

IN THE HIGH COURT OF JUSTICE

Claim No: KB-2023-002102

KINGS BENCH DIVISION

Media and Communications List

BETWEEN:

(1) MARTIN HIBBERT

(2) EVE HIBBERT

(by her mother and litigation friend Sarah Gillibard)

Claimants

- And -

RICHARD D HALL

Defendant

DEFENCE

Summary and Background

1. This Claim is brought by the Claimants against Mr Richard D Hall, the Defendant, a journalist, broadcaster and media producer. The Claimants purport they have claims under the Protection from Harassment Act 1997, the Data Protection Act 2018 and for misuse of what they claim to be “private information”. The Claim is denied.
2. The Claimants allege that their claims “are based upon conduct by the Defendant, including publications by him” in relation to the Claimants’ alleged “status as victims” of an alleged 2017 Manchester Arena bombing. The claim predominantly relates to the Defendant’s opinions as to what may or may not have occurred at Manchester Arena on 22 May 2017 and the entirely lawful and reasonable publication by him of those opinions about a matter which is clearly of significant public interest. The claims are denied and make very limited reference to or reliance upon any conduct or upon any specific statements of opinion by the Defendant made about either of the Claimants. Instead the Claimants purport to bring a claim in Harassment which is based almost

entirely on general observations, other statements and published opinions of a journalist and broadcaster, that is the Defendant, about an alleged incident in Manchester Arena as a whole, and in particular base most of their claim on what he believes to be untrue about the narrative which has been presented to the general public about that alleged incident. In summary the Claimants are seeking to bring a claim against the Defendant for being an independent broadcaster who has advanced opinions which are different from the narratives presented in the mainstream Television and print media about this incident, all under the purported guise of alleged harassment against them personally. This therefore amounts to censorship, or rather an attempt at it via the High Court of Justice. Accordingly, the claim is denied as an abuse of the process of the Court and should be struck out.

The Claimants

3. Paragraph 3 of the Particulars of Claim (the 'POC') contains assertions that the Defendant shall require the Claimants to prove, namely that they are related, their ages and in particular he disputes where they were on 22 May 2017. The Claimants claim they attended a concert by Ariana Grande on 22 May 2017 at the Manchester Arena (the 'Arena') yet the Defendant has seen no independent photographic or other evidence to show them in attendance at the concert or at the Arena on that specific time and date. The Defendant finds the lack of evidence of this kind most surprising given the use of mobile telephones and handheld devices which record film or photographs.
4. Paragraph 4 of the POC is denied. The Defendant avers that the incident involved a pyrotechnic type device, or at most a low impact bang, and as such no death or serious injury was caused to any person present or who was nearby. The Defendant disputes that there is any convincing evidence for either Claimant being present at the time or let alone of them being injured by it, whether seriously or at all, contrary to their claims. Further the Defendant avers that Mr Abedi, the alleged 'suicide bomber', was known to the Security Service ('MI5') from before the incident. The Defendant contends there is evidence that Salman Abedi did not die as a result of an accident, suicide or due to any other cause at this alleged incident. In summary the Defendant will assert that this incident was staged to simulate serious injury or death so this would be reported but without any fatality or serious injury actually having occurred. and that Salman Abedi was used as a willing and co-operative participant to carry out this scheme.

5. Paragraph 5 of the POC is denied. The Defendant avers there is no credible evidence the First Claimant was present at the Arena let alone seriously injured. The Defendant denies the First Claimant was permanently disabled on 22 May 2017 at the Arena and requires the First Claimant to disclose his medical records both prior to that date and after, to include all records of his alleged treatment and/or surgery. Accordingly, the Defendant also requires the First Claimant to prove he is paralysed and “wheelchair bound” as he claims, or has ongoing PTSD as he asserts, whether as a consequence of the alleged incident or any other or at all.
6. Paragraph 6 of the POC is denied. The Defendant avers there is no credible evidence the Second Claimant was present at the Arena let alone seriously injured on that date. The Defendant denies the Second Claimant “suffered a catastrophic brain injury” on 22 May 2017 at the Arena as she has alleged and thus requires the Second Claimant to disclose her medical records both prior to and after that date, to include all records of her alleged PTSD, her treatment, and her alleged 9 month stay in hospital after surgery.

The Defendant

7. Paragraph 7 of the POC is admitted. The Defendant graduated from Newcastle University with a degree in Electrical Engineering, he then worked in this field and afterwards in the field of Information Technology. Since 2008 the Defendant has worked full time as a Journalist, Researcher and Sky TV and Media Broadcaster.
8. Paragraph 8 of the POC is admitted in so far as it is alleged that the Defendant operates and is responsible for a website accessible at www.richplanet.net (the ‘Website’). In so far as any other matters alleged at paragraph 8 of the POC are concerned, the Defendant requires the Claimant be put to strict proof in order to prove the claims they have made.
9. Paragraph 9 of the POC is admitted save in so far as it is asserted that the Defendant produces as many as 12 in-depth programmes annually, rather the Defendant avers that his output has been somewhat less than this volume of programmes in recent years.
10. Paragraph 10 of the POC is required to be proved by the Claimants in the absence of full or further particulars as to which specific YouTube channel they are referring to.

11. Paragraph 11 of the POC is admitted save in so far as the Claimants are required to prove and provide full or further particulars as to which YouTube channel they refer to.
12. Paragraph 12 of the POC is admitted save in so far as the Claimants are required to prove and provide full or further particulars as to which YouTube channel they refer to. Furthermore, the Defendant avers that in recent years sadly he has not undertaken a UK speaking tour every year due to unfortunate interruptions or factors beyond his control.

The Inquiry

13. Paragraph 13 of the POC is admitted. Further the Defendant avers that the Inquiry is governed by the Inquiries Act 2005 and therefore pursuant to Section 22 of the Inquiries Act 2005 the Inquiry is not civil proceedings within the meaning of the Civil Evidence Act 1995 and/or the Civil Procedure Rules.
14. Paragraph 14 of the POC is admitted. Further the Defendant avers that at common law and in accordance with the well established rule in **Duchess of Kingston's case (1776)**, as affirmed in **Hollington v. Hewthorn & Co. [1943] KB 587**, the findings of courts, tribunals and inquiries are not admissible in subsequent proceedings. A judicial finding of fact made by one decision maker in one case, in this instance the Inquiry panel, is inadmissible in another case between different parties and therefore cannot bind the decision maker in a subsequent trial, where there may be different evidence. The reason for this is that it would be unjust for someone to have his rights affected by litigation or any kind of inquiry, to which he was not a party and in which he was not heard.
15. Paragraph 15 of the POC is denied by reason of the matters pleaded above. The Defendant avers that no unredacted CCTV footage or body-worn video of the immediate aftermath of the alleged incident at the Arena has been publicly disclosed such that there is no publicly available independently verifiable information of this kind to either confirm or deny that any persons died or suffered any serious injuries. Likewise the alleged post mortem evidence in the form of unredacted post mortem reports is also not publicly available and has not been adduced by the Claimants. Their claims are therefore denied and the Claimants are put to strict proof to prove their claims that a fatal bomb or explosive device causing significant injury or death was involved.

The Defendant's 'Assertions'

16. Paragraph 16 of the POC is denied save in so far as it is admitted by the Defendant that “[he] *has made a set of statements which have had the effect of undermining and discrediting the Claimants’ account of the events of the [incident] and its aftermath and...their accounts of...their injuries and involvement*” and that they are statements of opinion based upon the best evidence available to him as a journalist and researcher. The Defendant denies that “[he] disputes the veracity of every key element” of the incident alleged to have occurred at the Arena on 22 May 2017 as rather his opinion is,
- (a) *that there was a concert at the Arena on that date at which Ariana Grande performed in front of a considerable audience of concert goers.*
 - (b) *that Salman Abedi was present at the Arena City Room and at approximately 10:31pm dropped a rucksack containing some kind of device, which went off making a flash, producing smoke and making a bang.*
 - (c) *that a number of the persons who have claimed to have been present in the Arena City Room at that time were actually present but he has not seen nor is he aware of any convincing evidence that this includes the Claimants.*
 - (d) *that emergency services did attend but no one was seriously injured or dead.*
 - (e) *that notwithstanding the above, the device was not made of TATP and did not cause serious injury or death, Salman Abedi did not commit suicide, that Salman Abedi was well known to MI5 prior to the incident and that many of the minor injuries reported were fabricated.*
17. Paragraph 17 of the POC is denied. The Defendant in the Book and in the Film has provided what he in his honest opinion believes may have happened on the night of the 22nd May 2017 at the Arena City Room in Manchester. This opinion is his and his alone, it is reasonable and is honestly held, being based upon his assessment of the evidence and nothing else. This evidence is either readily and publicly available or has come to light during the course of his research. Furthermore the Defendant is a Journalist and Broadcaster who at all times has engaged in his work in a professional and reasonable manner following a protocol in relation to the evidence and his research

and has taken the utmost care to ensure that the same, together with his conclusions, which are only his opinions, are presented in a reasonable, logical and objective way. Accordingly the Defendant vehemently denies that he has “asserted” or intentionally, knowingly, recklessly or carelessly made incorrect, misleading, false or malicious statements of fact about the incident so as to amount to harassment of the Claimants. The Defendant avers that he cannot be held liable at law for honestly held and/or reasonable beliefs or opinions which are published in a moderate and reasonable way. In particular and in response to each of the alleged “assertions” sought to be relied upon by the Claimants, the Defendant will aver his statements of opinion were as follows:

- (a) At Page 13 of the Book, ‘Manchester: The Night of the Bang’, the Defendant offers the following opinion or suggested hypothesis based on the evidence,

“Former MI5 officer David Shayler has stated that Salman Abedi’s father was an MI6 asset codenamed ‘Tunworth’ who was paid handsomely for his part in a failed attempt to assassinate Colonel Gadaffi in 1996. Was/is Salman Abedi an intelligence asset.”

“I’ve had information from 3 independent sources, which suggest that whatever was used to make the bang was placed by someone who ran out of the foyer before it went off. If this is true, it means there was no suicide, nor any suicide bomber.”

“The first source is from a recording of the GMP radio comms, in which a GMP police officer states the following,”

““BTP Sergeant 2202 has been approached by a male, and who said it was an Asian male, put down a rucksack, and ran out of the area. Can I give you a description? ... it’s a -- an Asian male, described as -- just standby -- ...and wearing glasses, black baseball cap, and it was a large, black rucksack, which he said was hidden by the wall””

“The second source is from the BBC documentary, ‘The Night of the Bomb’, in which BTP PC Dale Allcock (2032) states the following,”

““ There was a gentleman, family man he was with his daughters. I asked him, I said what’s happened, and he said erm there’s a guy, I knew there was, I knew, I knew, there was something wrong with him. He said he threw his bag and there was a large explosion and he ran off. I’m thinking right he’s at large””

“Not only did the suspect flee the scene, it seems likely he was witnessed getting out of a car shortly before the bang. This is a section from the police radio comms,”

“ ‘reading the log we’ve had a call from a member of the public saying a short while ago he saw an Asian male get out of a grey Audi, get a rucksack on his back and run off in the direction of the arena ’”

“The police radio comms also reveal that the grey Audi was parked on Cheetham Hill Road outside ‘Land of Furniture’, (registration FV05 OPO). ‘Land of Furniture’ is just 250 metres from the foyer. After sighting the vehicle, the police do not report that anyone else was inside it. They did not go too close to the vehicle in case it was booby trapped. Sometime later, the same Audi vehicle was pursued by armed police, so it is likely that the same Asian male left the area in the grey Audi.”

“[At Page 17] The arrest took place at the crossroads of Trinity Way and Blackfriars Road, the location is marked on the map. Was this the arrest of Salman Abedi? I think it is likely.”

- (b) At Page 18 of the Book, ‘Manchester: The Night of the Bang’, the Defendant offers the following opinion or suggested hypothesis based on the evidence,

“TATP is an unusual explosive because it produces an entropic explosion, which means no light is given off, no flash, no smoke, no heat, the explosion is only blast.”

“I have studied many witness testimonies, and out of 21 witnesses who claim they saw the device go off, 10 report seeing a light or flash and 5 report seeing smoke (see Chapter 8.3). If any of these observations are truthful, then the explosive used was not TATP. How can all these witnesses be mistaken?”

“It is difficult to reconcile the eye witness testimony evidence with the official narrative...[h]owever, if your remit is to scare people and present something that that merely seems like a bomb, something that is more like a firework or pyrotechnic device is more in line with what people expect to see. What witnesses described was more like a pyrotechnic device, they did not describe a TATP device.”

“If the bomb was real and caused the damage that was reported, why have the authorities lied about the type of explosive used? I suggest the answer is, because the explosive was merely a pyrotechnic device, therefore the official narrative has to lie about the type of explosive used.”

- (c) At Page 12 of the Book, ‘Manchester: The Night of the Bang’, the Defendant offers the following opinion or suggested hypothesis based on the evidence,

“In the final sequence [of his camera-phone video], [Nick] Bickerstaff stands next to the bar underneath a TV screen. The concourse screens usually display a live feed showing the concert inside the arena bowl. Although it is not perfectly clear, it looks like the video screen above Bickerstaff’s head is showing the Ariana concert. If this is the case, then Nick Bickerstaff’s video was filmed before the bang, because the bang occurred after the concert had finished.”

“If you consider Nick Bickerstaff’s actions in his video, in my opinion he does not exhibit the behaviour of a parent looking for his child. After experiencing the adrenaline rush of realising your child is missing, would you start filming yourself on your phone? He walks past arena stewards without asking for their help. He does not try to phone his daughter.”

“I suspect Nick Bickerstaff filmed his video some time before the bang. I also suspect he was a crisis actor who was merely playing the role of a worried parent, and part of his remit was to film himself, so that his footage could be used in media reports. The Bickerstaff evidence suggests that there was foreknowledge of what was about to occur.”

- (d) At Page 27 of the Book, ‘Manchester: The Night of the Bang’, the Defendant offers the following opinion or suggested hypothesis based on the evidence,

“The still photograph released in mainstream media...was obtained by media company The Press Association via the Associated Press. It was uploaded to the apimages.com (Associated Press Images) website.”

“It is the only still photograph I am aware of that is alleged to show the aftermath of the event in the foyer.”

“Although there appears to be blood in various places, the photograph does not provide evidence of a casualty. Every participant in this image could merely be a crisis actor taking part in an exercise.”

- (e) At Page 246 of the Book, ‘Manchester The Night of the Bang’ the Defendant offers the following opinion or suggested hypothesis based on the evidence,

“[A] group [of allegedly involved and/or injured victims] was caught in...video footage. Firstly, running down the Victoria Train Station steps...then exiting the train station entrance...in both clips [an allegedly injured victim] is seen walking normally and briskly without any apparent injury. In both clips there is no blood seen to drip onto the ground.”

“Then some time later she sits down outside the station and suddenly blood appears on both of her legs. If the injuries were genuine, it would not be possible to run over 100 yards with your heart pumping without any blood being spilled.”

“It is my opinion based on this evidence that she was fitted with a device to allow fake blood to appear when activated.”

“She was one of the hospital ‘victims’ visited by the Queen 3 days after the event, and had a very sheepish demeanour when talking to the Queen.”

“This is an interesting group because their story is partly documented on video which has enabled me to compare the mainstream media version of events with the video evidence. It’s possible to see how the mainstream story does follow the sequence of what happened. They ran out of the foyer into the street and ‘realised’ their legs were injured and got help. But the video evidence shows that the official story can only be partly true. The injuries are unlikely to be real, because bleeding cannot happen the way we see it in the video. Both legs would not suddenly start to bleed profusely after running a distance of over a hundred yards without any bleeding.”

- (f) At Page 10 of the Book, ‘Manchester: The Night of the Bang’, the Defendant offers the following opinion or suggested hypothesis based on the evidence,

“According to first hand witnesses the Kerslake Report is incorrect. Showsec stewards diverted concert goers away from the foyer before the bang, not after the bang.”

“This, and other observations I will present, shed doubt on the motives of those who wrote the Kerslake report. Was the Kerslake report merely an attempt to re-enforce an official, pre-arranged narrative?”

“The fact that the foyer area was being controlled immediately prior to the bang, suggests foreknowledge that a bang was going to happen and suggests foyer participants may have been managed in readiness for a staged event. Policing the foyer doors may have been done so that only people who were part of a controlled event were present in the foyer before the event started. Controlling the foyer in this way would have prevented members of the public witnessing, filming or taking photographs of what happened in the foyer at 10.31pm.”

- (g) At Page 44 of the Book, ‘Manchester: The Night of the Bang’, the Defendant offers the following opinion or suggested hypothesis based on the evidence,

“There has been no evidence to date publicly presented, that I am aware of, which proves that any of the 22 died in the arena foyer. I would argue, based on evidence presented in this study, that it is more likely that most of the 22 have merely been re-located. Is it the case that some of the 22 died earlier than 22 May 2017 in accidents or from other causes?”

“If evidence is presented that any of the 22 did indeed die at the Manchester Arena I will update this book to include that evidence. If deaths have been faked, then there must be an explanation about what happened to those people, assuming they existed. If they are living in foreign countries with new identities, they may be difficult to find.”

“After researching information on all of the allegedly deceased people, I have theorised about how their deaths could have been fabricated, and what subsequently may have happened to the ‘victim’. The following is a list of possible general scenarios. These suggestions are stated as a hypothesis. The previously deceased victim... The apprentice child... The no ties victim... The surrogate victim... For all of these scenarios, names and appearances could have been changed.”

“All 22 ‘dead’ people might fit into one of the four categories outlined. In the analysis section I set out which category they might belong to and give reasons why.”

- (h) On his Website page titled ‘Response to Panorama Disaster Troll Programme’ the Defendant offers the following opinion on the evidence,

“I have studied the public inquiry, and to my knowledge the public inquiry has not provided to the public any images showing recognisable deceased people in the arena foyer, or images of any recognisable serious injury located within the arena foyer. In my opinion the public inquiry has not shown what actually happened in the arena foyer on 22.5.2017. The public inquiry organisers carefully redacted all of the important parts of the CCTV footage which would have shown what actually happened, before they released the images into the public domain.”

- (i) At Page 220 of the Book, ‘Manchester The Night of the Bang’ the Defendant offers the following opinion or reasonable suspicion based on the evidence,

“Was Hibbert really at the concert? There are no images of him at the concert that I have been able to find.”

“Very little has appeared in the media about Eve Hibbert. I am not aware of any images showing her in a wheelchair. The vast majority of ‘victims’ have had considerable media coverage, so I wonder why Eve has had none? Is there something about Eve that must be kept out of public view? This made me wonder whether Eve was really injured.”

18. Paragraph 18 of the POC is denied and the Defendant relies on matters pleaded above.

19. Paragraph 19 of the POC is denied and the Defendant relies on matters pleaded below.

The Defendant’s ‘Campaign’

20. Paragraph 20 of the POC is denied. Far from being guilty of harassing any individual by any “course of conduct” whatsoever, whether knowingly or at all, the Defendant’s only ‘crime’ is to have engaged in his professional occupation which is journalism. The Defendant as well as being a broadcaster and a media producer and presenter is also an author and researcher, an integral part of which is research and investigation. At no

stage did the Defendant act in a non-professional manner let alone breach any legal obligation as part of his work. The Defendant scrupulously adheres to an established and proper protocol which at every stage seeks to minimize, if not entirely eliminate, any intrusion or inconvenience to others. The Defendant therefore denies having engaged in any course of conduct amounting to harassment under the 1997 Act. Furthermore the Defendant cannot have engaged in the alleged course of conduct against the Claimants since 2018, as the Defendant knew nothing about them in 2018 only becoming aware of their identity and existence in mid-2019 at the earliest. To have specifically harassed the Claimants since 2018 as the Claimants allege, the Defendant would have needed to have waged such a “campaign” against persons who were then entirely unknown to him at the time and who’s identity and details he did not have.

21. Paragraph 21 of the POC is required to be proved by the Claimants save in so far as the Defendant will aver and admit that in early September 2019 as part of his enquiries as a journalist, researcher, broadcaster and author, he attended the street in which the *Second Claimant resides whereupon he knocked on the door of the property* in order to speak with the Second Claimant’s mother. The Defendant did not in fact speak with Sarah Gillibard or the Second Claimant (it was never his intention to speak to the latter) nor did he record or retain any film in or from a public place in which the Second Claimant was actually identifiable. This was an entirely legitimate and reasonable means of enquiry and therefore represents lawful activity on the part of the Defendant. Accordingly, the allegation of Harassment under the 1997 Act is vehemently denied.
22. Paragraph 22 of the POC is denied in so far as the Claimants allege harassment during 2018 and up to mid-2019 when the Defendant was not even aware of their existence or identity during this time period. The Defendant cannot have harassed persons who were then entirely unknown to him. Further albeit the Defendant admits having published the Book and the Film, as well as other films on various subjects, he adamantly denies having acted in a sensational or harassing manner towards anyone at any stage.
23. Paragraph 23 of the POC is admitted. The Defendant is a professional journalist and broadcaster and as such maintains a website, www.richplanet.net, on this website he has published the Videos listed. The Defendant will assert that Video (a) and Video (d), entitled “Hiding from Terror 2018 UK Tour” dated 15 June and “Brexit, Jo Cox, Manchester Arena “bombing” dated 18 May 2019 respectively, contain no reference to

either of the Claimants and in fact pre-date any knowledge on his part of either their existence or identity and therefore cannot constitute part of any course of conduct as alleged or at all and accordingly must be struck out from the Particulars of this Claim.

24. Paragraph 24 of the POC is admitted.
25. Paragraph 25 of the POC is denied in so far as it is alleged that the Defendant published the Book, "Manchester: The Night of the Bang", online on 27 March 2020. Paragraph 25 of the POC is admitted in so far as it is alleged that the Defendant published the Book, "Manchester: The Night of the Bang", in print on 27 March 2020.
26. Paragraph 26 of the POC is denied. The Defendant requires the Claimant to prove this.
27. Paragraph 27 of the POC is denied in so far as it is alleged that the Film includes any misleading statements of fact which the Defendant has either knowingly, intentionally, recklessly or carelessly "asserted" or made. Further it is denied that the Defendant by making and/or publishing the Film or any part of it has either knowingly, intentionally, recklessly or carelessly made any incorrect, misleading, false or malicious statements about the incident so as to amount to harassment of the Claimants. The Defendant avers that he cannot be held liable at law for honestly held and/or reasonable beliefs or opinions which are published in a moderate and reasonable way. In particular and in response to each of the allegations or "assertions" sought to be relied upon by the Claimants, the Defendant will aver as follows:
 - (a) The matters set out at Paragraphs 16 to 19 above are repeated herein ad seriatim.
 - (b) The Defendant has included only material that is reasonable, relevant and necessary. Furthermore in the absence of credible evidence to the contrary the Defendant does not accept that the First Claimant was injured in the incident as alleged or at all.
 - (c) The Defendant shall herein refer to the matters set out at Page 54 of the Book, 'Manchester: The Night of the Bang' where the Defendant offers his opinion and reasonable hypothesis based on the evidence as follows,

"Is it the case that Hibbert does have problems walking, but they are due to his long term spinal issues and not from injuries sustained in a bomb blast? Here is a picture of two of Martin Hibbert's scars...The straight-line scar on the right looks like an incision from back surgery near the T10 region. Did Martin Hibbert have a back operation to correct a T10 herniated disc which made his back worse?"

- (d) The Defendant shall herein refer to the matters set out at Page 54 of the Book, 'Manchester: The Night of the Bang' where the Defendant offers his opinion and reasonable hypothesis based on the evidence as follows,

"Hibbert was alleged to have been the closest person to the bomber who survived...The image above left is an X-ray allegedly showing nuts inside his body. Such an image would be easy to create using photoshop...I am not prepared to accept Hibbert's X-ray as a piece of reliable evidence."

- (e) The Defendant shall herein refer to the matters set out at the very start of the Statement Analysis video dated 16 May 2020, wherein notice is provided that,

"...opinions about the veracity of statements made by those involved in the 2017 Manchester arena incident. The opinions are not being expressed as factual claims. All the conclusions and assertions made concerning whether individuals have lied or have been untruthful are expressed as opinions."

- (f) The Defendant shall herein refer to the matters set out at Page 220 of the Book, 'Manchester: The Night of the Bang' where the Defendant offers his opinion and reasonable hypothesis based on the evidence as follows,

"Very little has appeared in the media about Eve Hibbert. I am not aware of any images showing her in a wheelchair. The vast majority of 'victims' have had considerable media coverage, so I wonder why Eve has had none? Is there something about Eve that must be kept out of public view? This made me wonder whether Eve was really injured."

- (g) The Defendant shall herein refer to the following matters which are contained in the Statement Analysis video dated 16 May 2020, including as follows,

"We think it's possible that, that's what Hibbert means when he says the Kerslake Report wasn't what I expected, he was possibly told he was going to be a hero having been shot...And he's not happy with the narrative that they've come up with"

28. Paragraph 28 of the POC is denied in so far as it is alleged that the Book includes any misleading statements of fact which the Defendant has either knowingly, intentionally, recklessly or carelessly "asserted" or made. Further it is denied that the Defendant by writing and/or publishing the Book or any part of it has either knowingly, intentionally, recklessly or carelessly made any incorrect, misleading, false or malicious statements about the incident so as to amount to harassment of the Claimants. The Defendant avers that he cannot be held liable at law for honestly held and reasonable beliefs or opinions

which are published in a moderate and reasonable way. In particular and in response to each of the allegations or “assertions” sought to be relied upon by the Claimants, the Defendant will aver as follows:

(a) The matters set out at Paragraphs 16 to 19 above are repeated herein ad seriatim.

(b) The Defendant has included only material that is reasonable, relevant and necessary. Furthermore in the absence of credible evidence to the contrary the Defendant does not accept that the First Claimant was “convalescing in hospital” as alleged or at all.

(c) At Pages 53-55 of the Book, ‘Manchester: The Night of the Bang’ an x-ray purportedly showing the First Claimant’s torso is reproduced (there is no definitive evidence the x-ray is of the First Claimant, as claimed or at all) and the Defendant offers his opinion or reasonable hypothesis based on the evidence,

“Hibbert was alleged to have been the closest person to the bomber who survived...The image above left is an X-ray allegedly showing nuts inside his body. Such an image would be easy to create using photoshop...I am not prepared to accept Hibbert’s X-ray as a piece of reliable evidence.”

“Hibbert is usually seen sitting in a wheelchair and has featured in many TV programmes. UKCT found a quote from Martin Hibbert on a physiotherapy website...it reads, “I have suffered with lower back pain for over 15 years, seen several so-called ‘specialists’ and been referred to numerous recommended individuals...because of the years of back pain and tension in my back, [he] had to apply a lot of pressure...”. From this we know Hibbert has had long term back problems and pain.”

“In one interview he states that the ‘bomb’ caused a ‘T10’ injury in his back. One very common condition that can cause severe back pain is a herniated disc. T10 is in the thoracic area of the back, and symptoms from a herniated disc in that region can lead to paralysis from the waist down.”

“Is it the case that Hibbert does have problems walking, but they are due to his long term spinal issues and not from injuries sustained in a bomb blast?”

“The straight line scar on the right looks like an incision from back surgery near the T10 region. Did Martin Hibbert have a back operation to correct a T10 herniated disc which made his back worse?”

“There are a number of what look like scars on Hibbert’s body, but again we cannot conclude how these other marks were created without more evidence.”

“The Bolton News reported about Hibbert’s condition on 01 July 2017, “He is paralysed from the belly button down, and will be dependent on a wheelchair. An x-ray

picture shows a metal item embedded in his spinal cord". Unlike other parts of your body, the spinal cord does not have the ability to repair. If he was paralysed from the belly button down due to a spinal cord injury...he would have been paralysed for life."

"Hibbert announced in December 2019 that he will be walking the Great North Run, a half marathon. Are we to believe that a miracle has occurred? Or should we suspect that Hibbert never lost the use of his legs?"

(d) At Pages 224-230 of the Book, 'Manchester: The Night of the Bang' the Defendant offers his opinion and reasonable hypothesis based on an analysis of a number of the First Claimant's public statements, this analysis suggests these accounts are unreliable.

(e) At Page 180 of the Book, 'Manchester: The Night of the Bang' the Defendant offers his opinion and reasonable hypothesis based on the evidence as follows,

"UKCT reports that [Georgina Callandar] lived in Chorley, had previously lived in Bolton playing girl's football for Bolton Wanderers. Martin Hibbert (Group 29) had also lived in Bolton, and ran an agency for female footballers. Is there a connection between Callander and Hibbert?"

(f) At Page 220 of the Book, 'Manchester: The Night of the Bang' the Defendant offers his opinion and reasonable hypothesis based on the evidence as follows,

"Very little has appeared in the media about Eve Hibbert. I am not aware of any images showing her in a wheelchair. The vast majority of 'victims' have had considerable media coverage, so I wonder why Eve has had none? Is there something about Eve that must be kept out of public view? This made me wonder whether Eve was really injured."

(g) At Page 220 of the Book, 'Manchester: The Night of the Bang' the Defendant offers his opinion and reasonable hypothesis based on the evidence as follows,

"Eve's mother is Sarah Gillbard and I located her Facebook page. Interestingly Sarah had absolutely nothing about the Manchester attack on her page and does not mention Eve or Martin either. Most Manchester 'victim's' 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."

29. Paragraph 29 of the POC is denied. The Videos (a) and (d) do not refer to the Claimants whatsoever and the rest, as well as the Book and the Film, simply provide the opinion and views of the Defendant in his capacity as an author, researcher and broadcaster as to what the likely sequence of events on 22 May 2017 was. This the Defendant will aver is reasonable and legitimate journalism / media produced in relation to an issue of significant public interest. The allegations of harassment under the 1997 Act are denied.
30. Paragraph 30 of the POC is denied. In accordance with the rest of his Defence, the Defendant shall aver that there never was any “campaign” of harassment, nor of any other kind, waged by him against any person in relation to the alleged incident at the Arena. All the Defendant has done is to carry out his job as a broadcaster and author in a professional and reasonable manner, he cannot therefore be guilty of or liable for harassment or any other crime or tort for that matter. Lawfully held and expressed opinions cannot constitute harassment nor invoke this law when reasonably conveyed.
31. Paragraph 31 of the POC is denied. In particular the Defendant avers that he has not acted in an unreasonable, oppressive and/or vexatious manner as alleged or at all, he denies that at all times he knew or ought to have known the same and/or that his alleged conduct amounted to harassment, which is denied, and further the Defendant expressly denies that either the Claimants generally, and/or the First Claimant specifically, have been caused “considerable anxiety and distress” or at all thereby, *inter alia* because as far as the impact of the Defendant’s work on him is concerned, the First Claimant himself has directly admitted that, “me being me, I laugh it off” and that, “I suppose I’m old school, sticks and stones I can take it”, on BBC Radio 4 in interviews dated 31 October 2022 and 05 March 2023 respectively. Further to and in accordance with the matters pleaded above the Defendant avers that there was no “campaign” by him against either Claimant. All the Defendant did was to engage in his work as a professional Journalist, Researcher and Broadcaster by publishing his opinions, conclusions and hypotheses as the Author and producer of the Film and the Book. These opinions and any other statements are reasonable and have been conveyed in a reasonable, moderate and correct manner throughout. The Defendant avers that he has acted reasonably and lawfully throughout.
32. Paragraph 32 of the POC is denied. The Defendant avers that his conduct was and is reasonable and thus he repeats the matters pleaded above as if traversed ad seriatim.

The Claim in Data Protection

33. Paragraph 33 of the POC is denied. The Defendant requires the Claimants to prove that *at all relevant times the Claimants were data subjects within the meaning of the UK GDPR and the Defendant was a data controller and/or that he processed any data.*
34. Paragraph 34 of the POC is denied. The Defendant avers that at all relevant times he complied with the data processing principles (the 'Principles'). The Principles require personal data to be processed lawfully, fairly and in a transparent manner and to be accurate. In accordance with the said Principles the Defendant took steps to erase any data which was not accurate or may not have related to the data subjects having regard to the purposes for which the data was being processed and will evidence the same.
35. Paragraph 35 of the POC is denied in so far as the Claimants allege that the personal opinions of the Defendant whether published on film or in a book are personal data belonging to the Claimants. The Defendant's assertion that the Claimants were not *injured or may have lied are his personal and professional journalistic opinions*, published as a researcher, broadcaster and author, and as such are not the personal data of the Claimants per se, further the Defendant asserts the Journalistic exemption as far as it is applicable within the meaning of the UK GDPR.
36. Paragraph 36 of the POC is denied. With regard to (a) the Defendant avers that the Claimant has not adduced and cannot adduce any reliable or definite evidence that the Defendant has processed any video recording of the First Claimant at her home or elsewhere, either on the date alleged or at any other time, notwithstanding, the Defendant shall aver that any recordings made during the course of his research were processed fairly, reasonably and for a lawful purpose and were erased where there could not be reasonable reliance on their accuracy or relevance to the said purpose. With regard to (b) the Defendant avers that alleged processing of the images and information about the Claimants medical conditions was fair, reasonable and accurate in all the circumstances given that this was publicly available information that was obtained and used for a journalistic purpose in respect of a matter of significant public interest and about which the First Claimant himself has given numerous radio, television and print media interviews about himself and the Second Claimant, the processing was therefore manifestly lawful and correct. With regard to (c) the Defendant avers that his personal

and professional opinions are not personal data per se, within the meaning of UK GDPR and thus he has not processed data other than in respect of any image or information upon which they may be based, in which instance he has acted fairly, reasonably, transparently and accurately and for a lawful purpose and thus is not in breach.

37. Paragraph 37 of the POC is denied. The Claimants' claims to damages arising from alleged injuries caused by or contributed to by the alleged incident at the Manchester Arena on 22 May 2017 are denied by the Defendant who therefore requires the Claimants to prove causation and each and every single element of damages claimed.
38. Paragraph 38 of the POC is denied. The Defendant avers that his published opinions, statements, research and conclusions were reasonable and within the parameters of what a reasonably minded person may conclude or publish especially with regard to his position as a journalist and broadcaster seeking to investigate and research the truth of matters of national interest and which in addition might prevent and/or detect crime. In which case the Defendant avers that they have not harassed any person, nor have they at any stage intended to harass anyone or been negligent or reckless as to the same, by means of any of their activity, conduct or publication, which was at all times entirely reasonable and lawful and thus for this reason they cannot be liable for harassment.
39. The Claimants' claims for damages, including aggravated damages for harassment and/or breach of data protection rights, as alleged or at all, and the Claimants' claims of injunction, costs or interest, as far as the latter is claimed but not specifically pleaded, are denied and the Defendant requires the Claimants to prove each as stated above.
40. Save as hereinbefore specifically admitted, the Defendant repeats the matters set out above and hereby denies each and every allegation contained in the POC as if the same were herein set out and traversed ad seriatim.
41. Further and in the alternative to the matters pleaded above the Defendant raises the defence of reasonable conduct in the particular circumstances pursuant to Section 1(3)(c) of the Protection from Harassment Act 1997, generally, and specifically avers that the Claimants have failed to discharge the particular burden or standard of proof required in cases of alleged harassment by media publication (claims of harassment by alleged abuse of media freedom) of which special category this claim demonstrably is.

42. Further and in the alternative to the matters pleaded above the Defendant raises the defence of conduct pursued for the purpose of preventing or detecting crime pursuant to Section 1(3)(a) (b) of the Protection from Harassment Act 1997, generally and will specifically aver in this regard *inter alia* that pursuant to Section 35 (2) and/or (3) of the Inquiries Act 2005 it is an offence for a person during the course of an inquiry to intentionally suppress, conceal, alter or destroy a relevant document or to do anything that is intended to have the effect of distorting or otherwise altering any evidence or document provided to the Inquiry panel or to intentionally prevent any evidence, document or other thing from being given, produced or provided to the Inquiry panel.
43. Further and in the alternative to the matters pleaded above the Defendant raises defences pursuant to the Data Protection Act 1998 and/or 2018 and/or the GDPR as follows: that the law does not or cannot recognise any duty of care, statutory or otherwise, owed by the Defendant to the Claimants in the relevant context (see **Smeaton v Equifax [2013] EWCA Civ 108**); that the Defendant did not receive any information that they knew or ought to have known was fairly and reasonably to be regarded as confidential; that the Defendant processed any alleged data reasonably and fairly at all times; that any alleged breach, which is denied, by the Defendant was trifling and/or trivial and/or of no consequence due to the acts of other third parties *inter alia* due to the prior publication and/or processing by them; that the Claimants failed to give notice and/or adequate notice as required under the said Act(s) and/or GDPR; that the Claimants' notice, the validity and/or existence of which is denied, and/or requests to cease processing and/or to erase any alleged data were or are manifestly unfounded and/or excessive and therefore the Defendant is under no obligation to comply; that there was no relationship of confidence or no sufficient relationship or connection between either of the Claimants and the Defendant to impose a duty upon him, whether statutory or otherwise; that the information and/or any alleged data that was allegedly processed and/or published by the Defendant was not confidential and/or did not belong exclusively to the Claimant(s) or in the alternative was already in the public domain; that the data was not such that the Claimants can assert a claim to any reasonable expectation of privacy and/or any reasonable and/or statutory right to cease processing; that exemptions and statutory defences of public safety and prevention of crime apply.

ROBERT BULLOCK

Statement of Truth

The Defendant believes that the facts stated in the Defence are true. The Defendant understands that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed: Richard D Hall

Name: Richard D Hall

Dated: 2/6/2023