

PETER JOHN REYNOLDS

Claimant

-v-

CHRISTOPHER BOVEY

Defendant

DEFENCE

References to paragraphs below are references to paragraphs of the Particulars of Claim unless otherwise stated.

1. The Defendant responds to the Particulars of Claim as set out further below, without prejudice to his primary contention that this whole action should be struck out as an abuse on the grounds that it constitutes a highly oppressive and disproportionate restriction on his right to freedom of expression under the common law and Article 10 of the European Convention on Human Rights on the following grounds:
 - 1.1 The words and images complained of constitute political expression and therefore attract an enhanced level of protection under Article 10. They are legitimate and valid criticisms about the Claimant, a politician who has placed himself in public office, which go directly to the issue of his suitability for leader of a UK political party purporting to represent the interests of thousands of people, which is a matter of great public interest and importance.
 - 1.2 Politicians, acting in their public capacity, lay themselves open to close scrutiny of their words and deeds and are expected to possess a thicker skin and greater tolerance than ordinary members of the public. This is especially so in the case of this Claimant, who has opened himself up more than others to comment and criticism - as particularised further below - by publicly expressing views which are deliberately provocative and conducting his political leadership in a manner which is obviously divisive and controversial.

- 1.3 In these circumstances, it is highly unreasonable for the Claimant to then issue court proceedings over any negative criticism or comment that arises, and to put the Defendant to the task of having to bear the burden of defending each and every allegation as true, or a matter of honest opinion, or protected by privilege.
- 1.4 Further and in any event, the comments and criticisms that the Claimant complains of in this case are no different to the many hundreds of similar comments and criticisms that have been made by others within the cannabis reform community since the Claimant became leader of CLEAR in 2011. All of the posts published by the Defendant related to matters that were so widely known amongst the people who would have read them, that they could have caused no or no further material damage to the Claimant's reputation.
- 1.5 In the premises, on the particular facts of this case, it would be a highly disproportionate interference with the Defendant's right to freedom of expression, and an abuse of the court's process under *Jameel* principles, to require the Defendant to have to incur the substantial time and expense of going to trial to defend these matters (particularly when there is little hope of cost recovery from the Claimant), as well as a plainly disproportionate and wasteful use of the Court's time and resources.

The Parties

2. It is admitted that the Claimant is a freelance writer and leader of the political party Cannabis Law Reform (CLEAR) which office he was elected to in February 2011. During his term of leadership, the Claimant has generated great controversy and public criticism by virtue of his personal views and leadership style. In March 2012, members of the CLEAR Executive Committee, including the Defendant, sought to remove the Claimant as leader. However, the Claimant responded by expelling the members concerned from the party. Save as aforesaid, Paragraph 1 is not admitted.
3. Paragraph 2 is admitted save that:
 - 3.1 Insofar as there is any implication by the use of the word "dealer" that the Defendant is engaged in any illegal business, such implication is denied. The Defendant is the owner of a number of successful companies in the UK, including the Totnes Hemp Company Ltd (a company selling cannabis seeds, legal herbal highs, incense and other related products); Inca Trading Ltd (a company involved in the sale of Solid State Drives for computers, and wholesale of herbs, teas and incense); Orange Systems Ltd (a company involved in the sale of computer peripherals); and Angelbird Technologies GmbH (which is based in Austria and specialises in the manufacture and production of Solid State Drives and other computer hardware).
 - 3.2 It is denied that the Defendant was expelled from the party by "*unanimous resolution*" or for "*repeatedly breaching its confidence and publication of confidential material*". Paragraph 2 above is repeated. In March 2012, after several members of the Executive Committee had resigned or been expelled

from the party by the Claimant, the Defendant and Greg de Hoedt - two of the four remaining members of the Executive Committee - attempted to table a vote of no confidence in the Claimant's leadership. However, the Claimant proclaimed the vote invalid stating that he had already suspended Mr de Hoedt from the party. When the Defendant objected to this, the Claimant announced that he had suspended him too. The Defendant was subsequently expelled from the party under the pretext that he had breached its confidences; however, it was plain that the true reason for the expulsion was the Defendant's attempt to remove the Claimant as leader.

4. It is admitted that on 29 March 2012, following the Defendant's expulsion from CLEAR, he engaged in a conversation on Facebook with other expelled or resigned members of the Executive Committee and wrote the words set out at Paragraph 3a. Save as aforesaid, Paragraph 3 is denied. The Defendant did not conspire with others to "*hijack*" the CLEAR website nor did he attempt to "*fraudulent[ly] transfer the domain name registration to his control*". The domain name was already controlled by the hosting company used by the Defendant (W.E.B.S Ltd) and was operated by the Defendant on behalf of CLEAR from as long ago as July 2011. It is further denied that the Defendant's words constitute or are capable of constituting malice towards the Claimant as alleged at Paragraph 3b, and in the premises, the entire paragraph falls to be struck out.

"Bovey18"

5. As to Paragraph 4:
 - 5.1 It is admitted that on 2 April 2012, the Defendant posted the image complained of on his "Chris Bovey" Facebook profile page.
 - 5.2 The Claimant's pleading that the image was published "*on the Facebook website*" is unparticularised and embarrassing, and is not a sufficient basis on which to establish actual publication of the image complained of. The Claimant must plead properly the identity of the person or persons to whom the material was published and how. For the avoidance of doubt, the Defendant neither admits nor denies but requires the Claimant to prove that the image complained of was published to a substantial number of people within the jurisdiction.
 - 5.3 Further, the Claimant has failed to particularise, as required, the basis on which he alleges he was identified as the subject of the image complained of, and the names of each and every publishee who understood the image to refer to him.
 - 5.4 Further and in any event, it is denied that the image complained of is defamatory or is capable of being defamatory of the Claimant. It is mere vulgar abuse and/or conveys no defamatory meaning; alternatively, it conveys

a defamatory meaning which does not meet the required threshold of seriousness for libel claims.

5.4 Further, the image would not have caused any or any material damage to the Claimant. The image was obviously absurd and/or made in jest, and no ordinary or reasonable reader would have taken it as conveying any actual or serious statement of fact.

5.5 As to subparagraphs 4a - 4c:

(a) Paragraph 4a is denied. The image is incapable of conveying any statement of fact, or expression of comment/opinion.

(b) It is denied that the image complained of bore, was understood to bear, or was capable of bearing, the meaning alleged at Paragraph 4b.

(c) Paragraph 4c is denied. This does not constitute a proper or permissible pleading of an innuendo meaning complying with the requirements of CPR PD 53 para 2.3(2) and falls to be struck out. The Claimant has failed to plead as required the relevant extraneous facts in support of the innuendo meaning, or the identity of the person or persons who are alleged to have had knowledge of the special meaning and the extrinsic facts.

5.6 In the premises, this cause of action falls to be struck out as disclosing no reasonable grounds for bringing the claim and/or as an abuse of the court's process and/or as failing to comply with the rules and practice directions.

5.7 Save as aforesaid, the paragraph is not admitted.

6. Paragraph 5 also falls to be struck out on the following grounds:

6.1 The Claimant has failed to set out clearly the words complained of and/or which parts of the email are alleged to be defamatory of him.

6.2 The Claimant has failed to plead the defamatory meaning(s) which he alleges were borne by the words complained of, as required by CPR PD 53 para 2.3(1).

6.3 In any event, it is denied that the email is defamatory, or is capable of being defamatory of the Claimant. It is mere vulgar abuse and/or conveys no defamatory meaning; alternatively, it conveys a defamatory meaning which does not meet the required threshold of seriousness in libel claims.

6.4 Further or alternatively, it is highly disproportionate and an abuse of the court's process for the Claimant to bring proceedings over such a publication. The Defendant's email was sent in response to an aggressive and unreasonable email from the Claimant threatening legal action and stating that he had reported the Defendant to the police and the Electoral

Commission for various offences (which the Defendant had not committed). The third parties copied into the email were ex and current members of the CLEAR Executive Committee who were also involved in the ongoing dispute over the Claimant's leadership and many of whom had also been threatened with legal action by the Claimant. In the premises, the email would not have caused any or any further material damage to the Claimant's reputation in the minds of those who read it.

6.5 Save as aforesaid, the paragraph is not admitted.

“Bovey 19”

7. As to Paragraph 6:

7.1 It is admitted that on or before 29 April 2012, the Defendant posted the image complained of on his Facebook profile page.

7.2 The Claimant's pleading that the material was published "*on the Facebook website*" is unparticularised and embarrassing, and is not a sufficient basis on which to establish actual publication of the image complained of. The Claimant must plead properly the identity of the person or persons to whom the material was published and how. For the avoidance of doubt, the Defendant neither admits nor denies but requires the Claimant to prove that the image complained of was published to a substantial number of people within the jurisdiction.

7.3 Further, the Claimant has failed to particularise, as required, the basis on which he alleges he was identified as the subject of the image complained of, and the names of each and every publishee who understood the image to refer to him.

7.4 Further and in any event, it is denied that the image complained of is defamatory or is capable of being defamatory of the Claimant. It is mere vulgar abuse and/or conveys no defamatory meaning; alternatively, it conveys a defamatory meaning which does not meet the required threshold of seriousness for libel claims.

7.5 Further, the image would not have caused any or any material damage to the Claimant. The image was obviously absurd and/or published in jest, and would not have been taken as an actual or serious statement of fact.

7.6 As to subparagraphs 6a - 6b:

(a) Paragraph 6a is denied. The image is incapable of conveying any statement of fact, or expression of comment/opinion. Alternatively, it conveyed true facts and/or represented an honest expression of the Defendant's opinion. See paragraphs 8 - 9 below.

(b) It is denied that the image complained of bore or was understood to bear, or was capable of bearing, the meaning alleged at Paragraph 6b. The ordinary and reasonable reader would not understand the use of the swastika in this context in a literal sense to mean someone who actually engages in or supports Nazi ideology.

7.6 In the premises, this cause of action falls to be struck out as disclosing no reasonable grounds for bringing the claim and/or as an abuse of the court's process and/or as failing to comply with the rules and practice directions.

7.7 Save as aforesaid, the paragraph is not admitted.

8. Further or alternatively, if and insofar as the said image made or contained the following comment or expression of opinion:

That the Claimant rules the CLEAR party in a petty, dictatorial and unreasonable manner and holds views of an anti-Semitic and racist nature, and is therefore like a "nazi";

the Defendant contends that it constituted honest opinion based on true facts generally well-known to the publishees, on a matter of public interest: namely, the Claimant's suitability as leader of the CLEAR political party.

PARTICULARS OF FACT ON WHICH OPINION WAS BASED

8.1 The term "nazi" is not used exclusively in a literal sense to refer to someone who is actually a Nazi or advocates and practices Nazi ideology. It is also used colloquially to denote certain personality traits and/or particular types of beliefs: including for instance, someone who acts in a petty, dictatorial, unreasonable, controlling and/or bullying manner; or someone who expresses views that are anti-Semitic, racist, bigoted and/or intolerant.

8.2 The Claimant has acted in a petty, dictatorial and unreasonable manner during the course of his leadership at CLEAR and has expressed highly anti-Semitic, racist, bigoted and intolerant views through writings on his personal blog and other websites, as particularised further below.

(i) The Claimant leadership of CLEAR

8.3 The Defendant repeats paragraphs 2, 3.2 and 6.4 above.

8.4 The Claimant has used his powers as leader to unfairly expel the following senior members from the party for having challenged his leadership or disagreed with his views or policies:

- Winston Matthews (June 2011)
- Sanj Chowdhary (January 2012)
- Greg de Hoedt (April 2012)
- the Defendant (April 2012)

Further, during the Claimant's term of leadership at CLEAR, the Claimant has banned a large number of CLEAR members and other individuals from access to the CLEAR Facebook group, for having publicly criticised or raised legitimate questions about the Claimant's leadership, including:

- Winston Matthews (April 2011)
- Alun Buffry (April 2011)
- Clara O'Donnell (August 2011)
- Sanj Chowdhary (Dec 2011)
- Brian Fluff Conlon (20 Dec 2011)
- Dean Marshall (Dec 2011)
- Billy Gartside (Dec 2011)
- Greg de Hoedt (Mar 2012)
- Katie Ion (April 2012)
- Des Humphrey (April 2012)
- Sam Armstrong (April 2012)

- 8.5 The Claimant has also repeatedly threatened members, activists and other individuals who have publicly criticised him, with police action and/or other legal proceedings, sending bullying communications to this effect. By way of example, he has reported and/or threatened to report the following individuals to the police for various purported offences under the Computer Misuse Act 1990, Malicious Communications Act 1988, the Representation of People Act 1983 and the Protection from Harassment Act 1998 and/or threatened them with civil proceedings. On each occasion, the Claimant's reports and/or threats were unreasonable and unmerited and, it is to be inferred, carried out solely on the grounds that he took exception to being publicly criticised or having his leadership undermined:

Police reports

- (a) In or around November 2011, the Claimant reported Julian Purcell, who is a medical user of cannabis to the police for an alleged criminal offence under the Representation of People Act 1983.
- (b) On or around 30 March 2012, the Claimant reported the Defendant, Des Humphrey, Sanj Chowdhary and Greg de Hoedt (previous members of the CLEAR Executive Committee) to the police for "criminal conspiracy" and "multiple offences under the Computer Misuse Act 1990". The investigation was dropped with no further action taken.
- (c) On or around 30 March 2012, Orson Boon, who ran the London Cannabis Club (a non-governmental organisation concerned with cannabis reform) and a member of NORML UK, was reported to the police by the Claimant for alleged criminal offences under the Computer Misuse Act 1990. The investigation was dropped with no further action taken.

- (d) On or around 30 March 2012, Levent Akbulut, who was the National Co-ordinator for Students and Sensible Drugs Policy from 2008 to 2011, was reported to the police by the Claimant for an alleged criminal offence under the Computer Misuse Act 1990. The investigation was dropped with no further action taken.
- (e) In 2011-2012, the Claimant threatened to report Edwin Stratton to the police for posting public criticisms of him online.

Civil proceedings

- (f) In or around June 2011, Alun Buffrey, who had ran the predecessor party to CLEAR - the Legalise Cannabis Alliance (LCA) - from July 1999 to March 2011, was threatened with legal proceedings by the Claimant for alleged copyright infringement for posting videos on his YouTube channel. The Claimant's complaint, however, was immediately dismissed by YouTube.
- (g) In January 2012, the Claimant threatened to commence defamation and malicious falsehood proceedings against Sarah McCulloch for articles she had published online containing legitimate criticisms about the Claimant.

(ii) The Claimant's anti-Semitic and racist views

8.6 The Claimant maintains a personal blog at www.peterreynolds.wordpress.com ("the Blog") on which he has written prolifically over the past few years and expressed views on numerous issues; in particular, on politics and the media. Over the course of his writings, the Claimant has frequently expressed views which can properly be described as anti-Semitic, racist, bigoted and/or demonstrating an extreme intolerance towards other cultures and races.

8.7 By way of example, as particularised further below, the Claimant has:

- (i) Repeatedly made offensive and highly derogatory generalisations about 'Israelis', 'Jews', 'blacks', 'Muslims', 'Pakistanis' and 'immigrants';
- (ii) Referred to 'Jews' and 'Israelis' as "evil";
- (iii) Advocated extremely violent views to the effect that suicide operations are a "justified" and "heroic" response to Israeli acts of aggression, and that the people of Israel should be "pulverised into submission";
- (iv) Repeatedly described the people of Israel as "Nazis" and of Israel as a "Nazi power", and described what is happening in Gaza as comparable to or the same as the Holocaust;
- (v) Has referred to the people of Pakistan as 'Pakis'; and referred to a friend as a "jet black Jamaican";

- (vi) Advocated the use of “*unrelenting and merciless force*” and the use of nuclear weaponry against the people of Pakistan in order to “*blast these evil Islamists off the face of the earth*”;
- (vi) Said that he was “*horrified*” when he drove through an area in London which was “*swamped with immigrants*” and stated that ‘*multiculturalism*’ was a “*dreadful*” word.

8.8 It would be disproportionate for the Defendant to have to identify in this Defence each and every occasion that could be relied on to demonstrate the Claimant’s anti-Semitic, racist, bigoted and intolerant views, but the following will suffice as examples:

- (a) “Plod - the truth about our wonderful police force”, 15 July 2008, published on the Claimant’s Blog:

“I think “institutional racism” was probably a fair criticism but then it was born out of the fact that the majority of street violence and crime was carried out by young black men – and still is. If I was a policeman I’d probably be “stopping and searching” more blacks than whites. It wouldn’t be my job to worry about the causes and the social whys and wherefores. My job would be to protect the public.”

- (b) “Back On the Wire”, 2 January 2009, published on the Claimant’s Blog:

“I pray for the people of Palestine. I curse the evil Jews.”

- (c) “Anne Frank – The BBC Gets It Wrong Again”, 5 January 2009, published on the Claimant’s Blog (the Claimant further tagged the blog post with the words “evil Jews”):

“Isn’t it inappropriate, insensitive and downright crass of the BBC to be broadcasting “The Diary Of Anne Frank” at a time when Palestinian children are being murdered by the Jews?”

Israel is behaving as a Nazi power. Gaza is the equivalent of the Warsaw Ghetto. For pity’s sake, 10 paramedics have been killed since the brutal, inhuman land invasion.

In other respects the BBC is so oversensitive as to be absurd. When John Sergeant resigned from “Strictly Come Dancing” it immediately offered refunds to anyone who had voted for him yet now, while women and children are massacred in Gaza by the evil Jews it wants us to watch this?”

- (d) The Claimant was the subject of fierce criticism over the contents of the above blog post and he subsequently sought to amend the post, substituting the words “evil Jews” with “evil Israelis”. Later in September 2012, during the Corby by-elections in which he stood for candidacy, he claimed that the original blog post containing the words “evil Jews” was a “forgery”, which was a blatant lie.

- (e) “An Alternative Strategy for Israel”, 5 January 2009, published on the Claimant’s Blog:

“Instead of committing genocide, instead of murdering hundreds of innocent women and children, instead of your ridiculous, inane, self-defeating behaviour, instead of condemning your nation to everlasting shame and ignominy, why not try this?”

Your much vaunted special forces and Mossad take the responsibility themselves. No tanks, no F16s, no naval bombardment. No more cowardice. I am sure that Britain and the US will provide support. One SAS squadron sacrificing itself in the name of humanity can achieve infinitely more than you very small, very pathetic, very evil little men can even conceive. Send in dozens, perhaps hundreds of special forces to take out the rocket launchers and the Hamas leaders. They probably suffer dozens, perhaps hundreds of casualties but as trained soldiers that is their purpose. It is not the purpose of women and children to die for your perverse, thuggish political ends.

I truly believe that Israel has now gone beyond redemption. Nothing can forgive what you have done. I can deal with you as individuals, many of whom will be against what has been done in your name but as a nation you are now pariahs, outcasts and monsters. “Vengeance is mine sayeth the Lord” and it is coming to you Israel, sooner or later, it is coming. Ehud Olmert, Ehud Barak, you will get what you deserve.”

- (f) “What can we do about the Zionist Nazi Pigs?”, 26 January 2009, published on the Claimant’s Blog:

“Displaying their cynical cowardice and fundamental immorality, the Nazi Israelis withdrew their troops just in time for the inauguration. Behind them they leave a trail of war crimes for which they must be held to account. Any decent person would find it difficult to imagine how any group could behave so badly as to overshadow the evil perpetrated [sic] on them in the Holocaust but you bunch of brutal, evil thugs have surprised us all

Israel is now the Nazi power in the world. It is beyond forgiveness or redemption. Gaza is the new Auschwitz. The only difference is that your method of death is not Zyklon B. It may be bullet, shrapnel, falling masonry, illegal phosphorous bomb, starvation or something else.

Israel is running a death camp in Gaza and those responsible must be held to account as the Nazis were.”

- (g) “Keep the Church Out of Elections”, 24 May 2009, published on the Claimant’s Blog:

“I do not support the BNP but I defend its right to state its case and campaign for election. I have considerable sympathy with its complaint that it is not considered racist to have a black association or a Muslim group but the BNP is branded racist for seeking to represent the white British. This is unjust.”

- (h) “Politically Correct Fools”, 22 Oct 2009, published on the Claimant’s Blog:

It is a crazy and entirely self-defeating idea to protest at the appearance of Nick Griffin on Question Time.

Similarly, to complain of the BNP’s use of World War II images and propaganda is just nonsense. Those who cling to the oily and sticky ideas of political correctness prove themselves to be fools again and again.

I’d rather have some straightforward anti-Nazi nutter chanting in my face than these slimy, unpleasant, dishonest, machiavellian meddlers. These creeps who stir up opposition even to the BNP’s existence, who are so utterly hypocritical in their wish to censor and repress the BNP. Are they so insecure in their own beliefs that they think the BNP can ever make any real progress?

...I think Nick Griffin is a pretty dubious and unpleasant character. I would like to hear more from him about his policies and I’d like to see him quizzed by Andrew Marr or Jeremy Paxman. At present I don’t understand exactly what he really advocates. Like millions of British citizens, I do not consider myself a racist but I do believe in Britain for the British. I don’t understand why a Muslim Lawyers or a Black Police Officers organisation is OK but an organisation for white British is denounced and reviled.

This debate needs to be aired. We need to hear more from Mr Griffin so that we can make up our own minds. Those who seek to silence him are their own worst enemies.”

- (i) “Abandon Afghanistan Now!”, 5 November 2009, published on the Claimant’s Blog:

“As for Al Qaeda and the threat of a renegade nuclear Pakistan, let us install a small but powerful contingent of our most heavily armed troops, garrisoned in impregnable fortresses. In conjunction with our allies they should be equipped with the very best that we have. Mostly they can observe and use pilotless drones to interdict where necessary. All movements should be done by helicopter because we have no real interest in “hearts and minds”. When necessary, overwhelming, unrelenting and merciless force must be used against our enemies and yes, let our men have battlefield nuclear weapons too. We need to blast these evil Islamists off the face of the earth. There is no more time for patience or consideration or concern.”

- (j) “The State of Our Nation”, 4 January 2010, published on the Claimant’s Blog:

“I am not a racist. My oldest friend is a jet black Jamaican. However, on New Year’s Eve, when I drove down from my parents’ house in Hertfordshire to see that self-same friend in Maida Vale I was horrified at what I saw on Kilburn High Road. Even more so than when I lived there, nearly three years ago, it has been swamped with immigrants.

Right through London there was barely a white face to be seen. The vast majority of women were wearing hijab. Nearly every car contained an asian face with what seemed to me to be an unnaturally large amount of headroom. Muslim culture seems to predominate. I feel isolated in my own country.

I remember when I attended my son's graduation at UEA in June, perhaps half the faces that went to collect a degree were oriental. I don't care if they paid for the privilege, there are too many of them! We have lost our balance.

If our idiotic politicians cannot see what is wrong then I despair. They have neglected and damaged our nation through ridiculous adherence to political correctness. I want my country back.

Islam has become a source of great evil in the world and it is time we reconsidered our patience and tolerance of it. We have been taken advantage of. The idea that Sharia law should have any force in Britain is outrageous. "Multiculturalism" is not only a dreadful word but an idea that is making no sense. Immigrants don't want it either. When they come here they want to group themselves into ghettos. They separate themselves from our national culture. They want all the benefits of what we stand for without any responsibility."

(k) The Claimant again was the subject of fierce criticism over the contents of the above blog post and sought subsequently to amend the post in order to make it appear as though his views were more moderate than they were and to add some 'balancing' statements; self-evidently, to deceive people into thinking this is what he had originally written. However, the amended post was just as incendiary as the original version.

(l) "Send British Troops to Gaza. Nazi Israel Must Be Stopped", 31 May 2010, published on the Claimant's Blog (the article was illustrated with a picture of the Nazi flag, with the caption "Israel"):

"The Israeli pirate assault on aid ships seeking to relieve the besieged people of Gaza is just the latest atrocity from this vile and inhuman regime...

British troops would be better employed in crushing the evil Israelis than they are in fighting the Taliban. If we do not stand up against the great Nazi evil that Israel has become then we have no right to call ourselves civilised...

Suicide bombers against Israeli targets are equally as justified and heroic as any suicide mission against the Nazis in the Second World War.

This may well be my generation's equivalent of the Spanish Civil War. Give me a chance to fight against the fascist Israelis and I don't see how my conscience could deny it. They need to be given a dose of their own medicine and pulverised into submission...

It is clear that the worlds made a great mistake in establishing the state of Israel. Perhaps we should have left them to their fate."

(m) Again, the blog post above was the subject of severe criticism by its readers. A number of users posted comments under the article, to which the Claimant posted his responses as follows:

- 31 May 2010: *"I am sorry to hear that your sister-in-law is under threat and I pray for her safety and that of all people of peace in Israel BUT... They are in exactly the same position as those good and decent Germans who found themselves living under the Nazi regime in the 1930s."*
- 1 June 2010: *"I am not a Jew hater. I don't hate anyone except those who are evil. Any action against the Nazi state of Israel is heroic and, I repeat, in this context, suicide bombers are heroes just as those who went on suicide missions against the Nazis in the Second World War."*
- 2 June 2010: *"Here in the UK we opened our country to hundreds of thousands of Pakistanis yet in return we have evil Islamic fundamentalists preaching hate against those who welcomed them. Pakistan itself seems to be in a state of complete anarchy. Like many I have lost patience. I think we should withdraw from Afghanistan and Pakistan and let them get on with bombing and murdering each other as they want to – but come near us and expect ultimate retribution! In a sense the Israeli problem should be easier to deal with because the problem is a renegade, criminal state. In your region it is more difficult because it is tribal, across national borders and anarchic. Do I have the solution? No but I am certain that we must depose the fascist Israeli regime and we must continue to "take out" the monsters of Al Qaeda. The governments in your region are deeply corrupt and incompetent."*
- 22 June 2010: *"The extraordinary thing about the current Israeli regime is how its behaviour has become the very thing which it fought against. The comparison with the Nazi regime is not anti-semitic or insensitive. It is a deliberate, appropriate and accurate description of the tragedy that Israel has become. Yes, I do believe that now there is a more pressing need to push back the evil Israeli state than the Taliban. Gaza is the biggest concentration camp the world has ever seen where Israel oppresses the Palestinian people just as, for example, the Nazis oppressed the Jews in the Warsaw ghetto. In these circumstances the Palestinians are fighting back using any means available to them, just as the Jews did."*

(n) "What's Good for Al Qaeda Is Good For the Israelis", 2 June 2010, published on the Claimant's Blog:

"We seem to accept the taking out of Al Qaeda leaders (and their wives and children) with drone-launched missiles. See the story about Mustafa Abu al-Yazid [here](#). Why aren't we going after the Israeli leaders in the same way? There's no difference between them. They're all evil, Godless terrorists."

- (o) The Claimant posted the following comment on 4 June 2010 under his blog post "Israel must stop":

"One thing that's crystal clear, the world made a mistake when it created Israel. Never has there been such a bunch of ungrateful, paranoid, argumentative, difficult time wasters. Believe me, most of the civilised world now wishes we'd never bothered. You're just trouble from beginning to end."

- (p) The Claimant posted the following comment on 12 June 2010 under his blog post "The Young Apprentice":

"So it's finished. The little Paki boy won..."

- (q) "Compassion fatigue", 13 August 2010, published on the Claimant's Blog (illustrated with a painting of Noah's Ark with the caption "Let The Rest Of Them Drown") in which he commented on media coverage of the Pakistan floods:

"Like it or not, Pakistan doesn't have the best reputation in the world. Of course, the individual tragedies are heart-breaking but there's no great groundswell of public sympathy for a country that is the origin of so much evil in the world."

A religious zealot might suggest that the rains should fall on Pakistan and Israel for weeks on end so that the world might be cleansed of its infection."

- (r) "Pakistan Synonymous With Corruption", 30 August 2010, published on the Claimant's Blog:

"Look at the chaos and evil that this country is causing our world!

From the most wicked international terrorism to the genteel sport of cricket, the pernicious and evil influence of Pakistan is everywhere.

It is a flaw in its culture and the character of its people. Not all Pakistanis are wicked but too many of them are and evil influence has been allowed to flourish in its society.

This is not racism. It's not about the race of the Pakistanis. It's about their nation."

- (s) The Claimant said the following words in an email sent to members of the CLEAR Executive Committee on 31 December 2011:

"Abso-bloody-lootely spot on the Paki bashing button, Senor Chowdhary."

- (t) The Claimant posted the following comment on his Facebook profile on an unknown date in or around 2011-2012:

"Eren, you're right but wild accusations of being a racist are thrown about everyday with no consequence. Post on Facebook calling

*someone a n****r and you can be banged up straightaway. That is not equality”*

- (u) “Bigotry, Prejudice, Hatred and Prohibitionists Come in Many Disguises”, 2 January 2012, published on the Claimant’s Blog:

“The accusations of racism [sic] and homophobia are entirely false. I could present a host of evidence to prove my “innocence” but the trolls and liars twist everything. My oldest and best friend IS a Jamaican. If Terry got his hands on some of the individuals that have been making foul slurs against me, they would not enjoy Jamaican justice. Two examples though – I used to live on a road called The Chase, just off Clapham Common. When the Gay Pride event was held there in, I think it was 95 or 96, I was a steward. When more recently I lived in Notting Hill and all my friends and neighbours were black, they used to call me a “wigger”, a “propa black white man”.

9. Further or alternatively, if and insofar as the image in its natural and ordinary meaning bore or was understood to bear the following meaning it was true in substance and fact:

That the Claimant rules the CLEAR party in a petty, dictatorial and unreasonable manner and holds views of an anti-Semitic and racist nature, and can therefore fairly be described as a “nazi”.

PARTICULARS OF JUSTIFICATION

- 9.1 The Defendant repeats paragraphs 8.1 to 8.8 above.
- 9.2 In addition to those individuals referred to at paragraph 8.4 above, the Claimant has continued after publication to ban further members, activists and other individuals from the CLEAR Facebook group for having publicly criticised or questioned his leadership:
- Indigo Hawk (June 2012)
 - Richard Shrubbs (July 2012)
 - Alan Wylie (29 Sep 2012)
 - Daniel Hilton (18 Feb 2013)
- 9.3 In addition to those individuals referred to at paragraph 8.5 above, the Claimant has continued after publication to report further members, activists and other individuals who have publicly criticised or questioned his leadership to the police and/or brought or threatened civil proceedings:
- (a) On or around 26 May 2012, the Claimant reported Clark French, who is a medicinal user of cannabis who suffers from multiple sclerosis, to the police for an alleged criminal conspiracy to seize control of the CLEAR website and for alleged fraudulent transfer of the CLEAR UK domain name.
- (b) On or around 4 September 2012, the Claimant reported Tina Mendes, who is the NORML UK medical director and also a medical user of

cannabis, to the police for an offence under s.1 of the Malicious Communications Act 1988 over a posting on her Facebook page. No action was taken by the police in respect of the complaint.

- (c) In January-February 2013, the Claimant repeatedly threatened Alan Wyllie, the founder and author of the Politics UK website, with defamation proceedings for having published articles criticising the Claimant's views and conduct.
 - (d) On 1 February 2013, the Claimant threatened Orson Boon of the London Cannabis Club with legal proceedings if he continued to make allegations of racism and homophobia about the Claimant online.
 - (e) On 5 February 2013, the Claimant issued defamation proceedings against Sarah McCulloch and Greg de Hoedt for the same or similar words that have been complained of in these proceedings.
10. The Defendant will rely, if necessary, upon the provisions of sections 5 and/or 6 of the Defamation Act 1952.
11. The pleading at paragraph 7 is not a proper form of pleading which goes to any issue in the case and therefore falls to be struck out. For the avoidance of doubt, however, the matters stated in that paragraph, and the subparagraphs thereunder, are denied.

"Bovey43"

12. As to Paragraph 8:
- 12.1 It is admitted that the Defendant published the said words on YouTube on or around 9 May 2012. It was posted under a video promoting the Claimant and CLEAR.
 - 12.2 The Claimant's pleading that the material was published "*on the YouTube website*" is unparticularised and embarrassing, and is not a sufficient basis on which to establish actual publication of the words complained of. The Claimant must plead properly the identity of the person or persons to whom the words were published and how, and for how long the post complained of remained online. For the avoidance of doubt, the Defendant neither admits nor denies but requires the Claimant to prove that the words complained of were published to a substantial number of people within the jurisdiction.
 - 12.3 In default of the Claimant pleading a proper basis for publication, the cause of action falls to be struck out.
 - 12.4 As to subparagraphs 8a - 8c:
 - (a) Paragraph 8a is denied. The words are factually accurate and/or supportable comment/opinion. See paragraphs 13-14 below.

- (b) It is denied that the words complained of bore or were understood to bear the meaning alleged at Paragraph 8b.
- (c) Paragraph 8c does not constitute a proper or permissible pleading of an innuendo meaning complying with the requirements of CPR PD 53 para 2.3(2) and the pleading rules for defamation, and falls to be struck out. It is further denied that the words complained of bore or were understood to bear the natural and ordinary meaning pleaded therein.

12.5 Save as aforesaid the paragraph is not admitted.

13. Further or alternatively, if and insofar as the said words in their natural and ordinary meaning bore or were understood to bear the following meaning (alternatively, the meaning pleaded at paragraph 8b of the Particulars of Claim) they are true in substance and in fact:

That the Claimant has lied, has a conviction for fraud and/or similar or related offences; has expressed views of a racist and homophobic nature; has behaved like a bully and has reported medicinal users of cannabis to the police.

PARTICULARS OF JUSTIFICATION

(i) The Claimant's lies

13.1 Paragraphs 3.2, 8.8(d), 8.8(k) above and 13.4(c) below are repeated.

(ii) The Claimant's convictions

13.2 The Claimant has a prior conviction for fraud and/or an offence of dishonesty:

- (a) The Claimant has publicly admitted in interviews to having a conviction for "an offence of dishonesty" dating back to around 1999 and for which he spent four and a half months in prison.
- (b) Further, on or around 7 July 2011, the Claimant admitted to the Defendant, Clark French, Greg de Hoedt and Sanj Chowdury that he had a conviction for fraud for which he spent time in prison.

(iii) The Claimant's racist and homophobic views

13.3 Paragraphs 8.6 to 8.8 above are repeated.

13.4 Further, on the said Blog, the Claimant has expressed views which can properly be described as homophobic. The Defendant provides the following by way of example:

- (a) "Size 0: The Politically Incorrect Truth", 13 June 2009, published on the Claimant's Blog:

"The uncomfortable truth is that all these designers are either homosexual or entirely submerged in the "gay" culture that infects

their industry. They aren't interested in designing for beautiful women. They want pretty boys.

The vast majority of us have a healthy interest in beautiful women in beautiful clothes. These trivial but talented individuals are out of step, out of time and out of any more excuses. They are responsible for too much misery and suffering. The modern prevalence of anorexia and bulimia is almost entirely down to these brightly coloured, beautifully tailored, perverted fools.

It is time that wiser minds with far better taste prevailed. Do what you want to do in the privacy of your own homes but leave our young women's minds alone and turn your talent in a positive direction."

- (b) Following fierce criticism over the contents of the above blog post, the Claimant published the following by way of update on 2 January 2012:

"2nd January 2012: PR follows up allegations of homophobia with an addendum to the above post.

Recently I have been subject to a vicious hate campaign in which this post has been circulated around the internet to support the false allegation that I am homophobic.

Therefore, and as I wrote it two and half years ago, I have carefully reviewed every word.

I stand by it 100%. It says very clearly "Do what you want to do in the privacy of your own homes" and that is precisely my position. I would defend the rights of all consenting adults to whatever sexual activity they want to indulge in with other consenting adults.

I can understand that the phrases "culture that infects" and "perverted fools" may upset some but this article was not written to be politically correct. It was written to be provocative and to highlight the abuse that some gay men in positions of power are inflicting on vulnerable young women. Homosexuality is a perversion from the norm and gay culture has been allowed virtually to extinguish heterosexual influence in the fashion industry."

- (c) The update above was subsequently amended by the Claimant to remove the words "Homosexuality is a perversion"; self-evidently, to make it appear as though he had never written it.

- (d) "Foolish Staff Unite to Destroy BA", 15 December 2009, published on the Claimant's Blog:

"As for the staff, we no longer have any remaining affection for this strange group of people. Once, of course, they were central to the glamour of air travel. Now, the fact that nearly all the men are homosexual has gone beyond a joke and become oppressive."

- (e) The following comments posted by the Claimant on his Facebook profile page and/or on the official CLEAR website:

- In or around January 2012: *“The politically correct idiots have got their knickers in a right twist. Seems like you not allowed to be heterosexual anymore. It’s only cool to be gay. Personally I think what you get up to in the bedroom is your own affair - unless I’m there too!”*
- In or around January 2012: *“It’s the gay fantasies that all the predatory homosexuals on UK420 are indulging in that amuse me!”*
- On around 23 January 2012: *“The idea of you and all your aggressively homosexual, predatory chums perving over me gives me the creeps.”*

(iv) The Claimant’s bullying behaviour

13.5 Paragraphs 2, 3.2, 6.4, 8.4, 8.5, 9.2 and 9.3 above are repeated.

(v) The Claimant’s reporting of medicinal cannabis users to the police

13.6 Many of the individuals referred to at paragraphs 8.5 and 9.3 above who were reported to the police by the Claimant are, and were at all material times, medical cannabis users. Reporting such individuals to the police would have obviously put them at risk of getting into trouble and having their medical supplies confiscated. This is particularly inappropriate behaviour when the Claimant is the leader of CLEAR and purports to protect and campaign on behalf of such medical users of cannabis.

13.7 The Defendant will rely, if necessary, on the provisions of section 5 of the Defamation Act 1952.

14. Further or alternatively, if and insofar as the said words made or contained the following comment or expression of opinion:

That the Claimant is a liar and a racist homophobic bully.

The Defendant contends that it constituted honest opinion based on true facts on a matter of public interest: namely, the Claimant’s suitability as leader of the CLEAR political party.

PARTICULARS OF FACT ON WHICH OPINION WAS BASED

14.1 The Defendant repeats the following paragraphs above:

- (a) That the Claimant is a liar: paragraphs 3.2, 8.8(d), 8.8(k) and 13.4(c).
- (b) That the Claimant is a racist homophobic bully: paragraphs 2, 3.2, 6.4, 8.4 – 8.8, 13.4 and 13.6.

14.2 The Defendant will rely, if necessary, on the provisions of section 6 of the Defamation Act 1952.

15. Further or alternatively, the words complained of were published on an occasion of qualified privilege.

PARTICULARS OF QUALIFIED PRIVILEGE

- 15.1 The words complained of were posted beneath a YouTube video originally posted by CLEAR which showed the Claimant promoting himself in the role of party leader and expressing his views on cannabis reform.
- 15.2 By virtue of the matters pleaded at Paragraph 14 above, the Defendant, who was an ex-member of the CLEAR Executive Committee, considered it unacceptable that the Claimant should continue to be the leader of CLEAR and the spokesperson and figurehead for cannabis reform, and strongly believed it was damaging to the cause as a whole.
- 15.3 The said YouTube video was most likely to have been accessed and watched by viewers who were already interested in CLEAR and/or the Claimant and/or cannabis reform generally. Having watched the video, viewers may have been left with the impression that the Claimant was a competent and appropriate person to lead the campaign for reform. They therefore had a legitimate interest in the truth about the Claimant's views, his convictions and his general behaviour.
- 15.4 It was only by informing supporters of cannabis reform in this way that the Defendant believed that the Claimant could eventually be ousted from his leadership of CLEAR. The Defendant and other members of the CLEAR Executive Committee had already sought to do so through the party's formal constitution by tabling a vote of no confidence, but were instead, expelled from the party altogether.
- 15.5 In the circumstances, the posting of the words complained of by the Defendant was a proper and reasonable method by which the Defendant could communicate the relevant information to those who had a legitimate interest in it.
- 15.6 In the premises:
- (a) the Defendant and the readers of the words complained of had a common interest in the subject matter of the words complained of; and/or
 - (b) it was the Defendant's proper and legitimate interest and/or duty to communicate to the readers of the words complained of the said information about the Claimant; and such readers had a corresponding and/or legitimate interest in receiving such communications.

"Bovey24"

16. As to Paragraph 9:

- 16.1 It is admitted that the Defendant wrote the words complained of to Nick Wells on or around 15 May 2012.
- 16.2 It is denied that the Defendant published the words on “*the Facebook website*”. The words were published in a private Facebook message to Nick Wells which could not have been seen or read by any other person.
- 16.3 As to paragraphs 9a - 9d:
- (a) Paragraph 9a is denied. See paragraphs 17-18 below.
 - (b) It is denied that the words complained of bore or were understood to bear the meaning pleaded at Paragraph 9b.
 - (c) Paragraph 9c does not constitute a proper or permissible pleading of an innuendo meaning complying with the requirements of CPR PD 53 para 2.3(2) and the pleading rules for defamation, and therefore falls to be struck out. It is further denied that the words complained of bore or were understood to bear the natural and ordinary meaning pleaded therein.
 - (d) It is further denied that the allegation that the Claimant is a “police informer” is capable of being defamatory.
 - (e) Paragraph 9d is not a proper form of pleading; it is defective, embarrassing and falls to be struck out. The Claimant has failed to plead properly or at all whether he sues the Defendant for the material on the “other websites”; and if so, on what legal basis the Defendant can be held liable for their publication; what are the words complained of; the natural and ordinary meanings which they bear and the identities of those who are said to have read them. In the premises, the paragraph falls to be struck out.
- 16.4 In any event, it is highly disproportionate for the Claimant to bring proceedings over the publication of words to one third party and the claim should be struck out as an abuse of process.
17. Further of alternatively, if and insofar as the said words in their natural and ordinary meaning bore or were understood to bear the following meaning (alternatively, the meaning pleaded at paragraph 9b of the Particulars of Claim) they are true in substance and in fact:

That the Claimant has expressed views of a racist and homophobic nature, has behaved like a bully and has reported individuals to the police.

PARTICULARS OF JUSTIFICATION

- 17.1 The Defendant repeats the following paragraphs:
- (a) That the Claimant has expressed views of a racist and homophobic nature: paragraphs 8.6 to 8.8, and 13.4 above.

- (b) That the Claimant has behaved like a bully: paragraphs 2, 3.2, 6.4, 8.4-8.5, 9.2, 9.3 and 13.6 above.
- (c) That the Claimant has reported individuals to the police: paragraphs 8.5(a)-(e) and 9.3(a)-(b) above.

17.2 The Defendant will rely, if necessary, on the provisions of section 5 of the Defamation Act 1952.

18. Further or alternatively, if and insofar as the said words made or contained the following comment or expression of opinion:

That the Claimant is a racist homophobic bully.

The Defendant contends that it constituted honest opinion based on true facts on a matter of public interest: namely, the Claimant's suitability as leader of the CLEAR political party.

PARTICULARS OF FACT ON WHICH OPINION WAS BASED

18.1 The Defendant repeats paragraphs 2, 3.2, 6.4, 8.4 – 8.8, 13.4 and 13.6 above.

18.2 The Defendant will rely, if necessary, on the provisions of section 6 of the Defamation Act 1952.

19. Further or alternatively, the words were published on an occasion of qualified privilege.

PARTICULARS OF QUALIFIED PRIVILEGE

19.1 Nick Wells was a supporter and/or member of the CLEAR party and a Facebook friend of the Defendant. He is a campaigner for cannabis reform, in particular, for the medical acceptance of cannabis.

19.2 By virtue of the matters pleaded at Paragraph 17 above, the Defendant, who was an ex-member of the CLEAR Executive Committee, considered it unacceptable that the Claimant should continue to be the leader of CLEAR and the spokesperson and figurehead for cannabis reform, and strongly believed it was damaging to the cause as a whole.

19.3 As Nick Wells was an activist in cannabis reform and a supporter of CLEAR; he had a legitimate interest in the truth about the Claimant's views, his leadership of CLEAR and the existence of the alternative lobbying organisation, NORML. It was only by informing supporters of cannabis reform in this way that the Claimant could eventually be ousted from his leadership of CLEAR. The Defendant and other members of the CLEAR Executive Committee had already sought to do so through the party's formal constitution by tabling a vote of no confidence, but were instead, expelled from the party altogether.

19.4 In the premises:

- (a) the Defendant and Nick Wells had a common interest in the subject matter of the words complained of; and/or
- (b) it was the Defendant's proper and legitimate interest and/or duty to communicate to Nick Wells the information complained of; and Nick Wells had a corresponding and/or legitimate interest in receiving such communications.

"Bovey36"

20. As to Paragraph 10:

20.1 It is admitted that on 17 September 2012, the Defendant posted the words complained of on his "Mushroom Chris" Facebook profile page.

20.2 It is denied that the Defendant published the words on "*the Facebook website*". The words were published on his "Mushroom Chris" profile page, which was accessible to only 40 or so of his "Facebook friends" at the time.

20.3 As to subparagraphs 10a - 10d:

- (a) Paragraph 10a is denied. See paragraphs 21-22 below.
- (b) It is denied that the words bore or were understood to bear the meanings pleaded at Paragraph 10b.
- (c) Paragraph 10c is denied. This is again an impermissible form of pleading which falls to be struck out. The Claimant does not set out any or any proper basis for drawing the said inference and/or whether he is seeking to bring any claim over the said inference; and if so, on what grounds.
- (d) As to Paragraph 10d, paragraph 16.3(e) above is repeated *mutatis mutandis*.

20.4 Further or alternatively, it is highly disproportionate and/or an abuse of the court's process for the Claimant to bring proceedings over this post, and the claim should be struck out. The post would only have been visible to the Defendant's 40 or so Facebook friends connected to his "Mushroom Chris" profile. Each of those individuals were connected and/or involved with cannabis activism (most were members of NORML) and were aware of the allegations about the Claimant already. In the premises, the post would have caused no or no further material damage to the Claimant's reputation.

21. Further or alternatively, if and insofar as the said words in their natural and ordinary meaning bore or were understood to bear the following meaning (alternatively, the meaning pleaded at paragraph 10b of the Particulars of Claim), they are true in substance and fact:

That the Claimant has expressed views of a homophobic and racist nature.

PARTICULARS OF JUSTIFICATION

- 21.1 The Defendant repeats paragraphs 8.6 - 8.8, and 13.4 above.
- 21.2 The Defendant will rely, if necessary, on the provisions of section 5 of the Defamation Act 1952.
- 22. Further or alternatively, if and insofar as the said words made or contained the following comment or expression of opinion:

That the Claimant is homophobic and racist.

The Defendant contends that it constituted honest opinion based on true facts on a matter of public interest: namely, the Claimant's suitability as leader of the CLEAR political party.

PARTICULARS OF FACT ON WHICH OPINION WAS BASED

- 22.1 The Defendant repeats paragraphs 8.6 – 8.6 and 13.4 above.
- 22.2 The Defendant will rely, if necessary, on the provisions of section 6 of the Defamation Act 1952.

“Bovey 42”

23. As to Paragraph 11:

- 23.1 It is not admitted that the Defendant posted the words complained of on the World Wide Weed website. The Defendant does not recall writing or publishing the said post, but considers that it is possible that he did. In any event, the Claimant is put to strict proof that the Defendant wrote and published the words complained of.
- 23.2 The Claimant's pleading that the material was published "*on the World Wide Weed website*" is unparticularised and embarrassing, and is not a sufficient basis on which to establish actual publication of the words complained of. The Claimant must plead properly the identity of the person or persons to whom the words were published and how, and for how long the post complained of remained online. For the avoidance of doubt, the Defendant neither admits nor denies but requires the Claimant to prove that the words complained of were published to a substantial number of people within the jurisdiction.
- 23.3 In default of the Claimant pleading a proper basis for publication, the cause of action falls to be struck out.
- 23.4 As to subparagraphs 11a-11c:

- (a) Paragraph 11a is denied. See paragraphs 24-25 below.
- (b) It is denied that the words complained of bore or were understood to bear the meanings alleged at Paragraph 11b.
- (c) Paragraph 11c does not constitute a proper or permissible pleading of an innuendo meaning complying with the requirements of CPR PD 53 para 2.3(2) and the pleading rules for defamation, and therefore falls to be struck out. It is further denied that the words complained of bore or were understood to bear the natural and ordinary meaning pleaded therein.

23.5 Save as aforesaid, the paragraph is not admitted.

24. Further or alternatively, if and insofar as the said words in their natural and ordinary meaning bore or were understood to bear the following meaning (alternatively, the meaning pleaded at paragraph 11b of the Particulars of Claim) they are true in substance and fact:

That the Claimant has reported medicinal users of cannabis to the police, expressed racist, homophobic and anti-Semitic views and has behaved like a bully.

PARTICULARS OF JUSTIFICATION

24.1 The Defendant repeats the following paragraphs of the Defence:

- (a) That the Claimant has reported medicinal users of cannabis to the police: paragraph 13.6 above.
- (b) That the Claimant has expressed views of a racist, homophobic and anti-Semitic nature: paragraphs 8.6 - 8.8 and 13.4 above.
- (c) That the Claimant has behaved like a bully: paragraphs 2, 3.2, 6.4, 8.4-8.5, 9.2, 9.3 and 13.6 above.

24.2 The Defendant will rely, if necessary, on the provisions of section 5 of the Defamation Act 1952.

25. Further or alternatively, if and insofar as the said words made or contained the following comment or expression of opinion:

That the Claimant is a racist, homophobe, anti-Semitic bully.

The Defendant contends that it constituted honest opinion based on true facts on a matter of public interest: namely, the Claimant's suitability as leader of the CLEAR political party.

PARTICULARS OF FACT ON WHICH OPINION WAS BASED

25.1 The Defendant repeats paragraphs 2, 3.2, 6.4, 8.4-8.8, 9.2, 9.3(a)-(b), 13.4 and 13.6 above.

- 25.2 The Defendant will rely, if necessary, on the provisions of section 6 of the Defamation Act 1952.
26. No admissions are made in respect of Paragraph 12 of the Particulars of Claim.
27. If the Claimant is entitled to any award of general damages (which is denied), it is denied that he is entitled to an award of aggravated or exemplary damages thereon by reason of the facts and matters alleged in Paragraph 13 of the Particulars of Claim or otherwise. The Defendant responds as follows to the matters alleged:
- 27.1 Paragraph 13a is denied. In particular, the Defendant did not act out of malice, as alleged at Paragraph 3 of the Particulars of Claim or otherwise.
- 27.2 Paragraph 13b is denied. The Defendant has not organised, promoted or incited others to participate in any campaign of defamation against the Claimant. The Claimant has failed to properly particularise this allegation and it therefore falls to be struck out.
- 27.3 Paragraph 13c is denied. The Defendant did not repeat the words complained of “in order to damage the Claimant’s reputation” or to gain financially or politically for himself and NORML. He did so to inform other members of the cannabis reform community about the true beliefs and conduct of the Claimant, who he strongly believed was not a suitable person to lead their political cause.
28. There are no proper grounds to plead a claim for exemplary damages or an award of interest on costs or damages, and the Defendant shall apply to strike this out.
29. Further, the Defendant will rely, if necessary, on section 12 of the Defamation Act 1952. The Claimant has brought numerous concurrent claims against other individuals over the publication of similar or identical allegations.
30. By reason of the matters pleaded above and having regard to the Defendant’s right to freedom of expression under Article 10 of the European Convention, it is denied that the Claimant is entitled to injunctive relief against the Defendant as claimed in Paragraph 14 of the Particulars of Claim, or at all.

YULI TAKATSUKI

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STATEMENT OF TRUTH

The Defendant believes that the facts stated in this Defence are true.

Signed

Dated

Full name: John Phidias Spyrou

Position: Director & Solicitor at Pinder Reaux & Associates Ltd

Served on 8th March 2013 by Pinder Reaux & Associates Ltd, Solicitors for the Defendant

HQ13D00493

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

PETER JOHN REYNOLDS

V

CHRISTOPHER BOVEY

DEFENCE

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8th March 2013