act done, or decision made, under the Act for or on behalf of the person who lacks capacity must be done, or made, in their best interests.”

E

And (5):

“Before the act is done, or the decision is made, regard must be had to whether the purpose for which it is intended can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action.”

F

And there is a very useful note, section 2(1) of the 2005 Act states that:

G

“For the purposes of that Act, a person lacks capacity in relation to a matter if at the material time they are unable to make a decision for themselves in relation to the matter because of an impairment of, or a disturbance in the functioning of, the mind or brain.”

H

I refer to the secret third witness statement again in that regard.

A So, in the normal course of events, I would not be so presumptuous as to make a complaint
about another parent's choices in the way that they bring up their child, but I am afraid I am
going to have to do so in relation to this matter because it is my submission, as I hope Your
Ladyship will glean from the line of questioning, that in the circumstances of this case, Eve
should have been shielded from the activities of Mr Hall, and she quite clearly was not
shielded. But I do understand, we have seen her pictures of her house, I would not expect to
B but I do understand from Ms Gillbard's evidence that although there is an extension in which Eve
lives, perhaps in common with new builds of today it is not exactly sound proof, and Eve is
able to hear telephone conversations by phone. But nonetheless, it is, it is my submission
that in the particular circumstances of this case Eve should have been shielded and it is only
C because she was not shielded that she has been subject to distress, and this is not a case where
at any time there has been evidence of Mr Hall stalking. He only visited once on 1 September
2019. The Claimants [sic] of Eve were unaware of this until 21 July 2021.

D The police did not see the need to take any action at that time. Obviously, Mr Hall was not
arrested or questioned or anything of that kind. So, there was no particular threat at that time,
and indeed there has never been a particular threat of physical harm. And indeed, it is, it
grates a little bit to complain about the parenting skills of others but to use the words stalker
E man to describe Mr Hall was totally inappropriate. That is a threatening phrase. Other
descriptions could have been used, the bad man, the naughty man but stalker? Eve has a
reading age of about nine. Children of nine years old will be frightened by expressions like
that and it appears that she was frightened, but none of that was down to the activities of Mr
Hall.

F Now, dealing with Ms Gillbard herself, in her latest witness statement, the second one,
which, significantly, was produced less than a month ago on 27 June 2024 at page 164
paragraph 6.

G **Steyn J:** Yes.

Mr Oakley: She says:

H **“I do not want Eve to be that girl from the arena. Despite her awful injuries and problems they have caused her, I want Eve to have as normal a life as she can. I have to protect that as much as I can. That**

means that Eve has never done any media appearances or spoken to anyone other than family, friends and her doctors and therapists about what has happened to her. I want to keep it that way.”

A

And that is quite significant because when one compares the witness evidence of Martin Hibbert and indeed the actions of Martin Hibbert, not, not just his media appearances but also his decision in April of this year in the very middle of these proceedings to publish a book going into very private details about not just him, that is, that is up to him if he wants to do that, but also his daughter. So, in my submission Sarah Gillbard did want to keep it that way because she did not want Eve to be discussed, speculated about, studied by people who do not know her or us. We certainly do not want her injuries being scrutinised in public. Well, Martin Hibbert has done exactly that and now he is trying to seek damages and compensation from my client which even if it has not been caused in its entirety by his own activities, that is certainly a major contributory factor.

B

C

D

Going on from what Ms Gillbard says in her witness statement, in oral evidence she stated that she had not read the book, Manchester The Night of the Bang. She said:

“I am aware of the sections but won’t even go there.”

E

When it was put to her:

“You haven’t read it.”

F

She replied:

“I haven’t, but I was very annoyed by what I did see.”

G

And when asked if she had viewed any of the videos, she replied:

“I have seen an extract when they were examining the spinal injury.”

H

So, presumably that was in respect of Martin Hibbert. However, what she did do, which again I submit is unwise in the circumstances, bearing in mind that legal consequences which fall upon the head of my client are set to follow, was Sarah Gillbard’s decision to watch the

A Panorama video along with her daughter. She did not have to do that. She should not have done that because obviously we have not only the contents of the Panorama documentary, which I have not actually watched, I do not know if Your Ladyship has, but --

Steyn J: It is not in evidence I do not think, is it?

B Mr Oakley: No.

Steyn J: No.

C Mr Oakley: No. I, I, also I was not aware of it at the time, but we know what Martin Hibbert's reaction to that was. The whole thing flared up again after the Panorama interview and it was at that stage that he began to be worried about the state of the, of himself and Eve. That is, that is very plain from his witness statement. Now, it seems that Eve is lucky to, lucky enough to go to a very good school, a very caring school from what we can see from the evidence. There is this odd letter at page 230 and the reason I say that it is odd is because it is quite recent, it is dated 2 May 2024 and it has been signed by *Emma Taylor*, the head of college and Daisy Burke, the lady we heard from in evidence and it is actually written to Carrie Gillespie (inaudible) solicitors rather than to Eve's mum, Sarah. It is also a little bit odd because although at the top you can see it refers to a conversation last Friday 26 April, it is clearly referring to events which took place in October 2022. And we read from this letter, sorry pausing there, of course this was another letter that Sarah Gillbard was unaware of. She had not been passed a copy of this by her solicitors. So, dealing with the substance of that letter, we see:

G "Sarah G, Eve's mother, contacted her designated learning support assistant, Daisy B, to inform her that a Panorama documentary about the Manchester bomb attack had just been released. Sarah suspected that the release of this would most likely [lead] lead to Eve displaying more anxious behaviours in college as she was aware of the contents of the documentary."

H Pausing there, Sarah knew this because she had allowed her daughter to watch it. And then, I will not go through the intervening three paragraphs, but the consequences were these:

“Shortly after, Eve refused to visit the neighbouring Morrisons store to collect her lunch, an activity she previously engaged in and enjoyed. Instead, Eve requested that Daisy collect her lunch from Morrisons while she waited in the classroom. Eve seemed paranoid and anxious about the thought of leaving the college site and the possibilities of being seen and photographed outside the college. A few weeks later, Sarah informed Daisy that Eve’s flashbacks had returned. Eve also experienced a post traumatic stress disorder flashback during a session in college. This was [this was] unusual for Eve as she had never had a flashback in college up to this point. Additionally, Eve experienced absences during the college day. She would require a lot of reassurance, sensory time and wellbeing walks and additional breaks from her lessons. Daisy ensured Sarah was regularly informed of Eve’s health and wellbeing at college.”

This is as a direct consequence of the Panorama broadcast. A broadcast that my client declined to take part in, and Mr Hibbert, not only was he keen to take part in that broadcast, he was keen to take part in the podcast which led up to it and the media interest thereafter. He went on TV again. So, all of Eve’s distress as set out in this letter is as a direct result of the actions of her father not of Mr Hall. And it is quite startling that he should bring this action for distress to his daughter when Mr Hall has neither caused or contributed to any of it.

Now, dealing with the Data Protection Act, my learned friend did say that, I, I summarise, these were not his exact words but it is effectively the subsidiary part of *the claim* I am not going to recite what is said in my skeleton argument again, but from what I understand his submissions to have meant yesterday, he was saying, and again I apologise if I have got my note wrong but there would be no need for parallel proceedings if everything was brought under the same umbrella in court proceedings. Something along those lines. However, it is important to stress that there is a path to resolution set out quite clearly in the Data Protection Act itself. Ultimately, there can be a complaint to the information commissioner. I suggest that if the responses of Mr Hall to the pre action protocol letter in January 2023 were inappropriate, then that step should have been taken. That is 18 months ago. Who knows, the information commissioner may have reached a conclusion, but of course one would also expect, and I can say this because we see that however inappropriate the Claimants might

A have thought the resolution was, in his response to the pre action protocol letter my client was making concessions. He was saying he would do various statements. If that was not enough, then the matter should have been explored further.

B And I refer to the case of *Kinnock* [full citation not said] I think it was, yes, *Kinnock*, as mentioned in my skeleton argument, I, I will not reiterate it again because I do not see the point, it is, it is there but also the extract that I have borrowed from the field of judicial review as to exhaustion of alternative remedies. It seems to me that certainly insofar as, well, at least insofar as the costs of these proceedings are concerned if they are successful, there is a question as to why they did not explore alternative dispute resolution, and again quite C bizarrely in their oral evidence both Mr Hibbert and his former partner said that they had not been informed by their solicitors of this potential route. They should have been informed. They should have taken that route. They should not be bringing a case in the High Court for heaven's sake, bearing in mind that effectively Martin Hibbert, and let us face it he is the D one pushing this litigation forward, it is nothing to do with Sarah, but he is the one who is claiming an invasion of privacy effectively. Why on earth bring a case of this kind to court? It simply does not make sense. And indeed, Mr Hibbert has not been slow in coming forward during the course of these proceedings to make media comment about this matter. This could all have been dealt with administratively by the information commissioner and it was not. E The matter certainly did not need to have been brought in the High Court I suggest both for the harassment and indeed if they needed to bring a claim at all under the Data Protection Act, *some* (inaudible) County Court would have been appropriate.

F (pause)

Mr Oakley: Now, dealing with the convention rights in broad terms, in line with my skeleton argument I do not intend to repeat everything again, but I do refer to the case of G *Allison Bailey v Stonewall Equality Ltd & Ors* [2024] EAT 199, the famous case concerning Garden Court Chambers no less, and I do assert that Mr Hall is entitled to rely on these protections. It is plain from having heard him in court that he genuinely believes what he is saying, what he is writing and what he is filming. It was a rather flippant comment by Mr Hibbert in cross-examination, he said that he took exception to Mr Hall making things up. H Well, it is clear from the evidence, I suggest, and indeed from the cross-examination of Mr Hall that it has never been suggested and certainly there is no inkling that he is making things up. He actually believes what he is saying, and if we look at the criteria, this, this is from my

skeleton, Your Ladyship, but *Grainger Plc v Nicholson* [2010] ALL ER 253 is reviewed. This is at pages 286 to 288. I am, I am working from an updated copy of my skeleton so --

A

Steyn J: Right so --

Mr Oakley: For my own purposes --

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Steyn J: Which paragraph am I looking at of your skeleton?

Mr Oakley: Well, my, my, my skeleton, I, I do not know which page it will be, this, I am afraid this is just my working document --

C

Steyn J: Yes.

Mr Oakley: And it is covered in scribbles.

D

Steyn J: That, that, that is fine.

Mr Oakley: But it is under the heading:

E

“The Convention Rights.”

Steyn J: Yes.

F

Mr Oakley: And I have set out a (inaudible) from *Bailey v Stonewall*. There was reference by the tribunal to the dicta in *Grainger* and *Nicholson* and five criteria were identified as characteristics of beliefs qualifying from protection. 1) the belief must be genuinely held. Mr Hall does genuinely hold his beliefs, and it was certainly never put to him that he is fabricating his opinions. 2) it must be a relief, and not simply an opinion based upon the present state of information.

G

Steyn J: Is that not what he has said it is? I mean, he, he has said that this is an opinion rather than facts and he has expressed in the evidence that, that if there were different information that, that, that he would potentially change his mind so --

H

Mr Oakley: Yes.

A **Steyn J:** So, is this a belief, does, does (inaudible) the criterion to apply on this (inaudible)

B **Mr Oakley:** Yes, I, I would say so because this is a gentleman who has been very plain, I summarise but this, this little phrase is probably appropriate, when the facts change, I change my mind. And at several points in cross-examination, he firmly reiterated that the medical evidence and the CCTV footage should be disclosed and if that demonstrated a different set of circumstances, he would be prepared to change his mind but at the moment on the evidence that he has seen, and Your Ladyship indicated yesterday that you managed to get through about 100 pages of the book ...

C **Steyn J:** No, I, I had, I had a few *left which I* (inaudible)

D **Mr Oakley:** Oh, you, you (inaudible). Well, he goes into very great detail and of course the, the Hibberts are only a very small part of this investigation, but in general terms we can see that his, well, let me put it this way, his, his opinion is not just one plucked out of the ether, the ether. It is actually a belief and a conclusion that has been reached after intricate assessment of the evidence which has been available to him. He, he has not reached his conclusions on the basis of reading newspapers for example. This is primary research, and it may or may not be flawed. That is neither here nor there, but it is a belief. It is not simply something that has been picked up from elsewhere.

E

F 3) it must concern a weighty and substantial aspect of human life and endeavour. Well, yes, it does. I think it is common ground that the Manchester incident does fit into that categorisation. Whether that is on the basis of the commonly understood narrative or the narrative put forward by Mr Hall. 4) it must attain a level of cogency, seriousness, cohesion, and importance. I submit, I am not going to go through the whole thing, but it is evident from

G Mr Hall's book in particular that it does attain those levels, and one example in particular was given in oral evidence yesterday. He mentioned the merchandise stall and the fact that it was allegedly according to one witness statement obliterated in the aftermath of the blast. And there is some video footage in which that particular part of the view is blacked out, that

H he has obtained another photograph or video, I am not quite sure which, with some policemen standing in front of it showing that the merchandise stall was very far from having been obliterated.

A So, there are questions to be answered, and indeed what did Mr Hall do after he finished his
book? He sent it to the inquiry. He was obviously hoping that the inquiry would look into
the questions that he raises and reach conclusions. He is maybe not the person to give the
answers but he, it is certainly appropriate for him to ask the questions, but there was no
B response. And on top of that, the questions that he has asked still have not been answered,
and as far as the Hibberts are concerned they would be answered and my client maintains
this very firmly, he has made the application to the Court which has failed, but the disclosure
of the medical records and the CCTV footage would sort out this matter one way or the other
for once and for all. But, as they are entitled to, they refused to comply with that request.

C 5) it must be worthy of respect in a democratic society and not conflict with the fundamental
rights of others. Well, however disturbing or uncomfortable Mr Hall's views are, they are
D worthy of respect in a democratic society. Even if they were almost downright deliberately
offensive, they would still be worthy of respect in a democratic society. That is abundantly
clear not least from, this is the case of *Ewaida*, no, *Akin Association v France* [full citation
not said] that I refer to in respect of article 10, but that is not his intention at all. And I fully
E accept that even if the Claimant has malign intentions in bringing a case, if they can prove
the respective elements of that case then they are entitled to win. However, if you look at Mr
Hibbert's second statement, the one --

Steyn J: I do not think it has been suggested from any witness that there have been malign
intentions in bringing this claim.

F **Mr Oakley:** No, but I am, I am going to suggest that the future proposals which Mr Hibbert
would like to see put forward, of course he has no power to do this but I would like to refer
the Court to what he says in paragraph 40 of his, his witness statement. To some extent it
G does not matter because of course he has no political or other power, but he says, paragraph
40 page 159.

Steyn J: Yes.

H **Mr Oakley:**

“In December 2022, I reached out to Manchester’s mayor Andy Burnham to discuss campaigning for a new law to better protect survivors of tragedies from harassment and conspiracy theories. I live in hope that before too long it will a criminal offence for people like Mr Hall to make money from conspiracy theories, especially in relation to terrorist attacks or atrocities.”

Now, the reason I mention that is because it might be said on the basis of Mr Hibbert’s views that he does not accept that opinions expressed by people like Mr Hall are worthy of respect in a democratic society, and that ultimately is a matter for Your Ladyship, but I will make these observations. When it comes to terrorist atrocities and victims, the Court will recall the Birmingham six and the Guildford four. They were convicted of terrorist offences and murders, and they were subsequently exonerated because people were campaigning and pointing out the inconsistencies in the evidence. And I am sure that at the time, it was a little bit before my time, that that would have been uncomfortable for at least some of the victims of those terrorist atrocities but ultimately truth prevailed and the same thing with the initial inquiries into Hillsborough. Campaigners did not accept the conclusions and ultimately the matter was reviewed and more or less the entire truth to the satisfaction of all was reached.

And indeed, one can think of the present day, the, the Hallett inquiry into the Covid lockdowns. And I have only read the headlines, I have not the read the first volume of the report which was published last week because I have been busy with this case, but it seems from the, the headlines the conclusions of the report are positive on two premises. Firstly, that there was a pandemic and secondly, that I think about 225,000 people died because of the effects of Covid-19. Well, in those circumstances I would make these observations. A pandemic was certainly declared by the World Health Organization but they did not clarify its parameters, and the WHO produced a rolling web page during the course of the “pandemic” which shows, I think the last time I looked at it there was about 7 million deaths globally out of a population of 8 billion. At its height, that means that the death rate with Covid-19 was 0.03%, and this is my concern for the future. Now, it does not matter if Mr Hibbert is successful in getting Andy Burnham, the Mayor of Manchester, to lobby the new Labour government because of course Andy Burnham is a, is a Labour mayor to introduce a new law or for this Court to grant the claim which is put forward by the Hibberts, but in such circumstances would the consequence of that be that one could not query whether there was a pandemic even though there are reasonable grounds for doing so, and secondly, the

A number of deaths. Your Ladyship will remember the standard of proof which was adopted, which was deaths within 28 days of a positive test with Covid-19 from whatever cause. Now, I used to do a lot of personal injury work if that had been the standard of proof at that time, I would have won every case but the consequence of that means that the number of deaths associated with Covid-19 can and ought to be challenged, but if the Hibberts are successful or indeed if Mr Burnham brings in such a law or instigates such a law then one would not be able to criticise future inquiries and that is a very grave interference with the right to freedom of speech.

C Going back to my skeleton and the reference to the *Allison Bailey* case. Now, of course there is an overlap between different types of belief. They are not quite the same. There is religious belief and philosophical belief, and I think Your Ladyship touched on it a little bit yesterday when addressing whether this was political belief. It is certainly not party, party political belief.

D **Steyn J:** Well, I was not interested in it in terms of belief. I was asking whether it is political in the terms of article 10.

E **Mr Oakley:** Yes, possibly but it is not party political speech certainly, but it --

Steyn J: No, no but --

Mr Oakley: Yeah.

F **Steyn J:** It does not, it does not need to be party political to be political. Obviously the, the protection under article 10 varies depending on the type of speech, so potentially if it is regarded political it may have a higher degree of protection, so I was querying whether it is regarded as political speech.

G **Mr Oakley:** I am grateful for the clarification. So, we are really talking about article 10 in that regard.

H **Steyn J:** Yes --

Mr Oakley: Yes, OK.

A

Steyn J: And if there is something you wish to say about it in, under article 9 then I am not (inaudible) but that is what I was referring to.

B

Mr Oakley: Well, there is, there is a slight synergy perhaps in the passage that I would like to refer to which appears in my skeleton argument. Now, there is discussion of the *Maya Forstater v CGD Europe* UKEAT/0105/20/JOJ case, which again is a landmark case in respect of freedom of speech, belief. And the extract in my skeleton goes on:

C

“The criteria are to be applied to a person’s relevant beliefs on a particular topic as a whole. Further, it is not for the Court to embark on an inquiry into the asserted belief and judge its validity by some objective standard such as the source material upon which the Claimant founds his belief or the orthodox teaching of the religion in question or the extent to which the Claimants belief conforms to or differs from the views of others professing the same religion.”

D

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But this clearly applies to belief as well. And even though, with, with respect to the Court, it is, it is not for Your Ladyship to look into the validity of his views. I would say that Mr Hall has certainly raised some serious questions to be answered. He has gone further of course in reaching conclusions on the basis that those questions had not been answered, but nonetheless one looks at his, the discrepancies that he has picked up in the evidence, there does not appear to be an answer of any kind, and I appreciate that we are restricted by the effects of the summary judgment of Master Davison but nonetheless as it happens there is some cogency to his beliefs. Yes, I touched on this before in, in my skeleton, we adopt paragraph 296 of *Bailey*, belief need not only be *expressed nicely* in a democratic society and the reference to *John Stewart* (inaudible) etc.

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Moving on to article 10, I have touched on this already, I will not go into it again, but *Ekin Association v France* shows that protection applies to speech which tends to offend, shock or disturb. And I would not challenge for a minute the assertion that what Mr Hall has said does offend, shock and disturb, but it is not gratuitous. But even, even if it was gratuitous, I would say that it would still have the protections under article 10. And then I refer to the conflict with article 8, and I appreciate that myself and my learned friend are not too far apart on the law as it happens. He refers to the case I think it was in the *House of Lords* (inaudible)

H

A in the Supreme Court *Re S (A Child)* [2015] UKSC 20, but the dicta in that matter were expanded in the case that I referred to which is *Abbassi* [full citation not said] and you have got *Newcastle Upon Tyne Hospitals* again which I take a big chunk from and plant it straight into my skeleton argument under any conflict with article 8. I, I will not read all of it, but I do highlight a, a section in my second paragraph which is taken from paragraph 88 of the judgment, and it says this:

B
C **“At paragraphs 20 to 29, Lord Carswell with whom the rest of the house agreed held that the risk [this is the risk to the article 8 rights, the article 8 rights which are implicitly raised by the Hibberts in this matter] that the risk must be objectively well founded. It does not depend on the subjective concerns of the applicant but on the reality of the existence of the risk.”**

D Now, Mr Hibbert in his statement, I will just find it again, it is really the bulk of page 158. Does Your Ladyship have it?

Steyn J: Yes.

E **Mr Oakley:** Now, he talks about the letter of claim at paragraph 35 and a response and then at paragraph 36 he refers to the application for summary judgment and he says:

F **“I attended the Royal Courts of Justice and was surprised to discover that approximately 50 of Mr Hall’s followers had travelled to support him in court. I was intimidated. I made my friend, Steve Lloyd, sit right next to me, etc.”**

G Now, I think Your Ladyship probably has the point already. Mr Hall’s supporters are entitled to be here under the principle of open justice. I think that underlines the strangeness of the way in which this case has been conducted on the part of the Hibberts because if Martin Hibbert, and he is the main person putting this forward, if Martin Hibbert was truly concerned about the privacy of himself and his daughter, then he could have made an application to the court for the entirety of the proceedings to be held in private.

H **Steyn J:** That is not a realistic submission, surely?

A

Mr Oakley: No, well, it may not have been, it may not have been granted because certainly Mr, Mr Hall would have opposed that but --

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Steyn J: There is no way that (inaudible) these proceedings could have been private in their entirety. It, you refer to open justice --

Mr Oakley: I have and that is the (inaudible)

C

Steyn J: And that (inaudible) it would be impossible.

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Mr Oakley: I take that on board Your Ladyship, but nonetheless the matter would not proceed with the publicity that it has done if it had been issued in some dreary, tiny County Court somewhere in an, in an anonymous town in the north of England. It obviously would not. But we do have the right of open justice and certainly it seems that what actually happened was there were simply too many people in court. The Clerk asked them to leave, Mr Hall asked them to leave, and they did leave. That does not found an objective future fear and let us face it not only damages have been sought for past loss but a future as yet unspecified injunction is also being sought. So that is, that is the first instance that Mr Hibbert raises.

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The next instance he raises is in March of this year, same paragraph:

F

“My sports physiotherapist received an anonymous letter asking for information about me and my injuries. I’ve enclosed this.”

G

Well, he said at page 5 and 6 but it is actually at page 228. We, we have looked at this letter several times. Firstly, it was not sent by Mr Hall or at least there has been no allegation that it was sent by Mr Hall, and indeed from the tone of the letter, it is pretty obvious that it has not been from Mr Hall, but it does refer to these legal proceedings. It is, the writer of the letter has been encouraged to do so, I cannot think of a better word, but he, or potentially she I suppose although it is more likely he, has been inspired to write this letter on the back of these court proceedings. This was nothing to do with Mr Hall. And that is it when one talks about objective concerns for the future.

H

A I did ask Mr Hibbert in cross-examination in some detail about the concerns that he had for his personal safety but of course he raises these in the, in his witness statement from the guilt of the aftermath of the Panorama documentary. He became worried for the safety of himself and Eve. That was back in 2022. There has been nothing at all of substance, as confirmed by the Greater Manchester Police. But I asked him again, he who asserts must prove. He did not really have a straight answer. Eventually it came down to the fact that he occasionally received rather rude messages on Twitter, and this may or may not have contributed to his decision to put Twitter to one side and concentrate on I think he said Instagram. But no evidence of these messages was in the bundle. There is nothing before the Court. Mr Hibbert has got to prove it. I appreciate my learned friend did hand up some, I do not know if it was a handbook, some, I think either Twitter or Facebook messages yesterday, which had been posted over the last day or so, *connection with* (inaudible). What does that prove? And what does it prove, well, I am about to say. I also had a, a browse on social media. My observations are worth nothing, they are not evidence but there are lots of rude messages out there in connection with this litigation, but it is my impression the bulk of them are directed at Mr Hall. They are not directed at Mr Hibbert. But in any event, it is, it is far too late to bring messages of this kind before the Court.

E I would suggest that there is no objective evidence whatsoever of a future threat to the safety of either Martin Hibbert or his daughter. And in that regard, there should be no injunction. And of course, what purpose would any injunction serve? I believe this is called the Streisand effect. Barbara Streisand attempted to stop publication of a photograph with the location of her house, and there was a consequence. Now everybody knows where she lives. That is, that is inevitable. If you bring a case to the court, it stirs up interest and that is exactly what has happened here. But that is nothing to do with Mr Hall. He is perfectly entitled to defend this matter, and he has. But the consequence has been that inevitably interest has been raised. There has been quite a lot of press coverage over the past couple of days, but that is nothing to do with Mr Hall. And if Mr Hibbert really wanted the matter to simmer down, perhaps he should have carried on with his attitude as demonstrated in about May 2018 which was sticks and stones may break my bones, but words will never hurt me. If he had done that, we would not have heard of this matter again.

H Now, I may have some, I am surrounded by papers (inaudible). There is also the issue of the attempted control by Mr Hibbert of the information which is out in the public domain about him or his daughter. Now, he did say in cross-examination that he had no problem, I may

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paraphrase here, with good news being released as long as it is authorised by him, but this really shows astonishing naivety. It, it seems from what I have been able to garner that he has appeared on the softly, softly, touchy, feely morning television breakfast shows on the BBC or ITV and those programmes are not going to give him a hard time. They are going to treat, treat him respectfully, listen to his story and be positive about him but when one goes to the media, when one chooses to go to the media, that is not always the response if you are a public figure.

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And in that regard, I asked Mr Hibbert about his Twitter profile in which he was described in several ways, author, vice president of spinal injuries, disability advocate, motivational speaker and host, the second paraplegic to summit Kilimanjaro. And then he is described as a media personality. His evidence to the Court was, and I have nothing to rebut this, that this categorisation is undertaken by Twitter or X itself and that is not his description, that is how X describe him, but presumably with their algorithms or perhaps with a person sitting behind a desk and making a decision, objectively they have reached a view that Mr Hibbert is indeed a media personality. Of course he is. But he cannot thereafter control how people talk about him. It was established that he was not seeking to assert copyright over the two photographs, the first photograph being the one of him and his daughter which he says was on the night of the Manchester incident in the restaurant, that is one. He posted that on Twitter some years ago now but the inevitable consequence of that because of the nature of Twitter is that it will be tweeted and retweeted, commented upon. He has no control over that anymore.

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And secondly, there was the X-ray photograph which, again has been widely available and indeed it was referred to (inaudible) extract the, the Daily Mail's serialisation which I found and handed up to the Court (inaudible) we can see from the caption the X-ray photograph had been disseminated yet again. And although Mr Hibbert said that he was quite happy for this to happen if it had been authorised by him, and that was his word, he has no control over this and he cannot possibly assert control of that kind over these publicly available documents.

H
Moving on from that, of course Mr Hall has only commented upon the publicly available documents which have been produced by Mr Hibbert, various media appearances, *in respect of* his evidence to the inquiry or anything else. This is not the phone hacking case for example. This is not the case, going back even further, Your Ladyship might remember I think it was in connection with Private Eye, Benny the binman. He used to rifle through bins

A to see if he could find anything interesting outside barristers' chambers etc. It is not a case
of that at all apart from potentially filming in the public road, it was perfectly lawful. The
only documentation which has been assessed by Mr Hall has been in the public domain.
How, how on earth can you stop people realistically from commenting? And indeed, if Your
Ladyship is minded to grant an injunction, the Court is probably already aware that there is
B another book about these matters which has already been published. If, if the effects, if the
resolution which Mr Hibbert seeks is to have only positive discussions about himself and his
daughter even though he, he has brought those into the public domain, then it is, it is not
going to, to happen. What are they asking for? A global injunction? It is simply not going to
C happen, and I suggest that the Court ought not to be invited to make an order which is
worthless as to its effects, or it certainly would, would be worthless as far as Mr Hall is
concerned, but it is worthless as far as the information is concerned and of course Mr Hibbert
is not expressly concerned about Mr Hall, he is concerned about Mr Hall's conclusions.
Other people are quite clearly going take up the baton. He cannot stop this.

D Now, I did refer yesterday, well, there was, there was some discussion over the short
adjournment, I have lost my *note*, about the criminal defence and I reminded Your Ladyship
that paragraph 38, and this is basically what I said yesterday, it is nothing new, paragraph 38
E of the particulars of claim say:

**“(inaudible - change in audio track) the criminal defence is raised, ie
uncovering criminal activity then that would be pleaded to.”**

F It was raised in paragraph 38, 42 and 43 of the Defence. It was also raised in paragraph 10
of my skeleton but although there had been an indication that the Claimants would refer to
that potential defence if raised in the reply, they did not do so. The Defence, which is signed
with a statement of truth by Mr Hall personally, we have the right to rely on that or the
G contents of that pleading as evidence of the matters set out therein. That is, that is clear from
the CPR, and we do rely upon it. I was a little bit surprised yesterday when my learned friend
chose not to challenge my client on the criminal defence that he might raise and indeed he
expressly refers to the crime scene in his evidence. He does not accept for one moment that
H Salman Abedi is responsible for this. When he talks about the crime scene, he is talking
about something, perhaps even he is not entirely sure of the extent of it but something that
has been carried out to fake a bombing in Manchester. That is what he is talking about when
he refers to the crime scene, but he was not cross-examined on that.

A

But in the interests of fairness, Your Ladyship will remember that having contemplated this over a short adjournment, I suggested that Mr Hall go back into the witness box where he could be cross-examined on this very point, but my learned friend declined to do so. The issue has been raised. The Claimants had every opportunity to cross-examine Mr Hall about it. They declined that opportunity, so I would say in the round the criminal defence must succeed because it has not been challenged.

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Steyn J: How does it fit with the evidence that Mr Hall gave by reference to his book (inaudible) which was suggesting that, that everything he is saying is not implying any, it is not making any moral judgment so it is not suggesting that anyone has actually done something wrong, it is just saying, so I think you will remember the, the passage that he referred to. How did that fit with the suggestion that this was investigating a criminal offence?

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Mr Oakley: Well, Your Ladyship having read the entirety of the book, I, I appreciate there is, there is a lot there. Certain things jumped out at, at me but I would not suggest that I have a comprehensive understanding of the arguments which Mr Hall puts but certain of his allegations are evidential. For example, the merchandise stall, for example, in the immediate aftermath of the explosion, there was a photograph of some doors at the venue which were unmarked, and later photographs sometime afterwards were apparently marked with shrapnel. So, he makes various observations on the physical evidence and then he is asking the questions, but he does not in most circumstances reach conclusions as to the motivations of the people involved. And certainly, if there is an issue around, say, the merchandise stall or the lack of shrapnel in the doors in the immediate aftermath of the event, then not everyone, not everyone, as he calls them the crisis actors, would all have been involved in that. Different people would have known different things. So, he asks the questions on the basis of the physical evidence which he can see and then in respect of each witness, I think there were over 200 mentioned in the book, he says that these witnesses to the inquiry have questions to answer, but he does not go into motive, and having read the book, Your Ladyship will be aware that there are certain allegations made as to, to motive, whether people had been spirited away etc.

But there is one other observation that, that I would make which is in court proceedings people do lie from time to time and it is, it is very common if you are cross-examining them

A that can be uncovered, but most people when they are giving evidence do not actually lie. What they have done is an incident has taken place, an important incident which then forms part of court proceedings and inevitably they start thinking about the matter and reconstructing the matter in their own mind, and they may be wrong in their reconstruction but that does not mean that they are lying or trying to mislead the Court. And in the same way I hope to, I think give a blanket assessment of Mr Hall's allegations, but there is a, a common thread through this book and indeed the videos of the crime scene that he is merely raising questions, and he is not accusing anybody of lying. My learned friend in his skeleton or in his closing submissions I think it was said, well, he says that Martin and Eve are lying, that was the word used in several places, but he is not actually doing that. And in my submission Your Ladyship has seen how he presents himself in court when giving evidence and he is being perfectly honest when he says that he has a couple of questions he wants answers, answers to those questions. It goes, it goes no more than that. It certainly goes no higher than that insofar as the Claimants are concerned and we are only considering the Claimants in the context of these proceedings of course. Forgive me Your Ladyship I am jumping around a bit.

(pause)

E **Mr Oakley:** Now, my learned friend, well, we, we both focused on the law in our provisional statements. My learned friend also focused on the law in his opening, and he has also focused on the law with his closing comments. I do not intend to go into those in detail to rebut them because I think largely speaking there is *one mind*, not least on the case of *Sube v News Group Newspapers Ltd & Express Newspapers* [2020] EWHC 1125 QB, or *Sube*, however it is pronounced, Your Ladyship will remember --

Steyn J: *Sube*.

G **Mr Oakley:** Is it *Sube*? I think it was paragraph 68. I went through all the criteria in paragraph 68 in my opening. We, we are both happy to rely on that and I do know, I see what the time is, but we both rely upon those. I, I say that my client enjoys the protection of those, but some additional points were raised by my learned friend in his skeleton or his closing comments. I will deal with them briefly. Paragraph 1.13, I think this is where there was reference to *Pirani* [full citation not said] but in any event the, the dicta are quite clear:

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“Unreasonableness appears to be a necessary but not sufficient quality of any conduct, see *Lord Phillips Master of the Rolls Lord Thomas* cited in *Pirani* at 144. The fact that conduct that is reasonable will not constitute harassment is clear from section 1(3)(c) of the Act. While that subsection based the burden of proof on the Defendant, that does not absolve the Claimant from pleading facts which are capable of amounting to harassment.”

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Well, I have gone through the chronology. The important thing is that the Defendant was quietly, at least insofar as the Claimants are concerned, coming up with his theories and publishing his book and his videos. He was not harassing them, and they were not aware of what he was doing until the summer of 2021. But his conduct was reasonable, and it is of supreme importance, paragraphs 31 to 33 of his witness statement, that he sent his book to the inquiry. He wanted these questions answered. Accordingly, it, it is very evident that his conduct has been reasonable. Paragraph 1.17, oh, I have dealt with this already, this is *Re S (A Child)* and I refer to *Abassi* [full citation not said] in response *Sube*, yes, 1196 or the paragraph 68 in *the volume*. Then I would make these observations in response to what is written at paragraph 1.19 to 10.1 on page 6 citing *Pirani*, it says:

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“It is a necessary element of harassment that it has caused the relevant effect, so an initial question would be has the claimant proved the actual harm claimed?”

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Well, it is my submission that the activities of Mr Hall have not amounted to harassment. What has actually caused the distress has been firstly, the police coming round perfectly properly in July 2021, and secondly, as far as Eve is concerned, the failure by her parents to shield her from these issues and the conscious decision to let her watch the Panorama programme. So, that of course is nothing to do with my client. And I would also endorse what is said at paragraph 4.4 on page 8:

H

“The conduct must be reasonable in all the circumstances prevailing at the times of publication.”

Well, of course it was. A very serious public inquiry has been set up and Mr Hall promptly sent his findings to that inquiry. Now, it may be the case that the inquiry having reached I

A suppose different conclusions after he sent in his observations, that might say all the observations made by Mr Hall in his book has been discounted and that is certainly the effect of the summary judgment, but at the time that he sent his book in these issues had not been addressed at all. It is perhaps unfortunate that, that they were not addressed but even though Martin Hibbert of course is Martin Hibbert and takes exception to his theories now, at the time of publication his conduct was perfectly reasonable. And also, I would agree with the dicta set out in paragraph 4.7 and 4.8 *Pirani* with reference to section 4 of the Defamation Act 2013. The quote is:

C **“The public interest defence to defamation extends protection to circumstances where the defendant has published defamatory imputations of facts which cannot be proved to be true. The Defendants, who have done that by making a statement on a matter of public interest reasonably, reasonably believing the publication of that statement to be in the public interest are immune from liability. The question of whether a belief is reasonable for these purposes brings in considerations to which I have alluded already bearing in mind the subject matter, the words used, the nature of the allegations and the role of the particular defendant. If the defendant conducts such inquiries as it is reasonable to expect of them in all the circumstances.”**

The answer to that question as posed in *Pirani* is yes, I would suggest. Your Ladyship will forgive me for a minute, this infernal machine seems to have turned itself off.

F **Steyn J:** (inaudible)

G **Mr Oakley:** Yes, and my learned friend also referred to the *Hayes v Willoughby* [2013]UKSC 17 dicta and in particular the headnote, which is at page 282 of the authorities bundle. I do not know if Your Ladyship’s (inaudible) is open.

Steyn J: Thank you (inaudible)

H **Mr Oakley:** (inaudible)

Steyn J: Yes.

Mr Oakley: Tab 12. And on the prevention or detection of crime point, again I would not read out the entire headnote, but I would highlight what is said at page 96:

“The correct test was to be found in the concept of rationality which applied a minimum of objective standards of the Defendant’s mental processes by importing requirements of good faith, a requirement that there should be some logical connection between the evidence and the ostensible reasons for the decision and an absence of arbitrariness, capriciousness or a reasoning so outrageous in its appliance of logic as to be perverse, but it follows that before an alleged harasser could be said to have had the purpose of preventing or detecting crime, he had to have thought rationally about the material suggesting the possibility of criminality and form the view that the conduct said to constitute harassment was appropriate for the purpose of preventing or detecting it, but if he had not engaged in those mental processes the law would not regard him as having had the relevant purpose at all since he had not taken all the necessary steps to form one.”

Mr Hall fits all square within that summary and I do stress that the various questions that he has raised, not just about the Hibberts because as I have said and I do not mean to belittle their history or condition, but his book is not about them. He has raised many issues, and I was aware of the inquiry at the time and the summaries in the newspapers and what have you, but the questions that are asked by Mr Hall and continues to be asked by Mr Hall still have not been answered. So, it is my submission that he fits all square within the dicta in the headnote at page 936. Who knows, perhaps there will be some further investigation into what he suggests, and in that regard, I would say that the matter is not closed simply because the Saunders report has concluded its inquiries.

We know that there was a report from Ms Kerslake commissioned by Andy Burnham, the Mayor of Manchester. As it happens, Mr Hibbert was very critical of the content of that inquiry and indeed I have also cited the initial Hillsborough inquiry, which was thankfully subsequently amended. Perhaps the Manchester inquiry has been closed for all time and the issue will never be raised again, perhaps it has not. But on the basis that these questions still remain to be answered, I would suggest that, particularly with reference to the article 9 and

10 rights, Mr Hall's protections, his ability to continue to mention his concerns should remain open to him. They should not be closed off.

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Now, Your Ladyship, I, I think that concludes my submissions. Is there anything else that the Court would like me to address?

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Steyn J: No, thank you *both very much*.

Mr Oakley: However, there is a, there is a, there is a slight tweak in that my learned friend handed me up, and I have lost it now, ah, here we are, he handed me up an authority.

C

Steyn J: Yes.

Mr Oakley: I, I am literally struggling, struggling to read this. I, I take note, but I make no point about it. He, he just handed it to me. It is very small text. I suspect he is going to refer to this in response, but I would like the opportunity to perhaps go somewhere that at the very least has better lighting --

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Steyn J: Yes.

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Mr Oakley: To read it before I reply. He, he literally just gave it to me before I stood up.

Steyn J: Yes. Well, as, as you have not had the chance to look at it, yes, if it is relied on, I will give you a moment to go and read it.

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Mr Oakley: I am grateful.

Court Clerk: Court rise.

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Steyn J: No, not right now.

(inaudible)

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Steyn J: So, I, I will, I will hear Mr Price's submissions first and then if this case is relied on, then I will hear his response in reply. Is that fair?

A **Mr Price:** Yes, Your Ladyship. I, I can be, well, I will be as brief as I can. I collected up 5½
points and, and I will go through them very quickly. The first is this, and it relates to the last
point being made, not the (inaudible) point, the point before that. It is not part of the claim
the Defendant sent his book to the inquiry. Had, had, had it been, then the complaint that this
B is not a defamation action might have been more forceful because of course there is a
straightforward defence to a defamation claim based on sending something to an inquiry.
But of course, it is not part of the harassment claim that he sent it to the inquiry and so if that
is relied upon as demonstrating the purpose of preventing or detecting crime, it is irrelevant.
What the Defendant has not done, and this was my observation relying on the headnote in
C *Hayes v Willoughby* is he has not given evidence covering how or why publishing his book
and videos serve the purpose alleged. That is my first point.

D My second point is about subsequent publications and what, it is a point of fact, but I have
to make it because it was said I think that when going through the chronology that the
November '23 video does not exist. It does exist. The Defendant in evidence admitted having
made the video. It is called Table for Two. It is at item 30 both in the transcript bundle and
the video bundle. His evidence was that yes, he made it, he made it and published it because
the Claimants had brought these proceedings. He had therefore started investigating them a
E bit more and produced this video. That was his evidence. That is my second point.

F My third point is a point of, is a point on, on, on the law. Whether or not it arises out of
submissions that were made about the chronology again, whether or not the Claimant needs
to be aware of the time of every instance of alleged harassment is the question. Now, that,
that only, that goes to the subjective element, because of course whether or not conduct is
objectively harassing conduct does not actually require it to have been witnessed. It is more
about his tendency. But in any event what I am going to ask Your Ladyship to do and not do
G now in case the Court should explore the point is to read paragraphs 150 to 153 of *Pirani*
which deal in the circumstances of that case with the, the subjective element in the, bearing
in mind one of the circumstances being the particular characteristics of that claimant,
although he was found to be quite robust, that how in any event his becoming aware of what
was happening about him not always in front of him was likely to have the relevant effect.
H That is at the, in the authorities bundle at pages 348 to 9.

Steyn J: Yes.

A **Mr Price:** Then bearing in mind what is said in *Majrowski* [full citation not said] at paragraph 66 which we touched on briefly yesterday, which is behind tab 10 at page 195 and this is, and also how it is dealt with in the case of *Genavat* [full citation not said], which is a very recent case.

B **Steyn J:** (inaudible)

Mr Price: *Genavat*. It is in the authorities bundle at tab 17, page 542, paragraph 170 of that judgment. Again, there is a need to look at the totality of the conduct and that, and that is why it is not always fruitful to go and, and look at whether on a particular date that a video was published it came to the Claimant's attention. That is my third point.

D My fourth point is about the availability of the services of this court in a data protection case that has not been litigated through the Commissioner, and that is to, my response to that is to direct the Court to article 79, article 79 of the UK GDPR which contains an explicit provision requiring the Court to provide a remedy irrespective of the views of the Commissioner and that is behind tab 3 of the authorities bundle at page 50.

E My fifth point --

Steyn J: I think there is also a correlative section, is there not, in the 2018 --

F **Mr Price:** In the --

Steyn J: Act.

G **Mr Price:** Yes, and I was sitting this morning and did not put my finger on it in our authorities bundle --

Steyn J: Right --

H **Mr Price:** But I can provide the reference post court, if helpful.

Steyn J: All right.

A **Mr Price:** But Your, Your Ladyship is quite right. But I, I mean the, the UK GDPR is itself, itself has applicable legislative --

Steyn J: Yeah.

B **Mr Price:** Effect so, but yes. So, my fifth point is about, well perhaps I will do that last, that is about (inaudible) On *Abbasi v Newcastle* [full citation not said] and the usefulness of it in this case, of course that, my friend relies on it I think as indicating the difficulty I might have in obtaining relief against his client through article 8 given the importance of open justice.

C And it is important to remember that is a case of a different nature. It is not a, it is not a private law case in quite the same way as this is. It is a case concerning open justice. It is a case concerning reporting restrictions, contra mundum relief under the Venables jurisdiction essentially rather like a case like *DXB (by his Litigation Friend CDG) v Persons Unknown* [2020] EWHC 134 QB in which Your Ladyship rejected a claim for contra mundum relief under article 8 but we are not in that territory here. We are not looking for contra mundum relief, we are not looking at a case that engages the open justice principle. The only derogation from open justice in this case is the least restrictive measure that (inaudible) protects them on more intimate information relating to Eve, which, which was not even resisted by the Defendant in any event. So, that, I say, is not either particularly relevant or particularly helpful. But if the Court is interested in the point, the principles are best set out in the case of *RXG* [full citation not said] which is a, a case I think postdated *DXB* and then a case called *D and F v Persons Unknown* [2021] EWHC 157 QB, the citation for which I can find, which was another open justice case in, in which the teenage killers of Angela Wrightson obtained contra mundum relief to protect their identities post their 18th birthdays on the grounds both that their article 8 and their article 2 and 3 rights were engaged, and there is a discussion there about how article 8 might apply. But, but in fact I say that, that *Abbasi* really is, is best left to one side because it is a unique and very exceptional jurisdiction. Bringing in its concepts to a case like this is not helpful.

H So then just on the final point which is about article 9 and whether or not I need to rely on the rather old commission, European Commission of Human Right authority that I handed up. The, my primary submission is, is actually that the Defendant has not brought himself within article 9 because the belief that he puts forward as protected does not actually meet the criteria set out in *Bailey*, which my learned friend relied on, that is in the authorities

bundle at page 623, 2, it is paragraph 286 of *Bailey*. There are the side criteria there which, with which I do not quibble.

A

The, it is perhaps worth rewinding a little bit and just looking at article 9 itself. It protects two things. It protects the right to hold a belief on the one hand, in which regard, the right is unqualified, and I do not understand that to be in issue in this case. I do not think it is said that we seek to curtail or interfere with that right, that aspect of the right and in fact we do not even if we could. So, it must be about the second aspect of the right which is the right to manifest a protected belief and that is not unqualified in any event. It is qualified in rather the same way as article 10 is qualified and a, an important qualification is that an interference with the right to manifest a protected belief may be interfered with in order to protect the rights of others rather, rather like article 10.

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And, but we do not even get to that stage because the Defendant's belief is not a protected belief. Your Ladyship has observed that, and it is a submission I was going to make, that the Defendant's evidence was very much that he was open to changing his mind if, if the facts change. I think that submission was made on his behalf during, during my friend's closing in any event. That should be the end of the matter. Even though he calls it a belief, it is really an opinion at best and in fact he is quite keen to call it an opinion when it suits him and he has also said that it is based on the current state of the information and that immediately excludes him from relying on it as a protected belief under article 9. But even then let us assume that it was, as is made clear in, as I have just made clear in my submissions, in manifesting it, he has not, he does not have free rein and the convention does not always guarantee the right to behave in the public sphere in a way which is dictated by such a belief. In fact, it is the tiny dictum that I take from the case that I handed up which is a Dutch anti abortion case. I will, I will turn to it because I anticipate my friend can deal with it.

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Steyn J: Just before you do, so, in relation to those five criteria at paragraph 286, is it just ii that you are relying on, but it is not in there or are there other criteria that you are (inaudible)

Mr Price: I, I am confident enough in 2 that I do not want to get into the other but I, I am not, I am not going to concede 4 certainly, or in fact 5.

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Steyn J: Yes.

Mr Price: I am happy to concede 1 for these purposes. So, very quickly turning to the old authorities. They are literally quite difficult to find, I have spent some time looking over and it is quite difficult to find a case where a defendant had asserted that, a theory such as this about a protected belief. I could not find one. The closest one gets to these are beliefs about things like gender ideology or some spurious religions like Pastafarianism. I have not come across a person theorising about current events in a way that the Defendant does in disputing the official narrative being put forward as a protected belief. This is a case about anti abortion campaigning which actually is much more the, the kind of belief system that might (inaudible) but it is a tiny, it is a tiny point I take from it. It is that the applicant complains that he was not allowed to stand in the vicinity of an anti, of a, of a clinic offering abortion services and distribute leaflets which included graphic content, and he was enjoined from so doing by the domestic court.

On page 2 under complaints, you can see how he, his complaint arose. The, the injunction prevented him from handing out leaflets and showing photographs which claim of expressing evidence religiously opinions about abortion in the vicinity of the clinic. He, in referring to articles 9 and 10, 9 is disposed of quite quickly under the law so and firstly 9 is set out there. The commission records that article 9 of the convention primarily protects the sphere of personal beliefs and religious creeds, ie the area which is sometimes called the forum internum. In addition, it protects acts which are intimately linked to these attitudes, that is in the second aspect which is qualified as I have said such as acts of worship or devotion which are aspects of the practice of religion or belief in a generally recognised form. Note, it does not fit naturally into that, but it should also protect the publication of material engaging the rights of third parties. That is not ordinarily the, considered to be intimately connected with a holding of a belief. The Defendant has not said that he is somehow religiously compelled to publish this material. However, in protecting the personal sphere, article 9 does not always guarantee the right to behave in the public sphere in a way which is dictated by such a belief. As I said, the Defendant does not say it is dictated by that belief *itinerant* the commission has constantly held that the term practice in article 9 does not cover each act which is motivated or influenced by or we would say motivated or influenced by does, is involved in this case a religion or belief. So, we say that it is not, it is not, it is not a natural fit and that this is really an article 10 case. So those, My Lady, are my submissions in reply.

A **Steyn J:** Thank you. Could, could I just ask the one question, there has been quite a, quite a few references to the Defendant *following this*, to what extent, if any, is your case based on what (inaudible) Mr Hall?

B **Mr Price:** So, we do not have a pleaded case based on for example social media activity resultant, and so and that is why there was not any disclosed. But it seems to be agreed between the parties in evidence that he does have a following. The, the following he does have engages on, engages in his theorising and accepts it and responds to it adversely to the Claimants and that I can use I think as evidence that a reasonable person in his position would, should understand therefore that their, their actions would have a relevant effect on **C** these Claimants because it is not just their own words published on their own website because inevitably it is going to invite followers to accuse him of lying, which has been done, which the Court has seen. So that I think is as far as we would put it. It is not, it cannot be ignored. It is artificial to ignore it.

D **Steyn J:** Yes. Thank you. Mr Oakley, would you like a moment to, to take a look at this authority?

E **Mr Oakley:** Yes, maybe ten minutes Your Ladyship? I, I hope we can wind the whole thing up before 1pm.

Steyn J: Yes, certainly. Thank you.

F **Court Clerk:** Court rise.

(adjournment)

G **Court Clerk:** Court rise.

H **Mr Oakley:** Thank you, Your Ladyship. I hope you will not tell me off for, I turned on my phone because I am missing two lights here. I can read it in daylight, I cannot read it in here. I have read it.

Steyn J: Yes.

Mr Oakley: Right. I think the difference in the case of --

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Steyn J: (inaudible)

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Mr Oakley: Is one of type because this, this chap was actually approaching people as they were entering the abortion clinics to persuade them on an individual basis not to have an abortion. So, it was a different, different type. Here, all that my client is trying to do is to suggest that there are questions to be answered and of course he sent those questions to the inquiry itself and those question remain unanswered. So, it is different in type, but equally, going back to the *Bailey* point and ii, I appreciate that there is a legalistic distinction between belief and simply an opinion, but it must be stressed that this is a legalistic distinction. What does belief mean and what does opinion mean? The use of the words is not definitive I would suggest. And indeed, from my general recollection of *Allison Bailey*'s case, she had broad overarching beliefs as they concerned gender theory and thankfully, she was allowed to continue to express those. In the same way, I have reiterated that throughout these proceedings it is not about the Hibberts. Mr Hall's activities are nothing to do with them, they are effectively small actors and that is not to belittle their history or condition in any way. That is the reality of the matter. But we have looked at this several times and it is the passage which my learned friend actually read out in relation to one of the videos, but it also appears in the book at page 409. What do I believe happened and, sorry I am looking at the actual book rather than the bundle, but I am sure Your Ladyship will remember what it said. What do I believe happened? And then he goes on:

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“This is a statement of my own personal opinion based on the evidence I have been able to find which has been presented in this book.”

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It is not necessarily a statement of absolute fact but of course Mr Hall is writing a book. He probably has not even heard, well, that may not be so, he may, he may have heard of *Allsion Bailey*'s case. He might have looked at the law report or the law report from *Grainger*, but what is the quality of his belief? I would suggest that it is actually summed up in the opening paragraph in the yellow section which says:

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“The 2017 Manchester Arena bombing was a well organised and well planned fake terrorist incident involving over 100 listed participants

or actors. The [the] participants had been coached and briefed on what their roles would be in the event.”

A

Many of the criticisms that he makes are nothing to do with the Hibberts, the example of the merchandise stall and the shrapnel in the doors having been raised in the course of these proceedings. But overall, that is his belief. It is quite clearly a belief and although he may be, as already indicated, a willingness to amend his publications at least in part, he may have amended them even more if the Claimants’ solicitors had engaged in further correspondence. Overall, that fundamental overarching belief is unlikely to change, and it is a belief for the purposes of ii in *Bailey/Grainger*. So, I do not think I have anything else to add, Your Ladyship. Is there anything that you would like me to address in the ...

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Steyn J: No, thank you very much, Mr Oakley. I think you are entitled to have the last word. I will reserve judgment, so it will be handed down in due course. I will let you both know through, through my clerk when that is ready. I am afraid it will not be ready by the end of this term, so it will be very early next time, term.

D

Mr Oakley: We are grateful, Your Ladyship.

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Mr Price: Thank you.

Court Clerk: Court rise.

F

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