

<p>1 Thursday, 21 June 2012</p> <p>2 (10.12 am)</p> <p>3 Housekeeping</p> <p>4 MR JUSTICE EADY: Thank you for your overnight</p> <p>5 communications. I just thought I would run past the</p> <p>6 words I was going to speak to the jury about the</p> <p>7 withdrawal of the defence of consent. I was going to</p> <p>8 say that I am about to hear from counsel. I was going</p> <p>9 to say that they have asked me just to clarify one</p> <p>10 matter at this stage. You may recall mention of whether</p> <p>11 Mr Cooper consented to either of the publications.</p> <p>12 Things have become simpler as we've gone on. You will</p> <p>13 not now need to trouble yourselves about that matter,</p> <p>14 and the principal issue you will be asked to decide is</p> <p>15 simply this; have the defendants proved the allegations</p> <p>16 about Mr Cooper to be substantially true?</p> <p>17 MR McCORMICK: I am entirely content about that, my Lord.</p> <p>18 MR JUSTICE EADY: Good.</p> <p>19 MR McCORMICK: My Lord, there is one further matter that</p> <p>20 I raised with Ms Page this morning. Your Lordship</p> <p>21 mentioned yesterday the Section 5 direction, and both</p> <p>22 parties agreed that one was necessary. I have reflected</p> <p>23 on that overnight, and I have raised the question with</p> <p>24 Ms page, and I now raise it with your Lordship.</p> <p>25 Section 5 applies where there are two or more distinct</p> <p style="text-align: center;">Page 1</p>	<p>1 direction, or if you think it just muddies the waters.</p> <p>2 MR JUSTICE EADY: I think Section 5 normally muddies the</p> <p>3 waters, because I normally go through it twice and see</p> <p>4 what they can make of it.</p> <p>5 MS PAGE: Then unless anybody around me disagrees, I am</p> <p>6 happy for your Lordship.</p> <p>7 MR JUSTICE EADY: I will leave out the statutory gloss then.</p> <p>8 MS PAGE: Just keep it simple.</p> <p>9 MR JUSTICE EADY: Very good. Thank you.</p> <p>10 MR McCORMICK: I am grateful.</p> <p>11 MR JUSTICE EADY: We will have the jury in.</p> <p>12 (Jury in)</p> <p>13 Well members of the jury we have now reached the</p> <p>14 stage where you will be hearing counsel's closing</p> <p>15 addresses. You will hear first from Ms Page and then</p> <p>16 from Mr McCormick. They have asked me to clarify one</p> <p>17 matter at this stage. You may recall mention of whether</p> <p>18 or not Mr Cooper consented to the publication of the</p> <p>19 articles. Things have become simpler as we've gone on,</p> <p>20 and you will not be troubling yourselves with that</p> <p>21 matter at all. The principal issue you will be asked to</p> <p>22 decide is simply this; have the defendants proved the</p> <p>23 allegations about Mr Cooper on the balance of</p> <p>24 probabilities to be substantially true? So I will now</p> <p>25 let Ms Page begin her closing address.</p> <p style="text-align: center;">Page 3</p>
<p>1 charges within the libel. In my submission when one</p> <p>2 looks at the meanings in play on either side, none of</p> <p>3 them contains more than one charge.</p> <p>4 MR JUSTICE EADY: Yes, that had crossed my mind. But it is</p> <p>5 pleaded. If it is no longer pleaded, I need not deal</p> <p>6 with it. But so long as it is pleaded I think I've got</p> <p>7 to deal with it.</p> <p>8 MR McCORMICK: It is certainly pleaded. It's simply a case</p> <p>9 of if your Lordship were to try to identify for the jury</p> <p>10 what the two specific charges, or more, there were, and</p> <p>11 how they would -- I am not sure how your Lordship would</p> <p>12 do that, because the defendant only make charge on</p> <p>13 each---</p> <p>14 MR JUSTICE EADY: Well, it depends how analytical you want</p> <p>15 to be. But you could say the ringleader is one charge,</p> <p>16 and why we attacked Tory HQ is another. One is about</p> <p>17 planning in advance, the other is doing something on the</p> <p>18 day, arguably. So I mean that is possible. But the</p> <p>19 simpler it is the better, so if you don't want me to</p> <p>20 deal with Section 5, I'm happy not to. But as long as</p> <p>21 it's pleaded, I think I've got to.</p> <p>22 MS PAGE: I have to say it is not something that I've -- one</p> <p>23 automatically puts Section 5 as a routine. I am really</p> <p>24 happy to leave it in your Lordship's hands as to whether</p> <p>25 you think it's an appropriate case to give the jury that</p> <p style="text-align: center;">Page 2</p>	<p>1 Closing submission by MS PAGE</p> <p>2 MS PAGE: Members of the jury, this is my last opportunity</p> <p>3 to address you before you decide the outcome of this</p> <p>4 case. When his Lordship sums up to you at the end of</p> <p>5 the speeches, he will be giving you directions on</p> <p>6 exactly what issues you have to decide, and he will also</p> <p>7 give you the detail of the legal framework within which</p> <p>8 you have to decide them. For my part, I am going to say</p> <p>9 a little about how the case is put by the defendants,</p> <p>10 and how that fits into the legal framework. Then I am</p> <p>11 going to make some observations about what the evidence</p> <p>12 you have heard -- and read, of course, in your</p> <p>13 documents -- tells you as to where the truth lies in</p> <p>14 this case, and how that helps you to decide who wins the</p> <p>15 case and who loses the case.</p> <p>16 Now starting with the way the case is put by the</p> <p>17 newspaper defendants, the separate newspapers have both</p> <p>18 published articles which contain a passage, amongst</p> <p>19 other passages, referring to Mr Cooper. In each case,</p> <p>20 of course, it is the passage concerning Mr Cooper that</p> <p>21 you are concerned with. You have got two newspapers;</p> <p>22 you have got the Evening Standard, you've got the</p> <p>23 Daily Mail, and you will be directed, of course, to</p> <p>24 consider the case of each newspaper separately. This is</p> <p>25 because while there is an overlap between the words,</p> <p style="text-align: center;">Page 4</p>

<p>1 they have published the stories in different ways. Both 2 of them are using some quotes from Mr Cooper, but 3 otherwise the stories are not identical. So, for 4 example, in the case of the Evening Standard, 5 Mr Moore-Bridger's article, the word "ringleader" is 6 used. The Daily Mail article doesn't use the word 7 "ringleader". So differences like that mean that if you 8 think that one newspaper has gone too far, but not the 9 other, then that can be reflected in different verdicts. 10 My submission to you is that these two newspapers have 11 got their stories right, substantially right. So I need 12 to explain the differences in the way in which the two 13 newspapers put their cases, and I don't think you will 14 find this difficult to follow. As far as the 15 Evening Standard is concerned, Mr Moore-Bridger's 16 writings, the Evening Standard case is that the 17 reasonable reader, the person who picks up the 18 Evening Standard or who looks at it online, may see the 19 article as conveying that the claimant was 20 a ringleader -- please note it is a ringleader, it is 21 not the ringleader. It is a ringleader -- in one of two 22 possible ways. Firstly, and this is the way it is put, 23 that the claimant was one of a group of Revolution 24 members who had planned the direct action which resulted 25 in the violent protest that took place at Tory HQ, and</p> <p style="text-align: center;">Page 5</p>	<p>1 serious property damage. If you come away thinking, 2 well, that is the real message of the article, then we 3 say that is plainly true. Now there are, one hopes, 4 pretty straightforward -- these are pretty 5 straightforward meanings of the article. To put the 6 three of them in a form of shorthand; was he 7 a ringleader, in that he was one of those who planned 8 that there would be direct action at the end of the NUS 9 March? Was he a ringleader by what he did on the day 10 and what he said on the day? Or forget whether he was 11 a ringleader, that isn't what really matters. The 12 essence of the moral case that he has to answer -- and 13 he doesn't have to answer anything in this case, we have 14 to prove it, but what one would say rhetorically is the 15 moral case against him is what would really matter to 16 the reader is that Mr Cooper advocates this sort of 17 direction action, regardless that it may turn out that 18 the Millbank protest turned out. Whether or not it is 19 not true that you can take that sort of action -- of 20 course, no doubt, there were many peaceful occupations 21 he has seen. That is not really the point. He was 22 talking about Millbank on that day, and his advocacy is 23 an advocacy that leads, or can lead, or may lead, to 24 that result. That, to him, it doesn't matter. It only 25 matters, as we will see when we get to the article at</p> <p style="text-align: center;">Page 7</p>
<p>1 was thus one of the ringleaders at the protest. But the 2 other possibility conveyed by the article is that he was 3 one of a group of Revolution members who joined the NUS 4 march that day, knowing full well that Revolution was 5 planning direct action, and Mr Cooper proceeded to 6 defend the ensuing violent protest on the grounds that, 7 as he put it, there was a lot of anger, and he -- we, 8 he, meaning he and his revolution friends, wanted to 9 send a really strong message to the government. So in 10 that sense he was no less a ringleader, he was 11 a ringleader, if you like, on the ground on the day. 12 Does it really matter which it is? Does it matter 13 whether he planned it? He gets there, and as 14 I explained to you how he puts the case, and he jolly 15 well ringleads when he is there. Now there is, on 16 the Evening Standard case, a third way of looking what 17 is the essence of the article as a reader will come away 18 thinking about Mr Cooper. That is that the reader reads 19 the quotes which are attributed(?) to Mr Cooper, and 20 says to themselves; he is obviously someone who 21 advocates mass militant direct action as a form of 22 protest, such as took place at Millbank, because it is 23 in the context of Millbank. He plainly does so, 24 regardless of the likelihood that it will result in 25 violent clashes between protesters and the police and</p> <p style="text-align: center;">Page 6</p>	<p>1 Black Bloc, it only matters if it damages the movement. 2 Of course, the movement is the socialist revolutionary 3 of which he is such a prominent part. The 4 Evening Standard says whichever way you look at this 5 article, basically it's true. So far as Mr Cooper is 6 concerned, the Evening Standard has hit the nail on the 7 head, they have got him summed up. If you agree with 8 that, they've made out this defence to this libel 9 action. 10 Turning now to the article in the Daily Mail, 11 because the article is differently worded, it is 12 nonetheless a pretty similar in terms of how you view 13 what you have to decide in this case. As I said, the 14 Daily Mail did not describe him as a ringleader. What 15 the Daily Mail says is their case, is that what the 16 ordinary reasonable reader of the Daily Mail might get 17 out of reading this article is this; that Mr Cooper was 18 one of a group of Revolution members who had been 19 involved in organising the protest which resulted in the 20 riot at Millbank. Quite simple. Another way of summing 21 what the article tells the reader is that Mr Cooper was 22 amongst the so-called hardcore leaders, the network of 23 far left groups which were responsible for orchestrating 24 and inflaming the riot at Millbank. That was part of 25 their strategy; to bring down the coalition government</p> <p style="text-align: center;">Page 8</p>

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<p>1 and ultimately impose a socialist state. The Daily Mail 2 likewise says whichever way you look at it, whatever you 3 hypothesise the ordinary reasonable reader gets from 4 this article, whatever words you choose to sum up what 5 the message is to the reader, it's essentially true. It 6 has been proved in this courtroom this week. 7 In a nutshell why do the newspapers say that they 8 have proved in this courtroom that what they wrote, 9 whichever way you look at it, is essentially true? 10 A running summary through the various ways I have just 11 given you as to how you might sum up what the article 12 say; a ringleader, was he part of the plotting of the 13 direct action? We say yes. You don't have direct 14 evidence that he sat in on any meetings. He says he 15 didn't. He doesn't call any witnesses to help him on 16 that. What you have is a man who imparted information 17 about the plans to Mr Moore-Bridger, just as if he was 18 one of those intimately involved in the plans. Then 19 when he saw, subsequently in the newspapers next day or 20 in the coverage the next day, that Millbank had 21 backfired so badly in the perception of it by ordinary 22 people, by the press who know their readers, by the 23 public, by the government, by the NUS, by students, when 24 he realised it had backfired so badly for his movement, 25 he simply resorted to lying about what he had said to</p> <p style="text-align: center;">Page 9</p>	<p>1 says he was obviously a ringleader is proved by what he 2 did and what he said on the day. He set off on his 3 feeder march, this Free Education bloc, with his chums 4 from Revolution, National Campaign Fees and Cuts, 5 knowing that the strategy was to top off the NUS march 6 with a piece of direct action of their own. He told you 7 he set off intending to decide, as and when it happened, 8 whether he would participate or not. Now the exchange 9 was this. He said in his evidence: 10 "When I got to the Free Education feeder march, 11 there were quite a lot of people there I knew, and quite 12 a lot of them seemed like they wanted to do some form of 13 direct action and civil disobedience on the day. So 14 I like -- mean, again, it was no secret." 15 I will come back to "no secret". I asked: 16 "You all set off, did you, on the march with that in 17 view as to what was going to be the way in which the 18 march ended?" 19 And he replied: 20 "I mean I was pretty uncertain about whether I would 21 take any involvement in it. I mean it would depend what 22 form it took. I mean as I said, I didn't take -- and it 23 is not suggested that I did take any part in the 24 Millbank occupation." 25 So his answer really amounted to yes, he did set off</p> <p style="text-align: center;">Page 11</p>
<p>1 Mr Moore-Bridger. He pretended, at that point, that he 2 had not been involved in the planning. That's the case 3 he has brought all the way to court, and it is 4 a pretence. When he realised that Millbank was not the 5 triumph that his movement -- as he thought when he was 6 talking no Mr Moore-Bridger -- but a PR disaster, he 7 resorted to lying to save his own skin. For him his own 8 skin is also bound up with the skin of Revolution. I am 9 going to come on to this ideological mindset he has, 10 where he identifies so closely with this small group. 11 He spoke to Mr Moore-Bridger on the day, truthfully, 12 as one of the planners, he having thought that it had 13 all gone very well. The next day he sees the headlines. 14 He realises that he would have to lie his way out of it, 15 and tell people that he was not a planner, and moreover 16 tell people that he had told the journalist he was not 17 a planner, and that this was the journalist's 18 dishonesty, not his own self-inflicted wounds. Why 19 might he have to take that stance? Well, the police are 20 going around making arrests. The university knew, even 21 before publication. The university, as we know, went 22 on, as no doubt he will have guessed was going to 23 happened, to institute an investigatory investigation. 24 I will come back to that in a moment. 25 Now the other sense in which the Evening Standard</p> <p style="text-align: center;">Page 10</p>	<p>1 on the march with it in view the march would end in 2 direction, but he would see when it happened whether he 3 was going to actively participate or not. Now isn't 4 that the real politician in him? It amounts to this; we 5 all set off on our feeder march. We plan a piece of 6 direct action at the end of the NUS March, and if 7 I think I want to be seen to be part of that action, 8 I will take part. If I don't like the look of it, 9 I won't. When he gets to Millbank, having set off in 10 that frame of mind, he does like the look of it and he 11 told you so. This is the what he said. I asked him 12 about the mood in which he was in when he and 13 Mr Moore-Bridger spoke, and he described himself as in 14 a neutral mood. I reminded him that down the court 15 documents he had described himself as being in 16 a positive mood. So I said: 17 "Have you not described yourself as being in 18 a positive mood?" 19 "He said: 20 "Yes, a positive mood." 21 I asked: 22 "What does a positive mood mean?" 23 He replied: 24 "Well, I was obviously pleased about the 25 demonstration and protest on 10 November. I thought it</p> <p style="text-align: center;">Page 12</p>

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<p>1 had gone well. My mood was generally positive about 2 it." 3 So you see he did like what he saw when he got 4 there. He did participate in it. He spent 10 to 5 15 minutes in the front lines of the protest. That is 6 not being a bystander or an observer. That was adding 7 your number to the masses of the crowd that were 8 overwhelming and pressing in on the police. It was 9 standing up with the mob. It was lending your physical 10 presence to the confrontation with the police. He stood 11 up to be counted when he got to Millbank and saw what 12 was taking place. That, going forward towards the 13 front, was the first thing he did. 14 The second thing he did at Millbank was to busy 15 himself on behalf on Revolution. Revolution's banner, 16 you have see this striking red banner suspended high 17 from the building, rather like a flag when you get to 18 the top of Everest. He was down below with his 19 Revolution fanzines as he called it, mixing amongst the 20 crowd, trying to interest young people in Revolution. 21 That was the second thing he did. 22 The third thing he did was to speak to the 23 journalist, and take it upon himself, wearing his 24 Revolution hat, to announce to the press the names of 25 the three organisations, including his own, who had</p> <p style="text-align: center;">Page 13</p>	<p>1 you of something he said in his evidence. He had talked 2 about what he described as the spontaneous outpouring of 3 anger amongst very, very young people. He said: 4 "You can see lots of those images like the young 5 17 year old." 6 I think that was the kid with the office chair. He 7 said: 8 "I mean I would hazard a guess that he's never been 9 on a demonstration before. He gets to Millbank and 10 makes, you know, the tragic mistake of trashing it. 11 I would imagine he got very serious like criminal 12 charges thrown at him for that. That's a tragic mistake 13 that he made. If it's better planned, civil 14 disobedience I think is more likely to pass off 15 peacefully." 16 Thousands of angry students massing in London and 17 Revolution lights the blue touchpaper and off they go. 18 These students are their cannon fodder. Woof, Millbank. 19 Mr Cooper does not get his hands dirty by going into the 20 building and trashing the place. He doesn't get himself 21 arrested. He doesn't need to, Revolution's work is done 22 for them by these young people, these young people. It 23 doesn't need a Revolution member like him to do it. You 24 can trust these young people to do Revolution's dirty 25 work for them and let them go to prison. They are just</p> <p style="text-align: center;">Page 15</p>
<p>1 planned this. He told you it was no secret that direct 2 action had been planned. He has brought no evidence 3 that this was known outside a circle of direct action 4 activists. If it was not a pretty closely guarded 5 secret amongst people, maybe small, maybe large, who 6 could be trusted to quietly go and do it, then the 7 police would have picked it up, wouldn't they? Someone 8 would have told the police. But the police, as we know, 9 were caught unprepared. So definitely he was 10 a ringleader on the day, and the Evening Standard caught 11 him absolutely right. The Daily Mail also got it right. 12 He was one of those who can be held responsible for 13 organising the direct action. He was one of the 14 hardcore leaders of these left-wing groups who 15 orchestrated and inflamed the riot. He is an advocate 16 of mass militant directions as a form of political 17 protest. He has never disputed that over the last year 18 of this case. But the Evening Standard puts it higher 19 than that. The Evening Standard said that he was 20 an advocate of such action, regardless of the likelihood 21 that it will lead to violent clashes between protesters 22 and the police. Of course he doesn't accept that. He 23 wouldn't, would he? Because he is going to lose his 24 case if he accepts that. But it really is regardless of 25 a likelihood of violence because -- and let me remind</p> <p style="text-align: center;">Page 14</p>	<p>1 cannon fodder. Revolution and Mr Cooper can stand 2 outside the prison piously and say, "We defend protest 3 and resistance, and characterise acts of mindless 4 violence as tragic mistakes" and weep crocodile tears 5 for a young man from college who has ended up in prison, 6 because he has been whipped up. As he said to you, 7 Mr Cooper, in the context of a young man sent to prison 8 for throwing the fire extinguisher: 9 "It's true that a lot of the criminal acts that were 10 committed at Millbank, that they were terrible mistakes. 11 It was very young people who got carried away. They did 12 extremely stupid things and they felt the full force of 13 the law." 14 Talk about blaming others. Why are they doing 15 extremely stupid things? Who planned the direct action? 16 Revolution planned the direct action. Who were they 17 going to use for this? 200 aren't going to take direct 18 action, they had thousands of angry students who had 19 been marching peacefully on the streets that day who 20 could do it for them, and give the government a fright, 21 and perhaps bring the government down, and perhaps 22 ultimately, if you carry it on, perhaps you can change 23 society, perhaps your anti-capitalist message can be 24 achieved. You've got to start somewhere. But while 25 young students were smashing and fighting and making</p> <p style="text-align: center;">Page 16</p>

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<p>1 terrible mistakes in their lives at Millbank, Mr Cooper 2 was weaving away amongst these young people on the 3 sidelines, trying to get them involved in Revolution. 4 So perhaps one way of viewing the role of the 5 newspapers in reporting what happened at Millbank, is to 6 think about how important it is that we have a free 7 press in this country, a free press which will reveal, 8 even provide photographs of those who assume or bear the 9 real moral responsibility for seismic events like 10 Millbank. Essentially, that is what the Evening 11 Standard and the Daily Mail did. They performed 12 a public service to us all, to the whole of society. Do 13 we want groups like groups like Revolution with its 14 200 members, prominent amongst them Mr Cooper, clever, 15 articulate, slick, political, staying in the shadows. 16 Does not society have a greater right to be told about 17 Mr Cooper, than Mr Cooper has to be picky about what the 18 press writes about him, when in the context of Millbank 19 he said what he said. 20 I want to go back now to what I suggested in my 21 opening was at the heart of this case, and that is 22 Mr Moore-Bridger's shorthand notes taken in front of 23 Mr Cooper, as Mr Cooper spoke. The later transcript 24 that you have seen, in which Mr Moore-Bridger was asked 25 by lawyers to put down literally everything that was in Page 17</p>	<p>1 We are here having to dwell about what sort of person he 2 is, and lawyers having talk about what sort of person he 3 is, because he brought us all here. This is his case. 4 The newspapers didn't ask for this case to be brought 5 against him. You might think to yourselves, well, why 6 would he go through this if he was not speaking the 7 truth? Well, perhaps he got locked into it. I have 8 pointed out to you that when he was being interviewed as 9 part of a disciplinary investigation at the university, 10 where his position there was potentially under threat, 11 he made a point of telling them that he had seen 12 a solicitor about suing the Evening Standard. I will 13 just remind you, it is tab 12. Don't go to it. I'm not 14 going to ask to go to documents. It's tab 12. It was 15 the Evening Standard article that had prompted the 16 university investigation. So, you know, might he have 17 felt that it would help his case with the university to 18 say he was suing the Evening Standard? You know easy it 19 would be to say, "It's not true. I'm suing them". 20 Isn't that quite a natural human reaction? Once you dig 21 yourself in in that way, you lose credibility if you 22 don't follow through. Of course Mr Cooper says, "I came 23 to court because I have been damaged and because it is 24 false". But, you know, there are other possibilities as 25 to why people end up in court. I am just suggesting Page 19</p>
<p>1 his contemporaneous note, has sailed through this case 2 as an unchallengeable transcript of what 3 Mr Moore-Bridger wrote down in his shorthand notebook. 4 So this document really is a goldmine for you when you 5 come to decide where the truth lies. Mr McCormick said 6 to you in his opening, something with which the clients 7 on both sides of this dispute really do agree upon -- it 8 may be the only thing that is agreed upon. What 9 Mr McCormick said was that this case, meaning as I took 10 it the outcome of this case, may come down to whether or 11 not you find that the journalist can prove to you that 12 he accurately reported what Mr Cooper told him. Now 13 that is a good encapsulation of where you get taken in 14 this case. 15 So let's think a little about the two central 16 witnesses in this case; Mr Cooper and Mr Moore-Bridger. 17 We must not forget Anna Davis, of course, but really it 18 comes down to what happened in that exchange. So what 19 help one decide which is the truthful witness? Let me 20 start with Mr Cooper. I say straight away that you 21 might think there is something a little bit 22 uncomfortable about a barrister in a public courtroom 23 dissecting the character of someone who has to sit and 24 listen to this. But actually Mr Cooper did not have to 25 sit and listen to this. Mr Cooper brought this case. Page 18</p>	<p>1 that it might explain why he never sued The Times. He 2 didn't have to make any gesture in relation to 3 The Times, because that was not, so as far as we have 4 been told, within the university's radar when it set up 5 the disciplinary investigation. The disciplinary 6 investigation seems to have been prompted by the 7 Evening Standard article. But The Times article is 8 every bit as "bad" in Mr Cooper's lights as the 9 Evening Standard and the Daily Mail. He doesn't accept 10 that, but that is what I am saying. Perhaps it is even 11 worse. I suggest it clearly incriminates, as you may 12 think, in Millbank, but not just incriminates him in 13 Millbank, it incriminates him as an anarchist, and as he 14 is at pains to tell you, he's not an anarchist. Yet 15 curiously he has never complained about it. It is still 16 on The Times website. He said he didn't know it was on 17 The Times website, but he saw it in hard copy, he didn't 18 bother then to follow up whether it was on The Times 19 website. It calls him an lecturer, and it has the 20 Batman photograph. 21 Let me just say one thing about that photograph, 22 because there is a lot of emphasis on it. In his 23 opening to you, Mr McCormick described it as 24 objectionable because it was a photograph of a man happy 25 with his day's work. What did Mr Cooper tell you that Page 20</p>

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<p>1 he was at 4.30? He was pleased, and thought the day had 2 gone well. Isn't that rather an appropriate picture? 3 It is the perfect picture. It sums up exactly how he 4 was when he spoke to Mr Moore-Bridger. Coming back to 5 the focus on these two individuals and Mr Cooper, what 6 did we learn about him when he gave his evidence. You 7 might think -- you judge the witnesses. I merely make 8 suggestions. This is what I suggest you might have 9 thought or might, when you reflect, think about it. He 10 is very political. He is political in the sense that he 11 is very ideologically driven. He has a mindset which 12 one saw over and over in his answers that sets him apart 13 from ordinary everyday folk. He sees events and moral 14 issues through the prism of his revolutionary socialist 15 movement. He appears, I suggest, to have, as a result, 16 a complete blind spot on the sort of moral understanding 17 that ordinary people have about what is right and what 18 is wrong. Let me give an example of when we were 19 looking at his article on Black Bloc. During the course 20 of my asking questions about it, he said in answer: 21 "I actually think what makes the Black Bloc 22 dangerous, if you like, as a movement is that they are 23 not actually mindless thugs at all, and they have -- if 24 you like, they make quite theoretical arguments that 25 some people unfortunately find attractive, but the</p> <p style="text-align: center;">Page 21</p>	<p>1 because he contrasted Millbank. If it organically 2 develops into a smash up of Millbank, then that's all 3 right. What he doesn't like is these individuals who go 4 round perpetrating violence. It's got to come from the 5 crowd, it's got to come from the mass. That is what 6 mass direct, militant direct action is about. It is 7 a philosophical and ideological difference. It is not 8 about what we think is the difference of what is right 9 and what is wrong. The moral compass is simply not 10 there or it is 180 degrees out. 11 The radio interview, he just couldn't see it. In 12 order not no damage the socialist revolutionary 13 movement, he cannot criticise anything about what 14 happened at Millbank except the fire extinguisher. Time 15 and again, I tried to get him to agree that what 16 Erin Porter was saying, that this is a student minority 17 doing violent things, he just could not see that that 18 was an appropriate response. There is something about 19 the mindset that just does not see it. It really 20 amounts to this, doesn't it? That Mr Cooper is simply 21 not able to distinguish between what is morally right 22 and what is morally wrong in the way that our society as 23 a whole, we, as a whole, we know where to draw the line 24 between right and wrong. It was Mr Cooper's inability 25 to see things in a morally right thinking way that</p> <p style="text-align: center;">Page 23</p>
<p>1 action they propose is really, really damaging to the 2 movement, namely its aggressive property damage and 3 violence as the way you protest. And you know, what 4 I am trying to do here is argue against that." 5 I said: 6 "Yes, because you say this is really, really 7 damaging to the movement. It's actually morally 8 thoroughly wrong, isn't it?" 9 He said: 10 "Yes, absolutely. I am a socialist, so I think that 11 things that do damage, movements against the cuts are 12 morally wrong. There is no doubt about that." 13 He just doesn't get it, does he? I said: 14 "I see, so your idea of what is morally wrong is not 15 that you should not go out smashing other people's 16 property, injuring police officers, violently resisting, 17 violently protesting. The problem is that's not good to 18 the movement. Doesn't it occur to you that in its own 19 right, regardless of the movement, it is morally wrong?" 20 And only at that point did he say: 21 "I think it's both. Yes, absolutely." 22 But the first thought that comes into his mind, his 23 ideological mindset, is how does this impact on the 24 revolutionary socialist movement? If people don't like 25 it, then we won't do it. But if, as in Millbank --</p> <p style="text-align: center;">Page 22</p>	<p>1 caused him to think Millbank marked the end of 2 a thoroughly satisfactory day. He judged it completely 3 wrong, because he didn't have that moral compass. He 4 doesn't share the moral values of society generally. He 5 thought he could tell Mr Moore-Bridger, speaking as 6 Revolution, about the plans for direct action, the plans 7 for this. There is no dispute he was talking about 8 Millbank. He completely failed to predict that Millbank 9 would play really badly with the public and for his 10 movement amongst right thinking people, the millions who 11 read newspapers like the Evening Standard, the 12 Daily Mail, The Times and so on. I say right-thinking, 13 I mean right-thinking. That doesn't mean right-wing, it 14 covers the whole spectrum of society of people who know 15 what civilised moral values are. Newspapers survive 16 commercially by understanding, don't they, their 17 readers? If you lack that moral grounding, as I suggest 18 Mr Cooper does, then what harm, in Mr Cooper's position, 19 if you then go on to tell a few lies to save your skin 20 and to save the skin of the movement? Telling lies to 21 protect the movement or to protect yourself as the 22 person who is a prominent directing ideologue in this 23 movement is nothing. It's nothing. It's nothing 24 compared with Millbank. It is as simple as that. He 25 spoke truthfully to Mr Moore-Bridger because he was</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

1 unable to see the immorality of Millbank. When he
 2 realised he had made this terrible mis-judgment, he
 3 resorted to making the most serious allegations of
 4 dishonesty against a young professional journalist;
 5 deliberate falsification. No, Mr Cooper, the deliberate
 6 falsification in this court is yours. Isn't this libel
 7 action just another terrible misjudgement by Mr Cooper
 8 another failure to read things in a way that society,
 9 right thinking members of society, read. I mentioned in
 10 my opening that juries are summoned to hear libel
 11 actions because they bring common sense. Lawyers can
 12 not see the wood for the trees sometimes; common sense.
 13 You are 12 people, you are selected randomly from
 14 society, you come here and you exchange all your ideas,
 15 your experience, your knowledge of life, your knowledge
 16 of people, and you are directed to represent in relation
 17 to issues that arise in libel actions, to put yourselves
 18 in the shoes of right-thinking members of society
 19 generally. You are the best people to decide. That is
 20 what your verdict is intended to reflect.
 21 What about Mr Moore-Bridger? He also operates in
 22 a form of mindset. It is one that he has acquired from
 23 his professional training up to post-graduate level. It
 24 is one that is imposed by his employer, which is to hold
 25 or express no views and to report accurately. He was

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1 asked in cross-examination by Mr McCormick:
 2 "Is it your evidence that the Evening Standard does
 3 not have a political slant on events?"
 4 He replied:
 5 "I can't speak for the paper. I speak for me as
 6 a reporter. I'm a general news reporter. I don't have
 7 any political leanings. I am not allowed to have any
 8 opinion even on what I write about. That's not my job."
 9 Mr McCormick responded:
 10 "Sorry, you are not seriously saying you didn't have
 11 an opinion about what was going on at Millbank?"
 12 Mr Moore-Bridger replied:
 13 "It's completely irrelevant what my opinion is.
 14 Mr McCormick didn't let up:
 15 "Sorry, that's a different matter. You accept you
 16 have an opinion about it."
 17 Mr Moore-Bridger replied:
 18 "I think every human being would have an opinion
 19 about it."
 20 What possible motive does Mr Moore-Bridger have for
 21 falsifying a story about Luke Cooper? He is in the
 22 office, he gets summoned down to the next event that is
 23 coming on in his capacity as a news reporter. He has
 24 shorthand notebook, all his training, and he has got to
 25 file a story which accurately reports what he finds

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1 there. Would it lose him his job if he deliberately
 2 falsified? You see Mr Cooper does not care about the
 3 effect on Mr Moore-Bridger. It is a bit like the
 4 violence; anything that helps the movement, it doesn't
 5 matter what the casualties are on the side, it doesn't
 6 matter if police officers are injured or a journalist
 7 loses his job. That was the attitude he plainly
 8 demonstrates in relation to Millbank. If it helps the
 9 movement and Mr Cooper for this libel action to be won,
 10 to make ungrounded allegations against Mr Moore-Bridger
 11 well, that's fine too. The proof of Mr Moore-Bridger's
 12 accuracy as a reporter is found in the fact that the
 13 quotes he used in the Evening Standard article are
 14 almost entirely unchallenged about Mr Cooper. I am not
 15 going to ask you to be distracted by documents, but you
 16 will remember or remind yourself there were three
 17 quotations. There is the one that starts:
 18 "The reason we attacked Tory HQ is we want to send
 19 a really strong message."
 20 The challenge to that is the words:
 21 "The reason we attacked Tory HQ."
 22 That is the essential challenge to that. Apart from
 23 that, the other challenge in terms of direct quotes is
 24 the words "international coalition", which you may think
 25 is really neither here nor there. But otherwise the

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1 quotes are not the issue in this case. If you wanted to
 2 be quite clear when you return to consider your verdict,
 3 just look at the complaint that was made on 13 December
 4 by Mr Cooper's lawyers. Don't look at it now. Tab 10
 5 is the letter. It sets out what exactly what he admits
 6 he says and how it matches with the Evening Standard
 7 article. So no dispute with "We want to send a really
 8 strong message". No dispute that Millbank has embraced
 9 within that. No dispute that he said "we", we, me and
 10 others.
 11 Now the most striking aspect of the
 12 cross-examination of Mr Moore-Bridger was an exchange
 13 that they had about Mr Cooper's allegation of deliberate
 14 falsification. I am just going to read out to you the
 15 exchange. Mr McCormick put this question:
 16 "I suggest that there was plenty said by Mr Cooper
 17 that you just didn't write down, either because your
 18 shorthand wasn't up to it, or because you didn't think
 19 it suited you to write it down."
 20 Mr Moore-Bridger said:
 21 "Well, that's completely inaccurate. I am
 22 a professional journalist. My job is to report
 23 accurately. I don't pick and choose what people say.
 24 I report what I am told. I mean it's frankly insulting
 25 to say that, you know -- deliberately falsified

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<p>1 anything. I don't do that. I've never done that. It 2 is very easy to say after the event 'I said all these 3 things that he hasn't written down' because in the cold 4 light of day you don't like what you have seen in the 5 paper. But I'm sorry, there is no recollection, there 6 is no notes. These things weren't said and I don't do 7 this sort of thing that is being alleged against me." 8 Mr McCormick said: 9 "What sort of thing?" 10 Answer: 11 "Deliberately falsifying interviews." 12 Mr McCormick said: 13 "Sorry, I hadn't accused you of deliberately 14 falsifying interviews." 15 Mr Moore-Bridger said: 16 "Mr Cooper has. 17 Mr McCormick said: 18 "Sorry?" 19 He repeats: 20 "Mr Cooper has." 21 Mr McCormick says: 22 "Mr Cooper says that you have deliberately falsified 23 his answer?" 24 "Yes." 25 Mr McCormick says: Page 29</p>	<p>1 Unfortunately the correction ended up to make it wrong 2 not right. But it doesn't matter. He rang up and 3 checked. When he did so, he got another quote. He got 4 the quote about the government buildings being 5 legitimate targets for protest and occupation. You can 6 trust Mr Moore-Bridger and you can trust his note when 7 he and it tell you that Mr Cooper said nothing to him 8 about not being involved in the planning, about not 9 attending meetings at which direct action was discussed. 10 That was an afterthought by Mr Cooper the next day to 11 save his own skin. You can also trust Mr Moore-Bridger, 12 and you can trust his note, when he tells you that Mr 13 Cooper said nothing to distance himself from the 14 violence at Millbank; nothing. If he had done, it would 15 have been fairly and accurately reported, it would have 16 been in shorthand note. My goodness, if you want 17 a story, wouldn't that have been a story for the 18 Evening Standard? Leader or prominent member of 19 Revolution disassociates himself from the Millbank 20 violence which Revolution planned. Oh my goodness, one 21 cannot imagine Mr Cooper saying anything that would 22 allow a witch-hunting, right-wing, Tory rag -- or 23 whatever he calls them -- newspaper to say(?) a story 24 like that. Remember; unity, collectivity, not 25 individualism. We all stand and fall together. Page 31</p>
<p>1 "I'm suggesting that you simply haven't written down 2 everything that was said." 3 Mr Moore-Bridger says: 4 "That would be the same thing." 5 Mr McCormick said: 6 "Would it?" 7 Mr Moore-Bridger said: 8 "Because it would be. It would be misrepresenting 9 his position, and that's just something that I don't 10 do." 11 Mr McCormick said: 12 "You don't accept the possibility that you might 13 inadvertently have done it?" 14 He said: 15 "No." 16 Now what does that tell you? Deliberate 17 falsification came from Mr Cooper and his lawyer can't 18 bring himself to put it to Mr Moore-Bridger. He never 19 squared up to him. Isn't that telling? Isn't that 20 telling? This is why you have got to distinguish 21 between the lawyer, nice, charming Mr McCormick and 22 economic and Mr Cooper. This is about Mr Cooper, it's 23 not about Mr McCormick. 24 Why did Mr Moore-Bridger call Mr Cooper after the 25 interview and check and correct his notes? Page 30</p>	<p>1 I pointed out yesterday to Mr Cooper that if he is 2 telling the truth, if he had told the journalist 3 a statement of such importance as distancing himself 4 from the violence, not supporting it, or opposing it, 5 doesn't it seem extraordinary that when he fired off his 6 e-mail to Mr Greg, the editor of the Evening Standard at 7 2 minutes past midnight on 11 November, he said nothing 8 to the effect that he told the reporter that he opposed 9 or did not support violence. Doesn't that tell you so 10 much? 11 So it's your decision who you believe. It's the 12 single most important decision you will make. On that 13 decision, you may well decide who wins this case. My 14 last remark is going to be this; that if the point comes 15 where your duty to your oath, to your affirmation, makes 16 you think that you have to return a verdict for one or 17 other newspaper for Mr Moore-Bridger, then you are being 18 asked by him for monetary compensation. Now how 19 Mr McCormick put it in his opening was that Mr Cooper's 20 representation has been as badly trashed as Millbank 21 tower. Mr Cooper just doesn't get it, does he? What 22 a thing to commit or ask or however it came about, his 23 (inaudible) to say; Millbank might have caused thousands 24 of pounds in gratuitous, violent damage. Brave 25 policemen and women stood for hours before an angry mob, Page 32</p>

8 (Pages 29 to 32)

1 some of them with no protection, and we have seen two
 2 injured officers in the photographs. Isn't it an insult
 3 to them? Isn't it an insult to society generally for
 4 Mr Cooper to come here and say, "Give me compensation"?
 5 It's an insult not only to society, but to people up and
 6 down the land who think that Millbank was an atrocity
 7 and a terrifying incident, and something that people do
 8 not want in a free democratic society. If you feel that
 9 the point comes that you have to mark in some way
 10 an award of compensation, you can't award him nothing,
 11 but you can award him as good as nothing. You can award
 12 him the smallest unit of currency of the British
 13 equivalent, for example, of the kopeck, the currency of
 14 the Russian communist revolution that he wants to bring
 15 to Britain. Just think about the message that a jury
 16 verdict for Mr Cooper will send out from this courtroom,
 17 that Mr Cooper is a man who has been damaged, he is
 18 a man who should be compensated. But, no, you won't get
 19 there. That is all I want to say.
 20 MR JUSTICE EADY: Thank you, Ms Page. Would it be
 21 convenient to you, Mr McCormick, to take a break now, or
 22 would you prefer to --
 23 MR McCORMICK: My Lord, as Ms Page has been commendably
 24 brief, I would prefer to have 5 or 10 minutes and then
 25 take a break.

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1 MR JUSTICE EADY: I am sorry?
 2 MR McCORMICK: I would prefer to take 10 minutes, start my
 3 speech and then have a short break.
 4 MR JUSTICE EADY: Yes, very well. Certainly, yes.
 5 Closing submission by MR McCORMICK QC
 6 MR McCORMICK: Members of the jury, now I get to close the
 7 case for you. Ms Page, as is customary, has done for
 8 very, very best for her client. It is not to say that
 9 she has not said some quite outrageous things to you,
 10 the most outrageous of which is that somehow I'm
 11 charming and nice. I have to get the writ in the post
 12 in the near future. One of the most significant things
 13 was what she didn't do, which was have any of the
 14 articles put before you, to take you through them and
 15 explain why someone who read the Evening Standard or
 16 read the Daily Mail wouldn't take them to mean what we
 17 say they mean. The reason she didn't do that is because
 18 with all the charm and skill that she has at her
 19 disposal, she knows she couldn't possibly do that and
 20 keep a straight face, because the meanings that we say
 21 these articles clearly bear cannot sensibly be disputed.
 22 The reason is because in each case we say that the
 23 meaning is clearly what they actually said. We take the
 24 reports at face value. We say that the Evening Standard
 25 accused him of being a ringleader of a network of

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1 anarchists and campaigners who masterminded the that
 2 demonstration. That is because it actually said it.
 3 There is no need to read between the lines in the case,
 4 or in the case of the Evening Standard and the Daily
 5 Mail, to try and hide behind them and come up with some
 6 sort of mealy-mouthed alternative. The Evening Standard
 7 said, in large capital letters, he was a ringleader.
 8 They said he was a ringleader in hijacking the March.
 9 The Evening Standard he was an among a network of
 10 anarchists and campaigners who plotted the action.
 11 Under his photograph they said he was a protest leader
 12 who had told them of his role in plotting the attack.
 13 We say the Daily Mail article means that he was one of
 14 the hardcore leaders who orchestrated and inflamed the
 15 riot of Millbank. That again is because that is what
 16 they actually said. They said that they had unmasked --
 17 that is leaving aside for a second the fact that nobody
 18 from the Daily Mail had done any unmasking or
 19 discovering -- the hardcore leaders of the student mob.
 20 They said that each of those people, of whom Mr Cooper
 21 was one -- had a central role in the riot. They said
 22 beneath his photograph that he had organised the
 23 protest. It is clear, it is uncontestable, it is
 24 indefensible. You might think that a reputable
 25 newspaper would be prepared, even anxious, in a case of

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1 this importance, as Ms Page would have it, to stand by
 2 what it so clearly was prepared to accuse this man of
 3 having done, the Evening Standard on its front page.
 4 But no, until last Thursday each of them took the
 5 precisely opposite stance in this case, that neither of
 6 them made any attempt to allege that he was involved in
 7 the planning discussions for this event. That was their
 8 case, set out in black and white, with the best advice
 9 they had from the lawyers. Until last Thursday, when
 10 they changed. Ms Page referred to someone's moral
 11 compass being 180 degrees the wrong way, perhaps they
 12 should look to themselves, members of the jury? What
 13 prompted this change? Not a word of explanation. What
 14 was it? Was the fact that they realised that they were
 15 going to come badly unstuck? They decided last Thursday
 16 they were going to try and prove this against him. They
 17 haven't managed to do that. I am going to turn to that
 18 issue after the break.
 19 Before we do that, just a few more points on this
 20 issue of the meaning and what you might expect from
 21 reputable newspapers. The Evening Standard still
 22 insists, this morning through Ms Page, on arguing that
 23 that article does not accuse Mr Cooper of any
 24 involvement at all in what happened at Millbank, and
 25 that all it says about him is that his general political

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<p>1 view that mass militant direct action is an acceptable 2 thing in our society. Now as I said when I opened this 3 case to you, I can see that there is a valid argument to 4 be had there. We have seen to some extent that there is 5 an argument being had in the circles in which Mr Cooper 6 writes about the way in which you should forward the 7 protests, and what are the limits. I will come back to 8 that after the break as well. But that is not what the 9 ES wrote. The Evening Standard's article did not touch 10 upon that at all. It didn't just put the quotes in and 11 leave the reader to think, "Well, maybe this man is 12 an advocate of mass militant protest in general", it 13 said he was a ringleader who has plotted these attacks. 14 That is what is so unattractive about the Evening 15 Standard's case in particular, that they won't just 16 stand up and be counted and answer for what they wrote. 17 The truth is that the stance of each of these newspapers 18 is without merit, it is without honour and it's without 19 fairness. What it shows as much of anything else is the 20 dangers of a press that wields such terrible power to 21 pick an individual and demonise him in this way, and 22 then not to accept the responsibility to say, "Okay, we 23 accused you of that, and we are going to prove that", to 24 try and wriggle out of it. They twist and they turn. 25 They use weasel words, they are mealy-mouthed, to try</p> <p style="text-align: center;">Page 37</p>	<p>1 information about somebody. An idea can be right or 2 wrong, it can be argued over, there can be shades of 3 grey. A fact is either right or wrong. This is not 4 a case in which the newspaper says it has commented on 5 something which is in the public interest. There is 6 a defence for that. You will be surprised perhaps to 7 hear that (inaudible) it used to be called fair comment. 8 It is now called something else. But it gives the 9 newspaper the right to say, "We are not sure if it is 10 right or wrong as a fact, because it relates to an idea. 11 We want to defend it on the basis that it is in the 12 public interest for this comment to be the subject of 13 debate". They could have done it. They didn't do it. 14 There is also a defence called responsible journalism, 15 where if they publish facts and the facts are wrong, 16 they can come to court and say, "Well, the facts may be 17 wrong, but because we have a free press, and that is 18 because it is important, because it's important that 19 there should be communication between people, because we 20 acted responsibly, even though it may be false, and even 21 though it may have damaged someone's reputation, we have 22 a defence". They have not relied on that. They have 23 fought this case strictly on whether or not they can 24 prove whatever you find they allege against Mr Cooper. 25 So I am afraid when Ms Page, with her siren call to</p> <p style="text-align: center;">Page 39</p>
<p>1 and avoid the consequences. They file misleading 2 evidence. New evidence is provided at the last minute. 3 Documents appear at the very last minute. Why is that 4 the way in which reputable newspapers act? 5 Now I wondered how long it would take Ms Page to 6 refer to freedom of speech, freedom of expression. 7 Newspapers always do. I think it took her 22 minutes. 8 We don't have a video playback, so perhaps you will have 9 to trust me on that. But you will remember it didn't 10 take long before she said, "Well, members of the jury, 11 it is important that newspapers should be able to expose 12 this sort of thing for the good of society as part of 13 freedom of expression". Well, I can't deny that a free 14 press is a vital part of our society, but what the press 15 tend to forget is it's not freedom of the press, it's 16 freedom of expression. Everybody has that freedom, not 17 just them. It is not their right, it is society's 18 right. It is not just the freedom to speak, it's the 19 freedom to hear and to listen. It's in the public 20 interest that there will be what philosophers in the 21 past have called "the competition of ideas", not just 22 those that we like, but those that we don't, and 23 particularly those that may seem unpalatable, but we 24 need to think about and then decide we don't like. But 25 there is no public interest in spreading false</p> <p style="text-align: center;">Page 38</p>	<p>1 responsible journalism, to the necessary function that 2 they were performing in publishing these articles, you 3 have to steer away from those rocks because it is simply 4 not an issue in this case. It is not an issue because 5 they have not tried to rely on it. The reason they have 6 not try to rely on it is they know they would not make 7 it stick. 8 Another light that this case throws on these 9 newspapers is they clearly like things simple. They 10 seem to assume that their readers demand that 11 simplicity. Ms Page at one stage -- I heard the echo of 12 another lady who gave evidence before another judge in 13 this same building a few weeks ago, or maybe a bit 14 longer. She said, "Well, it's okay, our newspaper [no 15 longer published] did not actually tell people what to 16 think, it simply told them what we they already thought. 17 We know our readers. We know what they like". Well, is 18 it the case that the readers of the Evening Standard and 19 the Daily Mail really need to see things in black and 20 white all the time? Is there no room for subtlety? Is 21 there no room for a carefully worded argument to be set 22 out, that recognises that Millbank was a mixed picture? 23 That there were peaceful protesters there as well as the 24 violent protesters? Well, there clearly won't be much 25 room in the Evening Standard for that debate if you take</p> <p style="text-align: center;">Page 40</p>

10 (Pages 37 to 40)

1 up half the front page with a picture. If it's
 2 a smaller picture and more words, maybe you would be
 3 able to do that. Did the Evening Standard believe that
 4 their readers don't want it, can't handle the truth? So
 5 someone who wants to deal with the complexities of
 6 moral, political issues raised by the limits of peaceful
 7 protest that gets out of control can't be the given the
 8 space. You have to summarise what he might want to say,
 9 and you put it in a story. The problem then is that
 10 person has been misrepresented, because what is his
 11 proper, full opinion isn't there. You take the
 12 soundbites you want. You leave what you don't. But
 13 then again, "Associate tutor observed at Millbank
 14 protest that it was a mixed picture and raises complex
 15 issues" probably wouldn't shift many copies of the
 16 Evening Standard on a wet windy Monday morning. Members
 17 of the jury, that's my initial 10 minutes. My Lord, if
 18 we could have a break, I am confident I will finish
 19 before lunch.
 20 MR JUSTICE EADY: Yes, very good. Thank you. We will take
 21 our break now then members of the jury.
 22 (11.20 am)
 23 (A short break)
 24 (11.37 am)
 25 MR JUSTICE EADY: Yes, Mr McCormick.

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1 MR MCCORMICK: Members of the jury, having disposed of all
 2 I am going to say about what the articles meant, has
 3 either of the defendants managed to prove that what it
 4 wrote about Mr Cooper is true? It won't have taken
 5 a genius to work out that my answer to that question is
 6 no. The first point of course to make is that the
 7 defendants have to prove what they have accused of him.
 8 It is only fair. They wrote it, they accused him of it,
 9 they have to prove it on the balance of probabilities
 10 but it is not as if Mr Cooper does not have to help
 11 them.
 12 Mr Cooper has to provide them with what lawyers call
 13 disclosure, which means any documents that he has which
 14 are relevant to that issue he has to provide to the
 15 newspapers and they can then make such use of them as
 16 they want to. They're meant to do the same for us; it
 17 is a mutual process and if either side believes that
 18 there hasn't been proper disclosure they go to a judge,
 19 they point to the gaps and say, "Make them do it," and
 20 the judge does it. Easy. It is the way we run
 21 litigation in this country.
 22 It is for that reason that all of the Mr Cooper's
 23 emails relating to this event were disclosed to the
 24 defendants. They have seen the emails that he says made
 25 clear to him that there was going to be some form of

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1 direct action at the end of this march. He says it is
 2 an open secret. Miss Page pours scorn on that idea.
 3 She says it can't have been an open secret or else the
 4 police would have been aware of it and they would have
 5 been ready for it.
 6 My recollection was that there was a huge scandal at
 7 the end of this event as to precisely where the police
 8 had been because it was obvious that if you put 50,000
 9 angry students at Millbank where there are government
 10 buildings, including the one that houses Tory HQ, you
 11 might expect there to be something that happens. The
 12 suggestion that because the police weren't there it
 13 means this means there was a tightly controlled secret
 14 is just ridiculous. For goodness sake, there was even
 15 a Facebook page: "When the Revolution comes, brothers,
 16 it's going to be on Facebook and Twitter." This was an
 17 open secret, as Mr Cooper told you, and there is no
 18 evidence to contradict that at all. So, it's for them
 19 to prove the case.
 20 Now, Mr Moore-Bridger says he discovered things at
 21 Millbank -- I will come back to that later -- but you
 22 might have thought that two reputable newspapers,
 23 anxious to prove their case, would go out and do some
 24 discovering of some evidence, some investigative work
 25 and come up with something that they could put in the

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1 witness box and put before you saying, "No, Mr Cooper
 2 was involved." Someone else, anyone else, any document
 3 that they could put in front of them and say, "This
 4 shows you were involved," but no. The documents that he
 5 has provided they do not even bother to put in front of
 6 you because they do not show that he was involved in any
 7 way whatsoever. He could see the emails, he could see
 8 the Facebook page, but he took absolutely no part in it
 9 and that is the simple truth. They cannot prove it.
 10 So evidence. In the Simpsons there is two lawyers.
 11 There is the grey-suited, bespectacled, beady-eyed
 12 lawyer who is always on Mr Burns's side and always wins.
 13 There is the other lawyer, the Springfield hick (?)
 14 lawyer, Lionel Hutz, and when the judge says to him,
 15 "Well, Mr Hutz, where is your evidence?" he says, "Well,
 16 Speculation and rumour, they are kinds of evidence,
 17 aren't they?" But they're not. Not in Springfield, not
 18 in court 13 in the Royal Courts of Justice.
 19 It's not enough for Miss Page to continually tell
 20 you that Mr Cooper is a prominent member of Revolution
 21 unless she's got something to back it up and she
 22 doesn't. Let us just have a little think about the
 23 evidence that might support that statement that he is
 24 a prominent member.
 25 Is he a member of the National Council? No. The

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<p>1 evidence is he ceased to be on the National Council in 2 2008. Did she challenge him on that? No, she didn't 3 because she's got no basis to challenge him and she 4 knows it. How did he get on the National Council? 5 Well, he was elected. Who by? Apparently himself. 6 It's a sort of organisation where the competition for 7 top places is so great that if you put your own hand up 8 you have just been elected. I thought that only 9 happened in the army when they asked for volunteers and 10 everybody else took two paces backwards and the slowest 11 person had elected himself. Apparently it happens in 12 Revolution as well, so he's not on the National Council, 13 which seems to pass for an executive of some sort. So 14 what's the evidence of his prominence in the 15 organisation after that? There is not any. 16 It appears to be the case on behalf of these two 17 newspapers that he is a prominent member because dot dot 18 dot dot, fell in the blanks. Well, what do we have? He 19 went on this march. Yes, well, it seems that almost 20 anybody who didn't like the Government's approach to 21 education cuts was on that march. He handed out some 22 leaflets. Fair point, he handed out some leaflets. I 23 give her that. He was wearing his Revolution hat. I 24 have no idea what this mythical Revolution hat actually 25 looks like, but it seems to be no more than saying he</p> <p style="text-align: center;">Page 45</p>	<p>1 something wrong and possibly got it wrong deliberately 2 but, of course, whilst doing that, she's quite happy to 3 accuse Mr Cooper to his face of a great deal worse and 4 then to you, this morning, of even worse than that. 5 Now, I have no doubt that Mr Moore-Bridger is 6 a professional journalist in the sense that he gets paid 7 for being a journalist, but why the emphasis on saying 8 he is a professional? We're all professionals if we are 9 lucky enough to have a job, in that sense. It is the 10 unspoken message. The journalist deserves some 11 particular degree of respect, some particular degree of 12 sympathy, regardless of whether he actually deserves it. 13 Was Miss Page engaged in a little advanced spin 14 because she suspected Mr Moore-Bridger might need 15 a little bit of extra help when he ended up in the 16 witness box? Was it because she feared that he might 17 make a poor impression because she knew that his 18 attention to detail was incredibly shoddy, because she 19 knew that a second transcript had to be required because 20 the first one was a complete mess? It was an attempt to 21 invest Mr Moore-Bridger with some additional status that 22 he does not deserve, to make any criticism that I or 23 Mr Cooper make of him look correspondingly outrageous. 24 He has got no status in this court other than that 25 of witness and he was a wholly unsatisfactory one at</p> <p style="text-align: center;">Page 47</p>
<p>1 was doing not more than handing out leaflets. 2 And he was a prolific writer. It's another one of 3 these things that Miss Page has dropped in again and 4 again, that he is a prolific writer, and he eventually 5 called her on this. He said, "Look, I've gone back, the 6 letter that your the side wrote to us identified three 7 articles on the Revolution website in 2010." 8 Members of the jury, we can tell how inflammatory 9 those were and how influential those were by the fact 10 that not one of them has been put before you. This man 11 is so prolific, so influential. Where is the evidence 12 of it? There is not any. It is suggestion. It is 13 speculation. What they're hoping is that it will slip 14 through and it will pass for evidence, which it clearly 15 isn't. 16 The evidence is what happened in the witness box 17 coupled with some of the documents that are before you. 18 And there is, in truth, a straight conflict of evidence 19 between the two main witnesses, Mr Cooper and 20 Mr Moore-Bridger. Mr Moore-Bridger: he is a journalist 21 and he was after the pains to refer to his professional 22 integrity when Mr Cooper disputed his notes. Miss Page 23 had already done the same when she was cross-examining 24 Mr Cooper as if there is something particularly 25 outrageous about saying that a journalist has got</p> <p style="text-align: center;">Page 46</p>	<p>1 that. I say his disregard for accuracy and, perhaps 2 even worse, his failure to admit his own mistakes, were 3 twin features of his evidence and of his conduct in this 4 case long before he ever got into this court. 5 Some points on his attitude towards accuracy 6 generally: Sussex University complained about the fact 7 that Mr Cooper was being described as a lecturer. I am 8 not going to take you to the emails. They're at tab 8 9 and tab 9 if you want to look at them when you 10 retirement; I went through them yesterday. You remember 11 the thrust saying, "He's not a lecturer. Here is the 12 difference," again and again and again. I accept that 13 it was not for Mr Moore-Bridger to actually go online 14 and alter the article. That is not his responsibility; 15 it was someone higher up the food chain within the 16 Evening Standard who would have to do that and the email 17 chain, that is fine. 18 But Mr Moore-Bridger didn't stay out of this. 19 Mr Moore-Bridger got involved and he sent that one or 20 two-line email. When Sussex University said, "Look, he 21 is still being described as a lecturer and that is just 22 wrong and we're now getting emails from people demanding 23 that we sack him when we can't because we do not employ 24 him as a lecturer," what did Mr Moore-Bridger do? Did 25 he send them an email saying, "Look, really sorry, we're</p> <p style="text-align: center;">Page 48</p>

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<p>1 sort this out"? No. He sent an email saying, "Emails? 2 Who from?" 3 He was looking for an additional angle on the story: 4 "Investigative reporter from the Evening Standard 5 courageously exposes scandal at Sussex University. 6 People call for sacking of university lecturer whom the 7 Standard exposed yesterday (Inaudible) in the riots." 8 Was that what was in his mind, another byline, 9 another front page, another Batman stamp picture on the 10 front page of the Evening Standard? 11 What did he say about University of Sussex's stance 12 that he was not a lecturer? Well, he teaches, therefore 13 he lectures. I asked him, "What was your basis for 14 challenging the University of Sussex on that?" 15 He said: 16 "Well, Mr Cooper told me, therefore it must be all 17 right." 18 Really? Really? That is his standard: 19 "If I am told something by someone, it does not 20 matter if the people who really know come back two me 21 and say it's wrong. I should just say no, it's okay? 22 He teaches therefore he lectures." 23 Than an insight into the way he thinks. There is no 24 difference. It may be that he does not genuinely 25 understand the difference. It may be he understood the</p> <p style="text-align: center;">Page 49</p>	<p>1 A JUROR: Just for one second. 2 MR JUSTICE EADY: Certainly, we will take a break. 3 (11.51 am) 4 5 (A short break) 6 (11.54 am) 7 MR MCCORMICK: We were just dealing with this label of 8 anarchist that had been attached to Mr Cooper and I 9 asked Mr Moore-Bridger why he had done it and his answer 10 was bizarre: 11 "It was the shortest form of describing what had 12 happened and that was what the picture related to." 13 And I asked: 14 "Well, why didn't you just say it was a Millbank 15 protestor?" 16 And he said: 17 "I could done." 18 I said: 19 "Yes, but why didn't you, though? Millbank 20 protestor would have been accurate; anarchist protestor 21 wasn't." 22 He said: 23 "Well, there is no reason. There is no inference in 24 there." 25 There is certainly no respect for accuracy in there</p> <p style="text-align: center;">Page 51</p>
<p>1 difference and just didn't care but, either way, there 2 is a failure to respect accuracy in his reporting. He 3 complained that Sussex's approach was rigid. That was 4 his word: rigid. What he really meant is they expected 5 him and his newspaper to be accurate. 6 Anarchist. The email that I think is at tab 13, 7 which I am not asking you to go to, where he attached 8 some photographs for the news desk, including the one 9 with the Batman stamp on the front and just put 10 "Anarchist protestors pics. "Anarchist" was in inverted 11 commas, perhaps like "professional journalist", but he 12 had called him an anarchist. 13 I asked him, "Did you ever call Mr Cooper an 14 anarchist?" and he said no. I then said, look at this. 15 He said: 16 "I didn't call him an anarchist in the article." 17 I said: 18 "Well, I didn't ask you that." 19 And then he said: 20 "Well, I didn't really mean anarchist." 21 (Addressing a coughing juror) 22 I am sorry, if someone is in real distress -- 23 MR JUSTICE EADY: I think we need another glass for the 24 juror. 25 Are you all right or would you like a break?</p> <p style="text-align: center;">Page 50</p>	<p>1 and that follows through into the article because, in 2 part of the article he wrote, he described Mr Cooper as 3 part of a network of anarchists and campaigners. 4 I asked him: 5 "Well, what's the basis on which you say he is part 6 of a campaign, a network of anarchists and campaigners?" 7 He said: 8 "Well, there are anarchists there." 9 There were plenty of other people there. It does 10 not mean that Mr Cooper had anything to do with them 11 whatsoever. 12 The article says that the Standard had discovered 13 Mr Cooper's stance. So I asked him: 14 "It was not really a case of you discovering 15 anything, was it? On your case Mr Cooper came up and 16 started pouring out his account to you. That's what he 17 said." 18 And his answer was, again, bizarre but telling: 19 "Well, this article was written to our readers." 20 As if to say, it doesn't really matter if we 21 embroider a little for our readers because, what, they 22 do not count, they do not matter, we do not care? 23 The caption under the photograph says that Mr Cooper 24 told the Evening Standard of his role. Now, that was 25 not something that Mr Moore-Bridger was responsible for</p> <p style="text-align: center;">Page 52</p>

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<p>1 because he did not write it but I asked him about it to 2 see what his stance would be because, on any view, 3 Mr Cooper did not tell Mr Moore-Bridger about any role 4 he had in any planning. The notebook contained no such 5 information. The notebook contains quotes which the 6 Evening Standard and the Daily Mail say show that 7 Mr Cooper knew about the plans, says nothing about what 8 he did so I said, "What role did he describe to you?" 9 Now, if he had been an honest witness and an 10 objective witness, one without an agenda, one who was 11 simply telling the truth and was living up to proper 12 professional journalistic principles, his answer should 13 have been, "he didn't. That caption is misleading, but 14 he didn't." 15 I asked him the question about five times because if 16 someone doesn't answer a question I ask, I do tend to 17 ask it again. Each time, as if by rote, as if it was 18 pre-planned, he said, "Well, he told me it had been 19 planned," and even when I told him that was not what I 20 was asking for, he just wouldn't change. The reason he 21 wouldn't change is because he couldn't change without 22 admitting there had been an error. 23 Now, we all make mistakes, members of the jury. You 24 have seen the lawyers in this case make mistakes. They 25 are innocent mistakes; they happen. There is no shame Page 53</p>	<p>1 That was his answer when I asked him, "Well, why did 2 you leave things out?" 3 Well, of course it didn't help his case to reveal at 4 that early stage that his notes didn't all make sense 5 because at that stage what he wanted to give was an 6 impression that what he had written down were complete 7 sentences that made perfect sense because it would make 8 his case look stronger; no indication that things had 9 been left out, no indication that things had been scored 10 out, even that transcript wasn't a accurate record what 11 of what his shorthand did say. He substituted the word 12 "campaign" for "coalition". I never quite understood 13 why he had done that. If it is a transcript, it is 14 a transcript. 15 Now, the second transcript is prepared, he said, 16 a couple weeks ago. Well, when prompted by Miss Page 17 during one of our short breaks, "Hold on a second, I am 18 told that you in fact did this as a result of a meeting 19 last Thursday, so it would have been six days ago," and 20 he then admitted that was right. 21 Now, it's one of those things that you just say, 22 well, were you being careful when you gave that answer? 23 Why did he get that wrong? I find it hard to see why he 24 would do that deliberately, why it would be a deliberate 25 falsification but it is clearly something that is wholly Page 55</p>
<p>1 in it. The problem is when people will not admit that 2 they have made a mistake when they start covering it up, 3 when they deny the possibility that they have made 4 a mistake because that makes them inherently incredible 5 as witnesses. 6 The first transcript that was produced -- it is the 7 one-page transcript -- I say it is a thoroughly shoddy 8 piece of work. It's headed, "transcript of interview." 9 It is not. This is a man, Mr Moore-Bridger, who 10 Miss Page has pointedly reminded you who has been 11 educated to postgraduate level as a professional 12 journalist, he understands what a transcript is; it is 13 a complete account of everything. It was nothing like 14 it. But he didn't say in his witness statement 15 exhibiting it, "this is a summary." He said, "Here is 16 a transcript." 17 Why was it so inadequate? He knew it was being 18 exhibited to a witness statement which would be used in 19 court proceedings and he said at the outset of his 20 evidence that just as he is concerned about accuracy as 21 a journalist, he wanted to careful about being accurate 22 in his evidence so why wasn't he? 23 "Because I didn't -- because I didn't -- I 24 didn't -- it was relevant. I didn't think it was 25 helpful because it didn't make sense." Page 54</p>	<p>1 inaccurate and something he should have thought 2 sufficiently carefully when answering. If he could not 3 remember, he should have said, "I can't remember," taken 4 a moment and then done it but he said, "A couple of 5 weeks ago," which was wrong. I say that tells you a lot 6 about the accuracy of his evidence. 7 The time of the interview has changed. On his notes 8 it says about 4.30. That is the time he ascribed to it 9 a couple of weeks after the event. Now he says it 10 cannot have been any later than 4.30. A small change 11 perhaps, but it is a change. What that does give us is 12 his definite evidence as it now is that between 4.15 and 13 4.30 this interview took place. He said they were 14 talking for about eight to ten minutes. 15 Do you remember this photograph, it is one that is 16 (Indicates) in your bundle but it is the copy that was 17 in the witness box and it is the copy that 18 Mr Moore-Bridger marked with an X. Don't worry, members 19 of the jury, we are just trying to make sure the picture 20 on that one comes into the centre of the screen. 21 Mr Moore-Bridger marked this copy. Mr Moore-Bridger 22 marked this with an X to show where he and Mr Cooper 23 were standing, he says, during this interview. 24 Just remind yourself of where that X is because you 25 will remember, I hope, that I put to him that he Page 56</p>

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1 couldn't possibly be right because during the 15 minutes
 2 that he is talking about there was no possibility for
 3 him to be standing there. The screen will pause. We
 4 are not going to play it live for a second.
 5 Members of the jury, it is not spot the ball. We
 6 are not going to have to worry if the cross is just
 7 a little bit off. You will see from the video evidence
 8 it is obvious he cannot have been anywhere near there
 9 and the thrust of what I am going to say is that he must
 10 have been, in fact, pretty much where Mr Cooper says
 11 they were, right further back with all the other
 12 journalists.
 13 Also, as this video plays, there are a couple of
 14 times when you're going to see shots of the roof because
 15 you remember Mr Moore-Bridger, and I think also
 16 Miss Davis, said that there were still people on the
 17 roof, still the Revolution banner, possibly on the roof
 18 at the time. You're going to see footage of the roof
 19 that shows that it is clear there is no banner. Okay?
 20 (The video was played to the court)
 21 MR MCCORMICK: We are going to play through until the
 22 detailed clock, 22 minutes, 30 seconds, so it is about
 23 30 seconds of footage, members of the jury. Now, you
 24 can see on the left-hand screen that there is a space in
 25 front of the police where I say is either over or very,

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1 very close to the X that is marked on the paper. Now,
 2 the camera does pan around a bit. You can see there
 3 a bonfire has been made of placards towards the rear of
 4 the courtyard, panning over to what we will call the
 5 right-hand side of the courtyard and the high visibility
 6 jackets of the riot police and you see there, is that
 7 23? So we see -- can we move forward to 23.15 on the
 8 internal clock, please.
 9 (The video was played to the court)
 10 MR MCCORMICK: We are not going to play the entirety of the
 11 video. So now we have camera from the left. You see,
 12 what is happening here is the police line is going to
 13 try and move forward on the left-hand side. It will
 14 succeed. On the right-hand side it doesn't. You can
 15 see that there is the general movement forward and on
 16 the left-hand screen you can see it happening clearly.
 17 On the left-hand side people are moving forward and
 18 eventually you will see, in about a minute or so, the
 19 bonfire will be behind the police line because you will
 20 see three journalists leaning down beside it to video
 21 it.
 22 You can see now there is a surge as the police move
 23 forward to take back some of the courtyard on the
 24 left-hand side which doesn't show on the other screen
 25 which is showing the right-hand side, but it is clearly

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1 happening. And then if we can move forward to 24 on the
 2 internal clock. So, again, we have footage being shot
 3 from what I'm going to call the press area and you can
 4 see now the police line is uneven. On the left-hand
 5 side of the courtyard it is clearly far further forward
 6 and you see it from the top. You see the bonfire is now
 7 behind the police line there and the X would be
 8 considerably behind the police line.
 9 Now, I asked Mr Moore-Bridger whether when he was
 10 standing at the X interviewing Mr Cooper anyone had
 11 caused him any problem because had already spotted the
 12 fact that there was likely to be the (Inaudible). He
 13 said no, it was not as if he was interrupted by the
 14 police line moving forward. He cannot have been
 15 standing there.
 16 (The video was played to the court)
 17 MR MCCORMICK: 25.30. Okay, so we can now see journalists
 18 huddling around the bonfire; not for warmth but good
 19 footage. There is nothing wrong with that but the only
 20 journalists in the vicinity of the X are those that are
 21 actually interviewing (?) the bonfire. No one is
 22 interviewing Mr Cooper. That is the way it stays,
 23 members of the jury.
 24 Now, Mr Moore-Bridger's evidence on that is clearly
 25 wrong. Whether it is deliberately falsified or simply

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1 wrong because he's got no reliable recollection doesn't
 2 really matter. It's not right. That means on that
 3 fundamental point, one on which you would have thought
 4 a man being careful to give evidence would get right or
 5 at least admit the possibility of error, having sat in
 6 court and watched the video, you have got to think very
 7 carefully about the rest of what he says.
 8 Now, we need to go to 32 please. Again, we see on
 9 the left-hand screen, now, the underside of the
 10 left-hand screen is the top of 30 Millbank. There is
 11 nobody there. There is no banner there. I think -- 33,
 12 again -- this is just to show that for all of the
 13 possible period of time that area where the X is clear
 14 and it is at this point -- you may even be able to see
 15 it on the footage -- it is at this point that the Sky
 16 cameraman and the Sky reporter prepare, so we have got
 17 the roof again there showing nothing -- no, this is BBC
 18 footage. It is at this point in the time chain, final,
 19 zoom out. Nothing on the roof. No banner, no people.
 20 Again, I think that's all we need. That is fine. Thank
 21 you very much.
 22 That went remarkably smoothly.
 23 So, members of the jury, that shows that either he's
 24 got the time of the interview completely wrong -- he
 25 hasn't. It's about half 4 -- he's got the place of the

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1 interview entirely wrong -- he must have. Cannot have
 2 been there -- it shows that when he said there were
 3 still people on the roof, there was still a banner on
 4 the roof. He got that entirely wrong. It's just not
 5 there.
 6 Now, he seemed to be suggesting he had seen some
 7 video footage before he had given his evidence. Well, I
 8 don't know what video footage he had seen but he clearly
 9 hasn't looked at the video footage that he should have
 10 looked at to check whether his recollection was right or
 11 not because no careful person would have failed to check
 12 the video footage of the scene where he says he was
 13 carrying out an interview to see whether or not they
 14 were actually on film being interviewed. Wouldn't that
 15 have been the best possible thing for him to find?
 16 "They have actually shot the place where I was
 17 conducting this interview, therefore there's me.
 18 There's Mr Cooper. You can see us."
 19 If he had done that exercise, wouldn't he have had
 20 to have realised that the evidence that he was giving to
 21 you was wrong?
 22 It was Mr Moore-Bridger's job to approach people, to
 23 investigate, to discover what was going on. He wanted
 24 to speak to people. He approached Mr Cooper because he
 25 wanted to find out things. If Mr Cooper had wanted to

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1 talk to a journalist there would have been no difficulty
 2 in him finding any number of journalists to speak to.
 3 That's his evidence and it is obviously right; the place
 4 was crawling with journalists, crawling with
 5 photographers. You can see the cameras in many of the
 6 shots, many people close to the front line were clearly
 7 holding up cameras. You have heard from Miss Davis that
 8 even after that police line was formed, she was able to
 9 walk into the building by the simple expedient of
 10 walking round the side.
 11 Now, it's important to keep the overall picture in
 12 context because that's what Mr Cooper's case is all
 13 about. There was a mixed picture. There were people
 14 who were seemingly intent on violence and on confronting
 15 the police apparently over on the right-hand side of the
 16 courtyard by this stage. On the left, there seems to be
 17 a very different atmosphere. There is no confrontation
 18 there and if you want to get into the building, like
 19 Miss Davis did, there was no difficulty. You simply
 20 walked around and you went into the building and you did
 21 what you wanted to do; in her case take a photograph.
 22 If Mr Cooper had wanted to get into the building, he
 23 could have done that in exactly the same way that she
 24 did, but he didn't.
 25 At the time that that sequence of video ends, the

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1 Sky footage that you saw begins and we have the reporter
 2 walking along what we will call the front line, walking
 3 between the line of police on his left and the
 4 protestors on his right and he wanders from the
 5 left-hand side where things are clearly calmer and he
 6 ends up over toward the right-hand side. You may
 7 remember there is a woman who appeared to be waving what
 8 looked like the top part of a yucca plant or something
 9 in the middle of the crowd and that was the most overt
 10 sign that something was actually happening but this
 11 reporter was able to walk along between the protestors
 12 and the police and he was able to have conversations
 13 with people there and he was able to interview people
 14 there and you will remember -- and if you do not you
 15 will be able to remind yourselves but watching the
 16 footage when you retire -- that there was an interview
 17 with a young man there and the young man said:
 18 "Well, I myself, I am protesting peacefully, I am
 19 here, I am standing here, I am not doing anything
 20 violent."
 21 And the reporter said:
 22 "Well, does that mean you condone violent protest?"
 23 He said:
 24 "Well, that's not what I said."
 25 It was the classic interview with someone by a news

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1 organisation looking to drag out of them something that
 2 they could use to hang a story on:
 3 "So you're saying you condone a violent protest?"
 4 "No, that's not what I said at all. I have got
 5 mixed feelings. It's more complicated than that."
 6 Now, you can get that sense; as Mr Cooper said, you
 7 can get that sense if you have got a complete transcript
 8 or a record of what is said. So that young man who was
 9 interviewed by Sky, you can see exactly what he was
 10 saying and you can see exactly what he was meaning and
 11 you make your mind up about that. We don't have that in
 12 Mr Cooper's case because in Mr Cooper's case what we
 13 have got are the journalist's notes of some of the
 14 conversation.
 15 Now, Miss Page is right to say that I don't
 16 challenge that what is written down on the original pad,
 17 the shorthand note, is accurately reflected in the
 18 second transcript. It's been done right now. Okay?
 19 One of your number or at least one of your number
 20 asked this question about an independent transcript.
 21 What he wrote down in his shorthand notes is what's in
 22 the second transcript and where there is something that
 23 is illegible which means either just cannot read it or
 24 he has scored it out, is marked as illegible. That is
 25 not the point. The point is whether or not what he

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<p>1 wrote down in his shorthand pad is all of what was said 2 or is an accurate record of what was said. Just because 3 it's been written down doesn't mean it was said. It may 4 be a summary in part; in part it clearly is a summary 5 because there are sentences which just tail off. You 6 can see those on the transcript. You have sentences 7 which end "and" and then Mr Moore-Bridger filled some of 8 them in. 9 He said: 10 "I think what he meant at this stage was a whole 11 generation would be lost to society." 12 Maybe he did say that. Maybe he didn't. 13 Mr Moore-Bridger doesn't know. Mr Moore-Bridger's 14 shorthand wasn't up to getting it all down or else he 15 simply didn't think it was worth recording, I don't know 16 which. Some things were undoubtedly said which he 17 didn't bother to write down. 18 The exchange about whether or not Mr Cooper could 19 speak on behalf of Revolution. Now, it appears nowhere 20 in the notes. Why? Mr Moore-Bridger's evidence is, 21 "Well, that wasn't part of the interview. That was part 22 of a pre-interview. Doesn't mean it shouldn't be 23 written down." 24 You ask someone, "Can you speak on behalf of 25 Revolution?" If they say no, get lost. If they say</p> <p style="text-align: center;">Page 65</p>	<p>1 write down is clearly not what Mr Cooper told him. 2 Mr Cooper never told him that the name of the 3 organisation was the International Coalition Against 4 Fees and Cuts. Do you seriously think for one minute 5 that Mr Cooper got the name of the organisation wrong 6 again and again? Of course he didn't. When he was 7 asked for the names of the organisations, he gave them 8 correctly. Mr Moore-Bridger wrote them down wrong. 9 So, the lecturer issue. Just think for a moment, if 10 Mr Cooper is speaking to a journalist hoping that what 11 he is going to say is going to be reported, what could 12 make his position worse than misrepresenting that he was 13 a lecturer at University of Sussex; why would he do 14 that? It would only get him into even more trouble by 15 saying he was a lecturer. It would drag the university 16 into it. He would not do it. 17 The defendants say, through Miss Page, that 18 Mr Cooper spoke to the journalist thinking that the next 19 day's public opinion would say that the riot at Millbank 20 had been a really good thing and that the reason he's 21 been force to bring this libel case is because he 22 misjudged the public mood. 23 Members of the jury, do you think that in his 24 wildest imagination he thought that the British public 25 would think that the violent disorder that happened in</p> <p style="text-align: center;">Page 67</p>
<p>1 yes, you write down, "On behalf of Revolution". It's 2 just ridiculous for them to suggest that shouldn't have 3 been written down. It is clearly relevant. The reason 4 it isn't written down is because it never happened. 5 What happened to, "You can call me a lecturer. 6 That's okay."? 7 Not written down. The word "lecturer" doesn't 8 appear on the notes anywhere. Why not? The reason 9 Mr Moore-Bridger gave you was, "Well, I would have 10 remembered it anyway." 11 Well, that's just ridiculous. He should have 12 written that down if he thought it sufficiently 13 important to feature in his story. The reality of the 14 situation is, if Mr Moore-Bridger is going out looking 15 for a story, he is clearly not going to write down 16 everything he's told. He is going to write down some of 17 what he is told and, if only he would be prepared to 18 admit that, there would be no problem, but he persisted 19 in this idea that he wrote down absolutely everything 20 that was said so if it's not in his notes it can't have 21 been said, apart from, "Yes, I'll speak on behalf of the 22 Revolution." Apart from, "Yes, you can call me 23 a lecturer." 24 There was plenty else that was said that he didn't 25 write down for whatever reason and some of what he did</p> <p style="text-align: center;">Page 66</p>	<p>1 that building was going to play well? Of course he 2 didn't. What he wanted to do was to make sure that that 3 didn't obscure the message that there had been an 4 enormous amount of good in that protest both generally 5 and that there had been a peaceful protest outside the 6 building and that the anger that had been generated had 7 been channelled in that direction. 8 One of the sentences in the article that is relied 9 on by Miss Page as showing that Mr Cooper was an 10 organiser, ringleader of the violence is the one that 11 begins, "There was a lot of anger." 12 One of the problems we have in this case is that it 13 is very difficult to put what Mr Cooper said into proper 14 context without the question that's asked. If we 15 produce the transcripts that we get every day of what 16 happens in court and deleted the questions and just gave 17 you the answers, can you imagine how difficult it would 18 be to make it make sense? Lawyers you are always 19 accused of taking things out of context and, if we are 20 honest, we often do, but the point is if we do it on 21 each side it usually balances each other out in the end. 22 You cannot simply say, "Here are the answers," and then 23 go back 16 months later and fill in the questions. 24 In one respect I can demonstrate that from 25 Mr Moore-Bridger's evidence. The statement that begins</p> <p style="text-align: center;">Page 68</p>

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<p>1 on the first page, "There was a lot of anger," was 2 prompted by this question according to his evidence 3 yesterday: 4 "Why has everyone come here and why are they 5 protesting outside Millbank? 6 "Why are they protesting outside Millbank?" 7 Not, "Why have people gone into Millbank and why are 8 they trashing the building?" but, "Why are they 9 protesting outside Millbank?" 10 Of course you can't tell that from 11 Mr Moore-Bridger's note. You can't tell it from the 12 article in the Standard that that was in answer to 13 a question specifically directed to people outside the 14 building and that is the problem. With one-sided notes 15 you only get the answers. 16 Mr Cooper was asked, "Why did you attack Tory HQ?" 17 In fact, Mr Moore-Bridger's version of the question 18 yesterday was: 19 "Why did you attack the building and the police and 20 Tory HQ?" 21 Now, Mr Cooper is quite clear and has been from as 22 soon as he saw this article that he never said that, 23 that he said, "I wouldn't put it like that." Isn't it 24 exactly the type of response that the Sky reporter got 25 from a young man he tried to interview? The people that</p> <p style="text-align: center;">Page 69</p>	<p>1 that, which has been consistent, when you have got 2 Mr Moore-Bridger giving the impression it was ten days, 3 now saying ten days, a fortnight? When asked why his 4 first witness statement wasn't accurate did he say, 5 "Yes, I'm sorry, it wasn't accurate, I apologise."? 6 No, he said, "It was correct. He did say ten days," 7 because presumably in Mr Moore-Bridger's world, if he 8 adds something that qualifies it, you can leave it out 9 without impairing the accuracy of what you have just 10 said and that is disingenuous beyond belief and for 11 a professional journalist it's quite appalling. 12 He then tried to say that he didn't have 13 a transcript when he prepared the first witness 14 statement, but the first witness statement exhibits the 15 transcript so he did have it at the time. So absolutely 16 no excuse for that. 17 I asked Mr Moore-Bridger: 18 "Isn't it up to you as a responsible journalist to 19 check that you have got the quote right?" 20 The response was: 21 "No, not unless I think there's anything wrong with 22 them." 23 So he doesn't bother to read them back to someone 24 just to make sure that his shorthand is up to it and he 25 hasn't misunderstood. He takes the risk that he's got</p> <p style="text-align: center;">Page 71</p>
<p>1 went to these protests weren't mindless thugs in the 2 vast majority; they were people who thought about it and 3 recognised the complexities and the subtleties and when 4 he was asked that kind of question -- and I have no 5 problem with the journalist asking it in that way -- he 6 said, "I'm not going to put it like that," or, "I 7 wouldn't." 8 The problem is when the journalist gets a later 9 answer he elides the question with the answer and you 10 end up with the answer meaning something different. 11 The planning timescale. In his witness statement, 12 Mr Moore-Bridger was quite clear about this. He said 13 Mr Cooper told him that it had been planned for ten 14 days. End of story. And at that time the transcript 15 said ten days. It doesn't actually tell us what 16 Mr Cooper actually said; it just says ten days. No hint 17 of doubt. His evidence yesterday was you said he 18 couldn't be exact but it was something like ten days or 19 a fortnight. We don't know what words Mr Cooper spoke 20 because they weren't recorded. He is not suggesting he 21 said ten days, fortnight. He clearly said something 22 else. Mr Cooper's evidence has always been that he 23 said, "I don't know." When he was pressed he said, "Ten 24 days, maybe a fortnight, maybe something like that." 25 Now, why would not you accept Mr Cooper's account of</p> <p style="text-align: center;">Page 70</p>	<p>1 the wrong end of the stick both for his own professional 2 reputation and for that of the person he has just spoken 3 to. Now, if he wants to take that risk, I can't stop 4 him but it doesn't sound particularly professional to 5 me. 6 It's a huge part of the defendants' case that 7 Mr Cooper is somehow to be tarred with the brush of 8 revolution, that at the time of this protest outside 9 Millbank he is, as Miss Page puts it, "armed with 10 leaflets." I do not know whether that was an unintended 11 pun or not. "Brothers and sisters, with our leaflets we 12 shall arm ourselves and we shall overthrow the 13 capitalist state," and he is wearing this Revolution tin 14 hat to go with his armed (Inaudible). 15 He is wandering around at the back of the crowd. 16 He's handing out the leaflets. He's talking to people. 17 That's all. He's talking to people and saying, "Here is 18 what we believe. Would you like to think about it?" 19 And he is to be criticised for that. Really? He turns 20 up at this protest at 3 o'clock. This protest has been 21 going on since before half past 1; indeed, 22 Mr Moore-Bridger's evidence was that he was told to get 23 down there between 12 and 1. 24 It's Mr Cooper's evidence the feeder march that he 25 was on, that set off from somewhere near Euston station,</p> <p style="text-align: center;">Page 72</p>

18 (Pages 69 to 72)

<p>1 set off at 12 o'clock, so he would have had to run all 2 the way if he wanted to be there for the start of this, 3 if he had known it was going to happen there. This is 4 not a man who was in any sense a ringleader whether in 5 advance or on the day. He is every bit as much 6 a bystander as other people who turned up and stood and 7 watched and discussed and thought and argued about the 8 rights and wrongs of that protest and of the issues that 9 were at stake. 10 Mr Cooper spent a day and a half in the witness box. 11 Most of that time he spent being accused over and over 12 again of inciting riot and lying through his teeth to 13 you, and Miss Page has amplified that allegation this 14 morning. She says you will want to consider why he has 15 brought that on himself. Then, having posed the 16 question, she cannot come up with a very convincing 17 answer. 18 If Mr Cooper has really been caught out, why has he 19 brought this on himself? The university dismissed any 20 disciplinary findings against him. The proceedings went 21 nowhere, so he's got no problem with the university any 22 more. What is the problem for Mr Cooper if it is not 23 the fact the that they have spread false information 24 about him? He doesn't need to carry this through with 25 the university. It wasn't suggested to him. It wasn't Page 73</p>	<p>1 frustration when Miss Page was tasking him with this 2 when he said there is no problem about this. It really 3 is simple: if you, as a group of protestors, decide we 4 will not offer violence then the protest will be 5 peaceful because if the way is barred, we will not push 6 through. If we are inside we will not do damage. We 7 will sit, we may chant. We may sing. We may turn it 8 into a space for political discussion. What we will not 9 do is commit violence or property damage. 10 Now, it's obvious that that is an achievable aim. 11 It has happened in the past. The very real problem with 12 it is that it requires discipline. It requires those 13 who commit not to use violence to stand by that 14 principle, not to get carried away when they succeed in 15 entering the space, not to decide, well, we go a step 16 further and I do not pretend that that is going to be 17 easy and I do not pretend that the vast majority of 18 those who entered Millbank on the day came anywhere 19 close to exercising that degree of discipline, but that 20 is not Mr Cooper's fault; that is not his fault. 21 Mr Cooper says he has been on many occupations which 22 have been peaceful. He has not been challenged on that. 23 He says that as far as he is concerned, the original 24 entry into this building was peaceful but what went 25 badly wrong went badly wrong after that entry and he is Page 75</p>
<p>1 suggested to him that the reason he had done this was 2 that the university required him to do it because he 3 said he was going to take some libel proceedings and the 4 way we generally do things in court 13 and elsewhere is 5 if we're going to accuse someone of something we do it 6 to their face not only because it's fair but because it 7 gives you the opportunity to see how they deal with the 8 allegation, because the way someone deals with an 9 allegation may well give you an insight as to whether or 10 not when they deny it they're telling the truth or not. 11 The only reason that he would go through this is 12 because it's false. He doesn't have a national 13 reputation. He's not got endorsements his football 14 boots, he doesn't have to worry about a shampoo 15 commercial endorsement. He's just an ordinary man in 16 that respect and he wants his reputation cleared. 17 He clearly thinks a lot about politics. You may 18 think that he's thought too much about politics for too 19 long. He's clearly been doing it for the best part of 20 the last ten years, but that's the sort of man he is. 21 With all that thinking has come an appreciation of the 22 subtleties that there can be in arguments. He refuses 23 to accept that you cannot have a peaceful protest. He 24 refuses to accept that you cannot have a peaceful 25 occupation and you will have seen the evident Page 74</p>	<p>1 not prepared and certainly wasn't prepared when he 2 didn't know what had happened to get involved in the 3 specifics. You may think that is a pretty sensible 4 approach to take, when you turn up to an event and you 5 can see that things have been happening but you don't 6 know what has happened, you might not like to comment on 7 those things. 8 The real character of the defendant's case here and 9 the reluctance to acknowledge subtlety was when 10 Miss Page used precisely that word to Mr Cooper. She 11 said, "Your stance is quite subtle, isn't it?" and I 12 didn't get the impression that she meant it as 13 a compliment. There seemed to be some inherent 14 criticism of it and it really is a sad state of affairs 15 if someone who has done an awful lot of thinking and has 16 come up with a coherent but complicated set of values is 17 to be criticised for that or is to be criticised because 18 there simply isn't enough space beside his grinning 19 photograph on the front page of the Evening Standard to 20 do justice to those views, but why shouldn't we all make 21 distinctions between at least three groups of people at 22 Millbank? 23 Those who entered peacefully and then didn't do 24 damage, those who went in and then did damage, those who 25 tried from outside to get in forcibly or to damage the Page 76</p>

19 (Pages 73 to 76)

<p>1 building and those who simply stood peacefully outside 2 Millbank. Why wouldn't you want, as a individual and as 3 a reputable newspaper to draw those distinctions? I do 4 not understand unless the answer is it's simply too much 5 trouble. 6 I made a mistake when I addressed you earlier on. 7 I told you none of his writings on the Revolution 8 website were in front of you. That is an error which 9 has been pointed out to me. There is one in the bundle. 10 It's tab 50. It post-dates what happened at Millbank. 11 It's the one that effectively says, "On 24 November 12 numerous educational establishment had walkouts and had 13 occupations. It is there. I made a mistake. I am 14 correcting it." 15 But what Miss Page tried to do with that document 16 was to take us through the looking glass into a world 17 where if a document doesn't say don't engage in violent 18 protest it somehow means engage in violent protest. 19 As Mr Cooper pointed out: 20 "I say nothing in there about violent protest. I'm 21 saying to people this is what we can do." 22 He had the good sense to say, "Well, looking back on 23 it, it does sound a bit stupid now because we thought we 24 were on to a good thing, we thought the student movement 25 would get somewhere and it just petered out." Page 77</p>	<p>1 If you want to engage in a debate in a church hall 2 with religious people, you engage with them using the 3 Bible or using religious teaching and you talk in terms 4 of, "This is morally right, this is what God in whatever 5 form we believe him or her to be would like us to do," 6 because that is the language of the debate. If you're 7 having a debate with people who are engaged in political 8 theory, you have to have the debate on those terms or 9 else you simply won't be listened to. So Miss Page 10 pours gentle scorn on Mr Cooper's language and says, 11 "Well this is all mealy mouth stuff. You're talking 12 about what's good for the movement." 13 There is no point no talking to people who are 14 engaged in political discussion, "We shouldn't do it 15 because God wouldn't like us to," because they're simply 16 not interested in what God wants us to do. They are 17 more interested in a debate that engages on their terms. 18 Why shouldn't he do that because, as he was at pains to 19 point out, the whole purpose of his article was to 20 criticise people who engage in precisely the sort of 21 activity that the Evening Standard and Daily Mail 22 accused him of; anarchists who do set out to do violent 23 property damage because they have decided it's the right 24 way to act and what you need to do is not just tell them 25 they're wrong but try and persuade them they're wrong so Page 79</p>
<p>1 But it doesn't say violent protest. Ms Page's 2 reaction to that is, "Yes, I know, but students do 3 things when they are roused." 4 If Mr Cooper is going to be held responsible for 5 everything students do when they're aroused he's in big 6 trouble but in this case, after Millbank, he was not 7 saying, "Do Millbank again," he was saying, "These are 8 the sorts of protests we can take which can make 9 a difference. They will inconvenience people but they 10 will not threaten them; they will not damage property." 11 At tab 61 you had a document. You may remember it 12 and if you do you certainly will not want me to take you 13 to it again. It is the article on which he was 14 cross-examined. "Black Bloc aesthetics won't beat the 15 cuts." That is the title. That ought to be enough to 16 warn you off it. One of the problems of being Mr Cooper 17 is that you're almost at the end of your PhD in some 18 subject I still cannot understand, so you're having 19 a debate with people who are presumably at that level or 20 like to think they're at that level so you can't just 21 say, well, violence is wrong, don't do it. You 22 certainly cannot do it to a group of anarchists who have 23 thought about it and decided that violence is the right 24 thing to do because that's not going to persuade 25 anybody. Page 78</p>	<p>1 they change their mind and they don't do it. 2 But, having said all of that, it did occur to me as 3 I was listening to him being cross-examined about it 4 that this article had in fact a real contribution to 5 make in stopping the violence by the Black Bloc 6 anarchists. All you need to do is line them up before 7 the march starts, give them all a copy of the article, 8 make them read it and they will be asleep by the end of 9 the first page and then threaten them that if they 10 actually wake up and then go off and do some violence, 11 you've got to treat them to the next article in the 12 bundle, "The problem of Autonomism", in which Mr Cooper 13 revisits the theme, (inaudible) the theme, and makes it 14 even more incomprehensible to people like myself but in 15 his own way he is arguing for non-violent protest; it 16 simply isn't a way that fits within the pages of the 17 Evening Standard or the Daily Mail. 18 The final document in the bundle that I want to ask 19 you about is, I will tell you now, tab 57. It's the one 20 where he deals with the sentencing of the idiot who 21 threw the fire extinguisher off the top of the roof. 22 Again, Miss Page seemed to try and turn this the other 23 way round and say, "Because you criticised the sentence 24 it means you're agreeing with what he did." 25 I just don't get this. Page 80</p>

20 (Pages 77 to 80)

<p>1 He said:</p> <p>2 "No, he was wrong in what he did. Yes, he probably</p> <p>3 should have gone to prison."</p> <p>4 What he has engaged in there is a discussion on the</p> <p>5 philosophical merits of sentencing someone with</p> <p>6 a deterrent sentence. Now, there is a debate on that.</p> <p>7 He wasn't the only person who signed that letter. There</p> <p>8 is a Member of Parliament who signed it. A Member of</p> <p>9 Parliament signed it as a member of the Labour Party.</p> <p>10 He wasn't pretending he was the leader of the</p> <p>11 Labour Party; he just signed it as a Labour Party</p> <p>12 member. Mr Cooper signed it as a member of Revolution</p> <p>13 in Sussex. They have that view but that is not the view</p> <p>14 he has been accused of which is that it is fine to go in</p> <p>15 and do the damage in the first place and, yes, it's</p> <p>16 couched in parts in the terms of (Inaudible) from the</p> <p>17 Life of Brian, the political oppressors will overthrow</p> <p>18 the hideous Roman Empire armed with our leaflets and our</p> <p>19 Revolution tin hats. We will overthrow the capitalist</p> <p>20 estate. But the idea in there is not a violent idea.</p> <p>21 The idea is saying the sentencing principle is wrong and</p> <p>22 it needs to be looked at.</p> <p>23 There were some other really low points in the</p> <p>24 cross-examination of Mr Cooper, which I suggest shows</p> <p>25 some desperation on the defendants' side because they</p> <p style="text-align: center;">Page 81</p>	<p>1 thing is said.</p> <p>2 Miss Page said during cross-examination and she said</p> <p>3 The Times article was at least as bad and this morning</p> <p>4 she said it's even worse. I just don't get that.</p> <p>5 Nowhere does The Times accuse him of organising this</p> <p>6 protest. Nowhere do they say he led this protest, that</p> <p>7 he was involved in the planning at all. It's just</p> <p>8 ridiculous and, even if it did, what is the logical</p> <p>9 consequence of what Miss Page is saying? She is saying</p> <p>10 they accused you of the same thing we accused you of but</p> <p>11 you haven't sued them. What, does that mean that he</p> <p>12 hasn't sued The Times because he knows it's true but he</p> <p>13 has sued them because he knows it's false or he sues</p> <p>14 them even knowing it's true? How does that work?</p> <p>15 The obvious explanation, if there is any form of</p> <p>16 inconsistency, is that he said, "Well, The Times article</p> <p>17 I don't think is anything like as bad. It accurately</p> <p>18 quotes me, it doesn't spin it. So that's it. I said</p> <p>19 what I said and I'm going to stand by it. It's just</p> <p>20 meaningless drivel."</p> <p>21 The photograph is important because the impact of</p> <p>22 this article as a whole is what matters and the</p> <p>23 Evening Standard photograph was clearly chosen for</p> <p>24 a purpose. You have seen three photographs that</p> <p>25 Mr Moore-Bridger found on the Flickr website and</p> <p style="text-align: center;">Page 83</p>
<p>1 knew they hadn't actually got the evidence to put to</p> <p>2 him. So when Mr Cooper says that the crowd reacted to</p> <p>3 the fire extinguisher by yelling, "Stop throwing shit,"</p> <p>4 because Miss Page couldn't challenge it, because it did</p> <p>5 happen, which gives you some idea about the general mood</p> <p>6 of the crowd, she actually suggested, "Well, what they</p> <p>7 really meant is, 'Don't throw shit at us but feel free</p> <p>8 to throw it on the police.'"</p> <p>9 Now, that's an appalling thing to suggest that all</p> <p>10 of the people in the courtyard were saying, effectively,</p> <p>11 "Do what you like to the police, just don't do it to</p> <p>12 us." That is tarring everybody with the same brush in</p> <p>13 the way the newspaper article clearly wanted to. They</p> <p>14 said he hadn't complained about the article in the</p> <p>15 Daily Mail that had been left up for 16 months. Well,</p> <p>16 you would have thought they would take the trouble to</p> <p>17 check their own website, wouldn't you? It's their</p> <p>18 website, they make the money out of it. They should be</p> <p>19 more careful about what they put on it. They had told</p> <p>20 him in a letter, "We won't repeat this or similar</p> <p>21 allegations."</p> <p>22 If you make a statement like that you might like to</p> <p>23 think it is going to be followed through and you might</p> <p>24 pay someone to do a check on your own website to make</p> <p>25 sure you've taken down other articles in which the same</p> <p style="text-align: center;">Page 82</p>	<p>1 forwarded through and it's clear that this one has been</p> <p>2 chosen because it's got the broad grin and the Batman</p> <p>3 stamp. It's the one which makes him look most</p> <p>4 objectionable, most ridiculous, happiest at the day's</p> <p>5 work he's just done and, of course, Miss Page picks me</p> <p>6 up on my words as any skillful lawyer tries to do to an</p> <p>7 opponent and said Mr McCormick said this makes him look</p> <p>8 like a man who was happy with his day's work. It did</p> <p>9 but the day's work it made him look happy about was not</p> <p>10 the day's work he had done but the day's work they</p> <p>11 accused him of doing; a day's work that involved</p> <p>12 plotting, planning, organising, highjacking this march</p> <p>13 with this protest. The day's work he was actually</p> <p>14 positive about when he spoke to Mr Moore-Bridger was the</p> <p>15 involvement in the march and the mass protest; not what</p> <p>16 was going on in Millbank.</p> <p>17 Why to we only hear about a Facebook page picture</p> <p>18 from Mr Moore-Bridger yesterday? Why hasn't that been</p> <p>19 provided? I can't imagine what's going on in the</p> <p>20 defendant organisation when they provide some of the</p> <p>21 pictures but not all of them. It was being suggested at</p> <p>22 one time, I think, and I think seriously that the</p> <p>23 photograph was a suitable photograph because it was</p> <p>24 taken or it was taken at the time when there were other</p> <p>25 Revolution members present in a pub or in a bar after</p> <p style="text-align: center;">Page 84</p>

21 (Pages 81 to 84)

<p>1 a Revolution conference. I just do not see that. This 2 photograph was taken incredibly out of context and the 3 reader was not given any reason to doubt that that was 4 a photograph taken at the scene of the riot indicating 5 a man who was grinning at what was happening. I say 6 it's clear that there is no evidence that Mr Cooper was 7 involved in any way as a ringleader, whether in advance 8 or on the day. 9 Damages. Damages serve three functions in this type 10 of case. They recognise and reflect the distress caused 11 by the publications. They compensate to the damage to 12 the reputation and they serve to show that the 13 reputation has been vindicated. There is clearly some 14 degree of overlap between the three categories and you 15 don't need to approach it in any detail whatsoever and 16 you will be asked to award a single figure. 17 A few pointers, some of which may be obvious and I 18 can deal with these quickly. How serious is the 19 allegation? It's extremely serious. How prominent were 20 these articles? Evening Standard couldn't have been 21 more prominent. Daily Mail's inside pages but it's 22 still very prominent. What is the readership of each? 23 Evening Standard readership I think is about 1 and 24 a half million, it's agreed. Daily Mail readership I 25 think is 4 and a quarter million. Large by anyone's</p> <p style="text-align: center;">Page 85</p>	<p>1 for each newspaper. They refused to acknowledge they 2 were wrong. They refused to apologise. In the 3 Daily Mail's case, albeit inadvertently, they didn't 4 properly remove the allegations from their website. It 5 was their responsibility; they had to withdraw it. 6 The 11th hour decision to accuse him of being guilty 7 of inciting these riots after having spent the last 14 8 or 15 months in this litigation saying the complete 9 opposite. You're entitled to take that into account as 10 well. 11 The ordeal of giving evidence in court and being 12 cross-examined in the way that he was about his beliefs 13 and of being accused again and again of the things that 14 he is said to have done and of hearing Miss Page 15 describe him in the terms that she has, all of which 16 you're entitled to take into account. And the use of 17 the photograph. Take this into account as well. 18 Now, this isn't about money but unfortunately for 19 the reasons that I told you in opening, it has to 20 include money because they won't apologise. They have 21 got nothing at stake on their side. The suggestion that 22 Mr Moore-Bridger's job is somehow in danger, there is no 23 suggestion in the evidence about that. He didn't say to 24 you, "If you, members of the jury, decide that my notes 25 are wrong, my account of this conversation is wrong, I</p> <p style="text-align: center;">Page 87</p>
<p>1 standards. 2 The impact of what was printed. I took you in 3 opening to the emails that were received by Mr Cooper. 4 I am not going to take you to them again. There was one 5 person without use of foul language who indicated he was 6 just going to come and smash up everything that 7 Mr Cooper owned, why? "Because I'm angry with you." 8 There is someone else who headed the email in 9 a particular way to express their strongest possible 10 anger at him. 11 The disciplinary process flowed from the article. 12 You heard what Mr Cooper said about that. If that 13 disciplinary process had gone through and he had been 14 found to have breached discipline, would have lost the 15 ability to continue teaching as an assistant tutor, 16 would have endangered his ability to finish his PhD. 17 Extremely serious. Caused him distress. 18 Future career. He said, "Well, putting it bluntly, 19 universities don't hire people as academics who incite 20 riots." 21 That's what he wants to do with his career after his 22 PhD. People don't hire academics to do that. 23 The damages you award will serve to nail the 24 falsity. There are matters that aggravate the damage 25 which you can take into account when fixing the figure</p> <p style="text-align: center;">Page 86</p>	<p>1 am going to be subject to disciplinary process." 2 It's fantasy. They will just shrug it off. They 3 will simply shrug it off and say, "Oh well, jury gone 4 again. It's that nice, charming Mr McCormick. The jury 5 will fold." 6 No problem with that. No problem with that at all 7 as far as Mr Moore-Bridger is concerned. Occupational 8 hazard, they call it. 9 I say that the sort of figure you should be thinking 10 about is one which will send out the clear message that 11 this was not true so that when it surfaces on the 12 Internet again, as it must do; these days nothing is 13 ever properly removed no matter how hard you try or when 14 someone says to Mr Cooper in two or three years' time, 15 "I remember what they printed about you. What 16 happened?" he can say, "I sued them and I won and you 17 can tell that I won properly because I was awarded 18 a proper sum of money." 19 Now, bearing in mind the difference in the 20 readership of the two newspapers and the difference in 21 prominence in the two newspapers, I say the sort of 22 figure that you should be looking at is one that starts 23 at no less than £25,000 each. You decide whether or not 24 that's a figure that you're prepared to start at or not; 25 whether you go up or down is a matter for you, but it</p> <p style="text-align: center;">Page 88</p>

22 (Pages 85 to 88)

<p>1 needs to be a figure which says this was a proper 2 victory or else they will simply say it wasn't. 3 Members of the jury, we are only here because 4 Mr Cooper has been forced to bring us here by those 5 articles. Mr Cooper wants his reputation back and you 6 can do it and I ask you to do it when you retire 7 tomorrow. Thank you. 8 MR JUSTICE EADY: Thank you. Well, members of the jury, we 9 will meet again at 2 o'clock, please, and I shall have 10 to begin summing up. 11 (12.55 pm) 12 (The luncheon adjournment) 13 (2.00 pm) 14 15 Summing up 16 MR JUSTICE EADY: Members of the jury, we are getting 17 towards the close. The most important part of the case, 18 of course, is when you retire to deliberate amongst 19 yourselves and reach a verdict. But before that stage 20 is reached, I have to try and offer you some assistance. 21 Now are the questions ready for handing to the jury? 22 All right, well, we will leave it until later. 23 MS PAGE: I'm so sorry. We will get them photocopied. 24 MR JUSTICE EADY: Thank you. Now these cases, members of 25 the jury, are relatively straightforward as it happens,</p> <p style="text-align: center;">Page 89</p>	<p>1 that in a short while, but there are a number of 2 preliminary matters I need to go through first and 3 explain, and I hope you will bear with me. At the 4 outset I need to explain our respective functions. My 5 function at this stage is twofold. First of all, I have 6 to give any necessary directions on the law, and that is 7 my province alone. Secondly, I have to remind of you 8 some of the evidence, not all of it, of course. And all 9 I am attempting to do then is assist you by reminding 10 you of the salient points, and trying to relate it to 11 the issues that you have to determine to here. That 12 brings me to your role, because just as the law is 13 exclusively my province, so the facts are entirely 14 within yours. It is for you and for you alone to decide 15 what happened, what you make of the witnesses, what you 16 find believable and what you don't. Therefore when I am 17 attempting to help your task by reminding you of the 18 evidence, please remember that I leave something out 19 which seemed to you at the time the evidence was given 20 to be of significance, then you give it to weight you 21 think right. By the same token, if I spend time on 22 something that appears to you not to have much bearing 23 on the case, well, you are free to ignore it, because 24 it's your view of the facts that matters and not mine. 25 I mentioned a moment ago the facts. Now that</p> <p style="text-align: center;">Page 91</p>
<p>1 looked at from a legal point of view. Much depends what 2 you make of the hard copy articles in the 3 Evening Standard and in the Daily Mail, published 4 respectively on 11 and 12 November 2010, and the online 5 versions which were available thereafter. Now these 6 together form what we call the "words complained of" by 7 Mr Cooper. You will need to consider the case against 8 the Evening Standard separately from that against the 9 Daily Mail, although there is obviously a good deal of 10 overlap. That's why the cases are being held together. 11 But each newspaper is entitled, of course, to 12 an individual consideration of the case against it. It 13 is also important for you to consider the evidence you 14 have heard in this court as to what took place at and 15 leading up to the demonstration on 10 November 2010. It 16 is for you to decide what happened on that occasion, 17 what Mr Cooper did or did not say to the journalist 18 involved, and also what was the full extent of his 19 involvement in those events. It is probably fair to say 20 that this is a classic jury case, depending mainly on 21 experience of life and knowledge of people and the way 22 they behave, rather than upon on any nice analysis of 23 the law. 24 Now I must attempt to assist your task by outlining 25 the narrow issues you will have to resolve. I will do</p> <p style="text-align: center;">Page 90</p>	<p>1 includes not only what happened, but also the meaning of 2 the words in the articles. That's a matter for you to 3 determine just as much as what actually happened. You 4 will take into contract, of course, what counsel to the 5 parties have submitted to you about the meaning of the 6 words, but you are entitled to come to your own 7 independent conclusion, applying the test of ordinary 8 newspaper readers. You decide, of course, the extent to 9 which they reflect on the reputation of Mr Cooper. If 10 at any stage I should give you the impression that 11 I have formed a personal view of the facts, including 12 the meanings of any of the words that Mr Cooper 13 complains about, that is something you are entitled to 14 ignore, because as I have already said, it does not 15 matter what I think of the facts, or for that matter the 16 meanings of the words. 17 It is important for you to bear in mind in this 18 context that the standard of proof in a civil case such 19 as this is not high as in a criminal case. Whatever 20 either of the defendants has to establish, or whatever 21 the claimant has to establish, does not have to be 22 proved so that you are sure or certain, as it is 23 sometimes put in criminal cases, beyond reasonable 24 doubt. It is only necessary for such facts to be proved 25 on the balance of probabilities. In other words, was it</p> <p style="text-align: center;">Page 92</p>

23 (Pages 89 to 92)

<p>1 more likely to have happened than not? 2 Now what is a libel action? The purpose of any 3 libel action is to vindicate the claimant's reputation, 4 that is to say put right any injury that may have been 5 done to that reputation by the publication or 6 communication of defamatory allegations. Let me say 7 a word about what defamatory means in general terms. It 8 is for the jury to decide whether anything that was said 9 was defamatory or not. There are an infinite number of 10 ways in which you can defame a person. All it means is 11 that something that has been published about the 12 claimant that reflects adversely on his or her 13 reputation, something that causes those who read the 14 words to think the worst of the person concerned. 15 Sometimes there may be considerable doubt about what the 16 implications are of a particular passage in a newspaper 17 article or in a book, and the jury as ordinary, 18 fair-minded readers will have to consider carefully and 19 in the context whether what has been said actually does 20 reflect on the claimant, and if so, how precisely. 21 Sometimes, on the other hand, the meaning may be more 22 straightforward. I think both counsel suggest to you 23 here that it is relatively straightforward. Either way, 24 it is for you as the jury, and for you alone, to decide 25 what the words mean. It is for you to decide to what</p> <p style="text-align: center;">Page 93</p>	<p>1 your addressing the conflicts in the evidence of the 2 journalist and Mr Cooper. One possibility is that he 3 was accurately quoted, and that his statements to the 4 journalists can properly be taken, as Ms Page invites 5 you to treat them, as admissions that he was involved in 6 and approved of the plans to attack the Conservative 7 party headquarters. Another possibility, of course, is 8 that he was misquoted, as Mr Cooper tells you in no 9 uncertain terms that he was. In that case, of course, 10 the statements attributed to him would prove nothing at 11 all. 12 The issues can be approached, if you find it 13 convenient, in stages. I emphasise, of course, that 14 each of those stages would have to be gone through 15 separately for each of the two defendants. First of 16 all, in what sense are the words defamatory of 17 Mr Cooper? How do they reflect adversely upon him? 18 What do you think the words mean? You know what each 19 side says about the meaning, and I will remind you of 20 that shortly, but ultimately it is for you to decide. 21 Secondly, once you have decided what the words mean, you 22 will need to ask has either of the defendants proved on 23 the balance of the probabilities that the words are 24 substantially true? If the answer to that question is 25 yes, that is the end of that case for that particular</p> <p style="text-align: center;">Page 95</p>
<p>1 extent they are defamatory. Would readers think the 2 worse of Mr Cooper? As it happens, in this case, the 3 parties are in agreement that the words you are 4 concerned with are defamatory in some sense. It is 5 recognised that the articles to reflect adversely on 6 Mr Cooper's reputation. The extent to which that is so 7 is, of course, for you to decide. 8 The main issues are what do the words in the 9 different articles mean, and whether either or both of 10 the defendants have succeeded in proving on the balance 11 of probabilities that what they have said about him was 12 substantially true? Not, of course, accurate in every 13 detail, but have they got the guts of it right, on the 14 balance of probabilities? This case, of course, is in 15 one sense about politics. There is a political 16 background to the circumstances. It goes without 17 saying, of course, that you put to one side any 18 political views that we may have of our own, because we 19 are not engaged in a political debate, we are engaged on 20 a different exercise, namely trying to do justice 21 between the parties. 22 One of the issues you have been asked to consider is 23 whether Mr Cooper did speak the words broadly to the 24 effect attributed to him in the Evening Standard, and 25 picked up in the Daily Mail, or not. That will involve</p> <p style="text-align: center;">Page 94</p>	<p>1 defendant. The relevant defendant would be entitled to 2 succeed without further ado. If the answer is no, then 3 you need to go onto the third stage, ie the question of 4 damages and financial compensation. 5 Now shall we look first of all, members of the jury, 6 at the article from the Evening Standard which is in 7 your jury bundle at tab 1. Neither counsel has looked 8 at the articles in their closing speeches, because they 9 probably assume that you were pretty familiar with them 10 by now, as no doubt you are. Let's look at them 11 together, and then, of course, you will have the 12 opportunity to discuss them when you retire to your room 13 later. I shall not go through the online version, 14 because that is to all intents and purposes the same. 15 So I will just be looking at the hard copy version. 16 I shall not go through it all, that would be too 17 tedious, but please remember that you need to see 18 everything in context, so the whole article is important 19 as context. I will concentrate on the particular 20 passages concerning Mr Cooper. The headline is: 21 "Goldsmiths academics congratulate students on 22 violent protest." 23 That is really beside the point from our point of 24 view: 25 "Full marks for the riots say lecturers."</p> <p style="text-align: center;">Page 96</p>

24 (Pages 93 to 96)

<p>1 Again, that doesn't really have any bearing on the 2 decisions you have to make. But the next smaller 3 sub-heading is: 4 "Ringleader: we attacked Tory HQ to send message." 5 That obviously does refer to Mr Cooper, because you 6 pick that up later on in the body of the article. Then 7 going down to the fifth paragraph, we have in the 8 left-hand column: 9 "Their announcement came [that's the Goldsmiths 10 lecturers' announcement] as the Standard discovered that 11 a 26 year old lecturer at the University of Sussex was 12 a ringleader in hijacking the student march. 13 Luke Cooper, an assistant tutor in international 14 relations was among a network of anarchists and 15 campaigners who plotted action. Mr Cooper, a prominent 16 member of left-wing socialist group Revolution said the 17 direct action was spearheaded by his group, and the 18 Education Activists Network, after plans were formulated 19 between 10 days and a fortnight ago. He told the 20 Standard, "The reason we attacked Tory HQ is we want to 21 send a really strong message to this Government ... " 22 Just turning over the page to the bottom right-hand 23 corner strong message: 24 " ... to this government that we are not going to 25 let higher education be brntalised. The former</p> <p style="text-align: center;">Page 97</p>	<p>1 Now, it is accepted, of course, by Mr McCormick that 2 those words in the caption were not actually composed by 3 Mr Moore-Bridger, but nevertheless they were published 4 as part of the article by the defendants who publish the 5 Evening Standard. 6 Now the next thing is for me to remind you what 7 Mr Cooper, through Mr McCormick, says that those words 8 mean. I will just refer to that. I remind you that you 9 are in no way bound by this, you come to your own 10 conclusions about what the meaning of the words is. It 11 is put this way: 12 "In their natural and ordinary meaning, the words 13 complained of in both these articles meant, and were 14 understood to mean, that the claimant was a ringleader 15 of a network of anarchists and campaigners who 16 masterminded the hijacking of a peaceful student march 17 on 10 November 2010, and the commission of violence and 18 serious property damage at the Millbank headquarters of 19 the Conservative party." 20 The next thing I am going to do is to turn to the 21 Daily Mail article, which is in tab 5 of your bundle. 22 Sorry actually, the better version is in tab 3. As you 23 know, it is within inside the paper on pages 6 and 7 of 24 that issue on 12 November. So we have the double page 25 spread:</p> <p style="text-align: center;">Page 99</p>
<p>1 Leeds University and London School of Economics student 2 said ... " 3 And this is a direct quote: 4 ""There are a number of different government 5 buildings in that part of London, and all of them would 6 have been legitimate targets of protest and occupation. 7 There was a lot of anger. There has always been the 8 plan for Revolution and activists in the International 9 Coalition Against Fees and Cuts to take direct action 10 after the NUS demo'. 14 people, seven of them police 11 officers, were injured in the violence when dozens of 12 activists stormed the tower block in Westminster 13 yesterday." 14 Now, as I say, the rest of it and the other parts of 15 the article are relevant to context, but that is really 16 the central part of the publication, as far as Mr Cooper 17 is concerned. Subject to this, we bear in mind that his 18 photograph appears on the front page. We will remember 19 that that was taken a couple of years earlier by 20 Claire Solomon in the Marlborough Arms. But underneath 21 it says: 22 "Protest leader, Sussex University lecturer 23 Luke Cooper, told the Standard of his role in plotting 24 the attack on Millbank." 25 So his role in plotting the attack on Millbank.</p> <p style="text-align: center;">Page 98</p>	<p>1 "Riot rabble who targeted Tory HQ." 2 Then it says: 3 "Unmasked; the hardcore leaders of student mob." 4 So the people who are unmasked are those identified 5 in the photographs around the page, one of whom, of 6 course, is Mr Cooper. The same photograph and the 7 caption on this occasion says: 8 "Organised protest: Luke Cooper, a tutor at 9 Sussex University." 10 So he is described there as one of the hardcore 11 leaders of the student mob. Then if we go down to the 12 fifth paragraph, in the left-hand column it says: 13 "But it also became clear that the violence that 14 left 14 injured and caused thousands of pounds of damage 15 was orchestrated and inflamed by a number of far left 16 groups. Last night, Luke Cooper, a tutor in 17 international relations at the University of Sussex, and 18 a member of the pressure group Revolution, confirmed the 19 event was carefully organised." 20 Then again it is a direct quote: 21 "He said, 'There has always been a plan for 22 Revolution and the International Coalition Against Fees 23 and Cuts to take direct action after the National Union 24 of Students demo. There are a number of different 25 government buildings in that part of London, and all of</p> <p style="text-align: center;">Page 100</p>

25 (Pages 97 to 100)

<p>1 them would have been legitimate targets for protest and 2 occupation. Revolution's website states we are a group 3 of young activists who are fed up with unemployment, 4 war, poverty, cuts and capitalism. We want to bring 5 down Cam and Clegg's millionaire coalition and replace 6 with socialism'."</p> <p>7 Then the rest of the article again continues with 8 other matters. It goes on to consider the lad with the 9 policeman's hat on his head and so on. So as I say, 10 again all that is important by way of context, but I am 11 just concentrating for the moment on the words that 12 reflect particularly on Mr Cooper. Now you will 13 remember that the online version of that stayed on the 14 website longer than was originally intended, indeed was 15 only spotted earlier this year. So it remained on the 16 website for many months. That is potentially of some 17 importance(?) for you to consider when you are 18 addressing the extent of publication, if and when you 19 get to the stage of considering damages. Now Mr Cooper, 20 again through Mr McCormick, says that those words bear 21 these meanings, and I am going over to remind of you 22 those: 23 "In the natural and ordinary meaning the words 24 complained of in both these articles [that is the online 25 and the hard copy articles] were understood to mean that</p> <p style="text-align: center;">Page 101</p>	<p>1 10 November 2010, knowing of plans by Revolution fellow 2 members to take direct action targeted at one of the 3 government buildings along the route, and that the 4 claimant speaking on behalf of Revolution backed and 5 defended the ensuing violent protest at the Conservative 6 party HQ at Millbank, on the grounds that there was 7 'a lot of anger' and because they had wanted to 'send 8 a really strong message to the government' and that the 9 claimant was thus one of the ringleaders of that 10 protest."</p> <p>11 So the different between those two versions is the 12 first version is concerned with pre-planning, if I can 13 put it that way, and the second is being a ringleader on 14 the day. There is a third alternative, which they put 15 in this way: 16 "The claimant is advocate of mass militant direct 17 action as a form of political protest, such as the 18 protest at Millbank on 10 November 2010, regardless of 19 the likelihood that it will lead to violent clashes 20 between protesters and police and serious property 21 damage." 22 Now the Daily Mail says that the words there, these 23 meanings, and that they are true in those (inaudible). 24 I will just turn that up, with reference, of course, to 25 the Daily Mail's article which we have just looked at.</p> <p style="text-align: center;">Page 103</p>
<p>1 the claimant was one of the hardcore leaders who 2 orchestrated and inflamed the riot at the Millbank 3 headquarters of the Conservative party on 10 November."</p> <p>4 Now what is the nature of the defendants' cases? 5 They each of them say that in so far as the article did 6 defame or reflect badly on Mr Cooper's reputation, it 7 was, in substance, true. They accept they may not have 8 been accurate on every detail, but they say they got the 9 guts of it right, and therefore they are entitled to 10 succeed in this case. It is for the defendants to 11 persuade you of that on the balance of the 12 probabilities, the burden, of course, being on them. 13 The Evening Standard's case is that the words are true 14 in the following meanings -- this is what they say, not 15 only what the words mean, but that they were true in 16 that sense or senses. I will just remind you of that. 17 They put it in three ways: 18 "They say, first of all, the claimant was one of 19 a group of Revolution members who had planned the direct 20 action which resulted in the violent protest that took 21 place at the Conservative party HQ at Millbank, and was 22 thus one of the ringleaders of that protest." 23 Alternatively they say: 24 "The claimant was one of a group of Revolution 25 members who had joined the NUS student march on</p> <p style="text-align: center;">Page 102</p>	<p>1 They have again two alternative versions: 2 "One, that the claimant was one of a group of 3 Revolution members who had been involved in organising 4 the protest targeted against a government building on 5 10 November 2010, which resulted in a violent riot at 6 the Tory Party HQ in Millbank." 7 The alternative is: 8 "The claimant is amongst the hardcore leaders of 9 a network of far left groups which were responsible for 10 orchestrating and inflaming the riot at Millbank tower 11 on 10 November 2010, as part of the strategy to bring 12 down the coalition government and impose a socialist 13 state." 14 So that is the way the defendants put the meaning. 15 You may decide that there is not a huge amount between 16 the parties as to the meaning of the words in this case. 17 As I say, you, in the end, decide, applying the test -- 18 maybe slightly artificially by now -- that you would 19 have applied if you had been an ordinary newspaper 20 reader of the Standard or the Mail on the day of 21 publication. It is a bit difficult now, because you 22 have looked at it several times, analysed it in court, 23 which is a rather artificial exercise, but nevertheless, 24 try and apply the test of an ordinary newspaper reader. 25 I am going to remind you of what each of the</p> <p style="text-align: center;">Page 104</p>

26 (Pages 101 to 104)

1 witnesses said. What you are mainly looking for, of
 2 course, is anything in your evidence which is likely to
 3 help you decide the essential issue, whether or not the
 4 defendants have proved the defamatory words were true.
 5 It doesn't matter what the parties think the words mean,
 6 that's for you and you alone to decide. Now there are
 7 primarily two witnesses, of course, on the issue of
 8 truth or justification as it's sometimes called;
 9 Luke Cooper on the one side, and Benedict Moore-Bridger
 10 on the other. Those are the main protagonists, you may
 11 think. You proceed on the basis of those witnesses and
 12 the documents in the case, of course, which you have
 13 seen, and counsel have made submissions about those as
 14 well. You don't speculate about what other people might
 15 have said had they been called. What I propose to do is
 16 to go through the evidence and remind you what each of
 17 the witnesses had to say. I am going to turn to the
 18 evidence of Mr Cooper, and his evidence tends to fall
 19 into sections, you may think. One, general background
 20 and his political activism and attitude to direct
 21 action. Two, the lead up to the events of
 22 10 November 2010. Three, what happened or did happen on
 23 that day. Four, what did or did not pass between him
 24 and Mr Moore-Bridger. Five, the aftermath of those
 25 events. Those are really the sort of sections.

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1 Before we look at the detail, it may helpful for me
 2 to summarise his case as I understand it, although there
 3 is always a risk, of course, of over-simplification.
 4 All I am trying to do is set the evidence in context.
 5 He is a socialist. He believes that direct action has
 6 a role to play in political protest, in particular
 7 against government cuts and the imposition of fees for
 8 university students, but he does not believe that either
 9 violence or physical damage is a legitimate form of
 10 protest. Nor does he accept in the light of his
 11 experience that direct action or civil disobedience
 12 carries with it the inevitability of violence or damage.
 13 He told you that he has taken part in a number of
 14 entirely peaceful demonstrations in the past. At the
 15 material time he told you he was a member of the group
 16 called Revolution, the youth wing of Workers' Power, and
 17 he was active in that body, particularly between 2004
 18 and 2008. But he took no part in planning what took
 19 place at Millbank on 10 November, and he did not
 20 participate in the occupation of the building, or in any
 21 violence towards people or damage to property. Not only
 22 does he think it wrong, but he regards it as damaging to
 23 the protesters' case. He think it detracted from the
 24 overall success, as he saw it, of the peaceful marches
 25 and protests. Therefore when interviewed he told you

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1 that he was keen not to talk about violence and damage,
 2 but about the overall aims of the protest. As far as
 3 the newspapers gave a different impression, he says that
 4 he was misrepresented. That is for you to consider and
 5 decide. In particular he says he did not say:
 6 "We attacked Tory HQ."
 7 Et cetera, to send a message and so on. He says he
 8 was not part of that at all. The account in the
 9 reporter's notes in that respect he says was not merely
 10 a misquote but a falsification. Nor, he says, was he
 11 a ringleader as described in the smaller headline and in
 12 the text of the Evening Standard, where he was said to
 13 have been a ringleader in hijacking a student march.
 14 Nor did he have a role in plotting the attack on
 15 Millbank, which is what is said in the caption to the
 16 photograph on the front page. Also, according to his
 17 evidence, the first he knew of what was going on at
 18 Millbank was when it filtered back to his part of the
 19 march, when he reached roughly the area of
 20 Parliament Square.
 21 The allegations about him in the newspapers, of
 22 course, are based on the interview with
 23 Mr Moore-Bridger. Mr Moore-Bridger's case is, of
 24 course, very simple, and can be even more shortly
 25 stated; namely that he accurately and faithfully

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1 recorded and reported the sense of what Mr Cooper had
 2 told him. He didn't record every question and every
 3 answer. He says that's not standard practice, but he
 4 says that he captured the sense of it. That again is
 5 for you to decide. So you will need to look closely at
 6 the circumstances of the interview and the notes he made
 7 as transcribed at various points, and you will, of
 8 course, consider the criticisms made of those notes by
 9 Mr McCormick, both in cross-examination and in his
 10 closing remarks, and you will decide to what extent
 11 there is validity in those criticisms.
 12 Now I am going to turn to Mr Cooper's evidence. He
 13 began by telling you that he is 27 years of age now. He
 14 is doing a PHD in international relations, and one of
 15 the topics which is the subject of his thesis, he told
 16 you by way of example, is why would a communist state
 17 like China introduce a market economy? He wants to go
 18 on to become an academic professionally by way of
 19 a career, and probably he intends to do some teaching in
 20 the meantime. He has tutored A level students, and he
 21 has acted as an assistant tutor at Sussex University.
 22 He is not a lecturer, and he has never called himself
 23 a lecturer. He has always been interested in politics,
 24 and he has been active politically since the age of 17
 25 when he went on his first march, and that was the first

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27 (Pages 105 to 108)

<p>1 of many apparently. He is in the process of setting up 2 what he calls the New Left Initiative at 3 Sussex university. That is a loose coalition of 4 like-minded people, not a political party. He writes 5 articles predominantly online apparently, and he 6 believes in direct action, which he defines as 7 non-violent, civil disobedience. He drew a distinction 8 between a march and a demonstration; a march is simply, 9 as it suggests, a march from A to B, and a demonstration 10 would generally take place in one place, and he has been 11 on both of those in his time. He has been part of sit 12 ins and occupations. People just go into buildings and 13 occupy, say, for example, a lecture theatre. He says: 14 "I have not been involved ever in any violence or 15 damage to property, and I am always against those. 16 Apart from anything else, it undermines the cause in the 17 eyes of the majority of people, and the newspapers tend 18 to give prominence to that aspect of any demonstration 19 if that happens." 20 He said that he does not accept that violence is 21 inevitable in the kind of protest he attends, and he was 22 asked what happens in government buildings? Because 23 there will normally be some security. He said: 24 "Well, if someone is blocking the way, you just 25 carry on with your demonstration outside in a peaceful Page 109</p>	<p>1 a conference in London. It is a loose network in 2 people. You can join it on the website and you can pay 3 a contribution. The national conference elects 4 a council, and then people volunteer from the body of 5 the conference by putting their hand up. He said: 6 "I was on the national council from 2004 and 2008 7 while I was at Leeds and LSC. Then in April 2009 8 I started doing my PHD at Sussex." 9 I think he intends on that rather more now than 10 active politics. He said: 11 "But I continued writing articles on websites. The 12 body Revolution has aims. We do not all agree on 13 everything. We have broad aims which could be described 14 as socialism and anti-capitalism. There were always 15 debates about structure and political issues. We do not 16 have collective responsibility for Revolution's articles 17 actions. Some of us differ from others in the views and 18 aims that we have. Not everybody signs up to every view 19 that is expressed on the website." 20 By November 2010 he said: 21 "I didn't have a great deal of involvement with 22 them. There is no Revolution group at Sussex." 23 He said: 24 "I ceased to be linked up to Workers' Power, of 25 which Revolution was the youth wing, in about March of Page 111</p>
<p>1 way." 2 He says: 3 "I do not recall violence ever having been suggested 4 at a meeting that I have attended by way of planning. 5 There was the TUC meeting last year, which took place on 6 26 March. On the fringes of that there were some 7 anarchists who indulged in violent conflict. There was 8 a debate on the website about it, and I published 9 an article on what are known as Black Bloc tactics. 10 Some anarchists say that you should apply force, that 11 you can legitimately damage property. They see it as 12 anti-capitalist. I do not agree with that. I am not 13 and have never been an anarchist." 14 He said: 15 "I think that left-wing politics should be 16 collective rather than individual." 17 I think by that what he meant was that individual 18 acts of violence or damaging of property are sort of ego 19 trips which detract from the collectivist objective. 20 I may be wrong about that, but I think that was the 21 distinction he was drawing between collective and 22 individual acts. He referred to the organisation 23 Revolution, which he said is a socialist youth group 24 which campaigns on quite a broad front. He became 25 involved first in about February 2002, when he attended Page 110</p>	<p>1 this year. I was a member in November 2010, having 2 joined in the spring of 2003. There is quite a lot of 3 cross-over between Workers' Power and Revolution." 4 He said: 5 "I tended to write more for the Workers' Power 6 website." 7 He referred to another organisation called 8 Fifth International, which is very similar to 9 Workers' Power. He said: 10 "The Workers' Power organisation is rather more 11 formal in structure than Revolution. I thought 12 Workers' Power could be a bit dogmatic, and that it 13 wasn't going anywhere and that's why I parted company 14 with it." 15 Another group he described was the National Campaign 16 Against Fees and Cuts, NCAFC. He said it was set up in 17 the spring of 2010 to oppose the cuts to education. He 18 said: 19 "I was involved with them until November 2010. 20 I supported its goals, and I could describe myself as 21 a supporter." 22 There was a march on 10 November 2010 by UCU, which 23 was the body of university lecturers remembers and the 24 NUS, which, of course, is the student body: 25 "I was not involved in the planning of that. I had Page 112</p>

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1 attended a meeting some six weeks prior to the
 2 demonstration. The march was not organised by
 3 Revolution. There were plans discussed for 10 November
 4 at meetings I attended. I intended to go on the march.
 5 I felt strongly about the cuts. I joined in the main
 6 march by way of a feeder march."
 7 The NCAFC organisation had a feeder march:
 8 "Some members of the revolution were involved in the
 9 planning of the march, I was not. We went down
 10 Malet Street, and the main march started at Whitehall.
 11 I thought there might be some direct action promoted by
 12 NCAFC. No details had been given. I presumed it would
 13 involve some sort of sit down, these being fairly common
 14 on such occasions. I was planning to keep my head down
 15 and just go on the march. I did know people on the
 16 NCAFC feeder march. Our route took us from Malet Street
 17 via Kingsway and the LSE, past Kings College and the
 18 Strand. There was an excited but peaceful atmosphere.
 19 We then merged with the main demonstration. It was
 20 a slow moving march. There was a big crowd and we
 21 slowed down and we marched and we joined the main march.
 22 Whitehall was practically blocked. I wasn't keeping
 23 a close eye on the time. I was there for the day. It
 24 was more or less at a standstill. I first became aware
 25 that things were happening and that the Tory

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1 headquarters was being targeted at Millbank as I went
 2 past Parliament Square. But we kept on slowly moving as
 3 before. Eventually we came close to Millbank."
 4 And he was shown the Google aerial photograph, and
 5 he said:
 6 "I was standing towards the back."
 7 He was asked whether there was a dense crowd outside
 8 on the road. He said:
 9 "Not by the time I got there."
 10 Which he put shortly before 3 o'clock or
 11 thereabouts. He said after he had been there for
 12 a while towards the back, he moved a bit into the crowd,
 13 and found himself about 10 rows from the front, where he
 14 stayed for a time before going to the edge again. He
 15 saw a large crowd of demonstrators, and some people were
 16 on the roof of 30 Millbank. He looked at photographs in
 17 tab 67, and he pointed out in one of the photographs
 18 where he was standing for quite a lot of the time. In
 19 particular, he pointed to this one, the other side of
 20 the column, near the stairs. He said he was just the
 21 other side of the stairs for quite a time in that
 22 position. I don't think it's crucial, because he moved
 23 around a bit during the course of the stay. He said he
 24 was about 5 or 10 minutes at the back, past the
 25 staircase, in the position I have just indicated. He

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1 said:
 2 "I had met Simon Hardy at Parliament Square. I was
 3 standing at that point roughly when the fire
 4 extinguisher was thrown from the top."
 5 We have been told since that this occurred at
 6 3.11 pm. So that pinpoints the time. He had earlier
 7 thought that he had arrived later, after four, about
 8 4.30, but he has always said that he had witnessed
 9 (inaudible) throwing of the fire extinguisher, it just
 10 so happens that he got the time wrong:
 11 "People shouted out from the crowd. There was
 12 a loud booing as soon as that was thrown down. People
 13 shouted out, 'Stop throwing shit', and that was directed
 14 at the individual on the roof."
 15 He said:
 16 "I walked to the back of the crowd and distributed
 17 the magazine."
 18 Or fanzine as it was described, a copy of which is
 19 at tab 34 if you want to look at it. He said he picked
 20 up the Revolution magazines at the start of the feeder
 21 march. He may have been given some more during the
 22 course of the day by Simon Hardy. He said:
 23 "At the back of the crowd, I was approached by
 24 a journalist, this would have been around 4.30 or just
 25 before."

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1 Now as you know this is one of the conflicts of
 2 evidence between them, because Mr Moore-Bridger says he
 3 was approached by the claimant, and the claimant says he
 4 was approached by Mr Moore-Bridger. You will have to
 5 make up your minds about that. Perhaps it is more
 6 important what he said or didn't say, rather than who
 7 approached who, but there is it. There is that
 8 conflict. He said:
 9 "It was obvious that he was a journalist. There
 10 seemed to be a whole group of them standing to one
 11 side."
 12 He showed roughly on the plan where he thought that
 13 was. Mr Moore-Bridger, of course, said that he wasn't
 14 standing with a group of journalists, the individual
 15 journalists were wandering around in places where they
 16 saw fit. Although there had been a group of people
 17 standing together, they were camera men for television
 18 purposes. Mr Cooper said Mr Moore-Bridger said to him:
 19 "Could you do an interview?"
 20 And he said yes. He was asked:
 21 "'Do you know who organised this?' And I said
 22 'NCAFC, Revolution and the Education Activists Network'.
 23 Three organisations. By this, of course, he could
 24 have been referring to the overall protest, or what
 25 specifically happened at Millbank. At any rate, the

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29 (Pages 113 to 116)

1 answer he gave was:
 2 "NCAFC, Revolution and the Education Activists
 3 Network."
 4 He said, and you may think this is perhaps the most
 5 significant part of the conversation, that he was asked
 6 the question:
 7 "Why did you attack Tory HQ?"
 8 To which he, Mr Cooper, responded:
 9 "I wouldn't put it like that."
 10 He said:
 11 "I didn't want to be misquoted. I tried to put
 12 across a positive message. I said we wanted to send
 13 a strong message, referring to the protest as a whole.
 14 I did say any number of government buildings would have
 15 been legitimate targets, but I did not say or intend to
 16 convey that I was agreeing with the violence. I said
 17 I did not want to be drawn on violence. He must have
 18 seen me giving out the magazines, and he asked if I was
 19 a member of Revolution, but I did not say to him that
 20 I was a spokesman."
 21 In some kind of official capacity, in other words:
 22 "I did refer to anger at paying £9,000 fees, and
 23 I did compare the cost of housing at roughly £4,000
 24 a year. I said something to the effect that all of my
 25 students at Sussex are opposed to the fees, which lead

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1 him to say, 'Are you a lecturer?' And I said, 'No, I am
 2 an associate tutor at Sussex'. I said I could not be
 3 described as a lecturer."
 4 Again, that is one of the conflicts between them.
 5 He said:
 6 "I gave him my telephone number, my mobile number.
 7 As I moved away from him, he said, 'When was this
 8 planned?' I said at first, 'I don't know.' He then
 9 asked me again, and I replied again, 'I don't know,
 10 maybe 10 days, something like that'. I made it clear
 11 I was not at any of the meetings at which direct action
 12 had been discussed. He appeared to accept that. He
 13 phoned me shortly afterwards, I think it was about
 14 5 o'clock, to check -- or shortly before I think -- to
 15 check the names of the organisations I've mentioned, and
 16 also my soundbites. I repeated that we wanted to send
 17 a strong message to the government. I corrected the
 18 names of the organisations he mentioned, but he still
 19 got the name of NCAFC wrong. I refer him to an
 20 international campaign. I said again that I was not
 21 involved. I repeated that I had not been involved at
 22 the meetings when direct action was discussed. The
 23 conversation was very repetitive."
 24 You will remember I think -- we can check this
 25 later -- it was said that the telephone call, which was

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1 recorded on his mobile phone records, was about
 2 six minutes in length. We can check that in due course.
 3 But it was longer apparently, according to Mr Cooper,
 4 than the original conversation, which he put at only two
 5 to three minutes. Mr Moore-Bridger put it at
 6 (inaudible). He said:
 7 "I could not support direct action. He asked if he
 8 could take a photo, I declined. I said I was going to
 9 a party after the demo, but I did not know ... "
 10 Sorry, I didn't mean to into that. He was asked
 11 when he first became aware of the Evening Standard front
 12 page. He said it was at his mother's in Horley(?). On
 13 11 November he said:
 14 "I had checked the website to see if any quotes were
 15 accurate."
 16 He was shown the article, which we have looked at in
 17 tab 1, and he said his reaction was that he was shocked
 18 and angry because the journalist had put a spin on the
 19 article. He said:
 20 "I had spoken only briefly and I made it clear that
 21 I was not involved in direct action."
 22 He said that he took no part in the planning, and he
 23 gave no encouragement to anyone. He said:
 24 "I did not say 'We attacked Tory HQ'.
 25 And challenged the notion as his being described as

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1 a ringleader. He was asked to comment on the caption.
 2 He said that he did not have a role in plotting. He
 3 described how the photograph had been taken by
 4 Claire Solomon in the Marlborough Arms in 2008, and she
 5 had produced the batman stamp and stuck it on his
 6 forehead. So it was just a bit of a joke and had
 7 nothing to do with the demonstration. He said:
 8 "I could not have been clearer that I was not
 9 a lecturer."
 10 He again said:
 11 "I said quite explicitly I had no role in discussing
 12 civil disobedience in advance. I am not part of
 13 a network of anarchists as described. The description
 14 of the organisation NCAFC as international coalition is
 15 inaccurate. It is in fact a national campaign.
 16 I e-mailed the Evening Standard after I had seen the
 17 article to complain. I sent the e-mail on that evening.
 18 The next day, 12 November, I became aware of the
 19 Daily Mail article, again at my mother's. She had come
 20 across a copy of it and I had exactly the same feeling
 21 of anger. It increased my exposure and I was really
 22 shocked and angry. I received threatening e-mail
 23 messages as a result of one or other of these
 24 publications.
 25 "The disciplinary investigation at Sussex into my

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<p>1 teaching position was instigated. I was massively 2 concerned as I was dependant on the income from part 3 time teaching, apart from anything else. The University 4 of Sussex decided that I had no case to answer. If I 5 had been guilty of being involved in a violent 6 demonstration or property damage, my position would have 7 become untenable, but they did not think there was any 8 evidence against me. Coverage had potentially serious 9 implications for my future career. I did not agree to 10 have these articles published. 11 "I was happy to talk to the journalist if I was 12 going to be accurately quoted. I instructed my 13 solicitors in due course to write to the papers, and 14 they were asked to confirm that they would not repeat 15 these allegations." 16 At tab 21 in the bundle there is a letter confirming 17 that: 18 "I assumed that the articles, the allegations, would 19 be removed from the website. My solicitors later found 20 the article on the Daily Mail website, not having been 21 taken down. I thought that it had been removed." 22 He was referred to tab 5 which was, of course, the 23 online version of the Daily Mail. There was reference 24 to anarchists. He said that they later discovered that 25 was available online, and therefore available to be read</p> <p style="text-align: center;">Page 121</p>	<p>1 a mixed picture. Where he was standing at the edge or 2 back of the crowd, there was a much more relaxed 3 atmosphere. He accepted, of course, particularly having 4 seen the footage, that there were missiles being thrown 5 steadily, and he accepted that that happened. He also 6 saw the property damage. Before he arrived, it had 7 mostly taken place. He saw the smashed windows by the 8 time he got there. He was there for the throwing of the 9 fire extinguisher from the upper level, and he saw some 10 people also banging windows on the upper level. 11 At this point in the cross-examination, the footage 12 was shown. You will form your own impression of it, 13 members of the jury. I am not going to go through it 14 again. He described it, as I say, as a mixed picture. 15 Where he was there was no violence or throwing. He had 16 used the expression carnival atmosphere, as indeed he 17 said, had a Sky reporter in their coverage. But it 18 rather depended where you were, because at the back 19 where he was most of the time there was music and 20 a fairly relaxed atmosphere. He did not regard the term 21 'carnival atmosphere' as particularly inappropriate, 22 though he accepted that things were pretty nasty towards 23 the front, where the police were injured and so on. 24 The majority of people, he said, were not involved 25 in violence or property damage. There was at the front</p> <p style="text-align: center;">Page 123</p>
<p>1 by anyone who accessed it up to April of this year. He 2 did not consent to that, and he was really angry that 3 when he found out that it had been left online for 4 a year. This was said to be an oversight, not said 5 deliberately, or in any way underhand, but just through 6 incompetence. 7 He was referred to The Times article which had been 8 published. He says this wasn't as bad as the -- he 9 wasn't exactly pleased with it, but it wasn't as bad as 10 the Mail and Evening Standard articles. He was rather 11 surprised to find that last week the defendants changed 12 their defence. Up to Thursday of last week their case 13 had been that they were not alleging that he was 14 involved in the planning role, and from last Thursday 15 they changed that stance, and wished to allege that he 16 had been involved in planning the activity at Millbank. 17 He asked what he hoped to achieve by those proceedings. 18 He said: 19 "I would like to make sure that those articles are 20 removed and have an assurance that the allegations will 21 not be re-published in the future." 22 In cross-examination, various matters were put to 23 him, and it was put to him that there was an atmosphere 24 of tension and violence at Millbank, whereas he had said 25 the atmosphere was quite relaxed. He said it was</p> <p style="text-align: center;">Page 122</p>	<p>1 pushing and shoving, missiles were thrown, and there was 2 some chanting. His main role there was to leaflet 3 people at the back of the crowd. There was some 4 chanting, and he sees nothing wrong with chanting. He 5 again referred to the fanzine at tab 34, which is what 6 he was distributing. He said he was trying to get 7 people interested in the movement: 8 "I was there as an activist for Revolution in 9 support of the demonstration." 10 That is why he had gone on the march in the first 11 place. For part of the time in the afternoon there was 12 a large banner from the roof, advertising Revolution. 13 It was flying from the roof, in the middle of the roof, 14 when he arrived at about 3 pm, and at some later point 15 was removed. You will remember Mr McCormick showed you 16 the footage of this, which suggested that it had 17 certainly been removed by about 4.15 or 4.20. 18 He was asked in cross-examination about his 19 conversation with Mr Moore-Bridger. He said: 20 "I did not approach him. There was no shortage of 21 journalists. There were a lot of them standing around." 22 It was put to him: 23 "You went over to him." 24 He said: 25 "No."</p> <p style="text-align: center;">Page 124</p>

31 (Pages 121 to 124)

<p>1 It was put to him that he said to Mr Moore-Bridger: 2 "Are you a journalist?" 3 He said: 4 "No." 5 He said: 6 "He asked me for an interview. I did not approach 7 him, or solicit an interview." 8 Ms Page put to him: 9 "You were up for providing soundbites." 10 He said: 11 "Yes, of course, I had no problem with that. He did 12 not ask me if I could speak for Revolution, I just said 13 I was a member of Revolution. I didn't put myself 14 forward as a spokesman." 15 He said: 16 "I taught students at Sussex. He asked if I was 17 a lecturer and I said, 'No, an associate tutor.'" 18 She asked him: 19 "Did you say that you could speak for the group?" 20 And he said: 21 "No. I did not say to him Revolution was up on the 22 roof. I did not confirm that Revolution was up on the 23 roof, and it is not correct to say that I was trying to 24 get a Revolution message across to the press." 25 He accepted that the front of the building was</p> <p style="text-align: center;">Page 125</p>	<p>1 action." 2 As opposed, of course, to violence, I am not 3 suggesting that. He had been aware of the plan, but he 4 did not say that he was part of the planning process. 5 The next day the cross-examination continued. He 6 was asked about tab 29, which contains the transcription 7 of the shorthand notes. He accepted that he said there 8 was a lot of anger. He said: 9 "I assumed that what I had seen at Millbank after 10 I had got there represented the direct action, which had 11 been advertised as about to take place a few days 12 beforehand." 13 Again, however, he was not accepting that there had 14 been prior warning of violence, only of direct action, 15 which was a distinction he draws. He was referred to 16 lines 9 to 12 of the transcript, that important passage: 17 "The reason we attacked Tory HQ ... " 18 He again said: 19 "This is not what I said. I've no reason to think 20 that his note is not genuine." 21 In other words he was not suggesting that it was 22 something cooked up afterwards, but he was not accepting 23 either that it was accurate. He challenged its 24 accuracy, not its genuineness as a note. He said: 25 "His question was, 'Why did you attack Tory HQ?'"</p> <p style="text-align: center;">Page 127</p>
<p>1 ultimately smashed in, the foyer was wrecked and had 2 been occupied by protesters. He did not see that 3 happening, but he accepted that that did happen in the 4 course of the afternoon. He was asked whether the 5 interview hadn't lasted 8 to 10 minutes, which is, of 6 course, what Mr Moore-Bridger's recollection is. He 7 said: 8 "No, I would say it was shorter. It was two to 9 three minutes." 10 He was asked: 11 "What was your mood?" 12 He said: 13 "Neutral." 14 Then he said: 15 "I was in a positive mode because I was pleased 16 about the demonstration and the protest. Therefore 17 I was in a positive mood about it." 18 She said to him: 19 "Were you smiling a lot?" 20 He said: 21 "I don't know but my mood was positive, not 22 necessarily smiling. I was not in a state of 23 excitement, I was not pumped up. Mr Moore-Bridger began 24 by asking me who had organised the demonstration. 25 I said that there had always been a plan for direct</p> <p style="text-align: center;">Page 126</p>	<p>1 But that was not my answer." 2 I am not putting his words into his mouth at this 3 stage, members of the jury, but his criticism of that 4 question, I suppose, could be described as a kind of, 5 "When did you start beating your wife" question. He 6 didn't accept that it was a proper question for him to 7 answer. He wanted to address the purpose and success or 8 otherwise of the overall question, not just what was 9 happening at Millbank. Nevertheless the question was 10 asked: 11 "Why did you attack Tory HQ?" 12 He said: 13 "I said in response to that, 'I wouldn't put it like 14 that'. I just referred generally to the demonstration 15 when I said we wanted to send a strong message." 16 It was at this point he said: 17 He is falsifying my answer, deliberately falsifying 18 my position." 19 He made that point very strongly. He was not 20 prepared to accept this was just a mistake. You may 21 remember he got quite animated about it. He said: 22 "The defamation of me is effective by reason of the 23 mixture between truth and falsehood. It is not just 24 a series of falsehoods, it's mixed up with truth, and 25 that makes the defamation all the more effective."</p> <p style="text-align: center;">Page 128</p>

<p>1 He said:</p> <p>2 "I think Mr Moore-Bridger did not expect me to</p> <p>3 challenge his article, ie by bringing libel proceedings,</p> <p>4 but I know what I said to him and I know what I didn't</p> <p>5 say to him. I regret now that I said to him, in the</p> <p>6 sense that I would not have spoken to him if I had known</p> <p>7 that I was going to be mis-represented. He said to me,</p> <p>8 'How would you put it?' And I said, referring to the</p> <p>9 protest and march generally that we were trying to send</p> <p>10 a strong message, and I was not referring just to</p> <p>11 an attack on the Tory headquarters, I was referring to</p> <p>12 general matters and giving a general positive argument</p> <p>13 about the need for the protests. I was careful not to</p> <p>14 be drawn into specific acts of violence or damage at</p> <p>15 Millbank. I didn't know everything that had happened</p> <p>16 there, and I didn't approve of it anyway."</p> <p>17 He said:</p> <p>18 "I was trying to convey a positive message. I was</p> <p>19 not going to get drawn into violence and property</p> <p>20 damage. I made it clear on the phone later again that</p> <p>21 I did not support the violence at Millbank."</p> <p>22 Ms Page put to him:</p> <p>23 "You did not distance him from anything in the first</p> <p>24 conversation on the spot."</p> <p>25 He said:</p> <p style="text-align: center;">Page 129</p>	<p>1 involved."</p> <p>2 He was asked about page 67C in these notes. He</p> <p>3 said:</p> <p>4 "I accept that I did say there was no mandate for</p> <p>5 cuts. The address I gave to Mr Moore-Bridger was my</p> <p>6 e-mail address at Revolution."</p> <p>7 He referred to page 67D which was the note of</p> <p>8 a later telephone conversation. He said:</p> <p>9 "He rang me because he wanted to check the names of</p> <p>10 the organisations I had mentioned, and he wanted me to</p> <p>11 repeat part of what I had earlier said, ie the</p> <p>12 soundbites. I did say that any government building was</p> <p>13 a legitimate target for direct action, but I was not</p> <p>14 aware of any specific plan in advance to attack</p> <p>15 Millbank. I did say that I did not support damage at</p> <p>16 Millbank, but didn't want to be drawn on it again."</p> <p>17 Again, he said that several times. He said:</p> <p>18 "When he rang me back, I was rather encouraged by</p> <p>19 that because I was reassured. I felt that he was trying</p> <p>20 to get things right, and that the coverage was going to</p> <p>21 be all the more accurate for it. I do support direct</p> <p>22 action, ie non-violent occupations in cities. I do not</p> <p>23 regard violence or damage as being a necessary incident</p> <p>24 of direct action or civil disobedience. I've been on</p> <p>25 numerous examples of non-violent demonstrations."</p> <p style="text-align: center;">Page 131</p>
<p>1 "He did not say anything in support of the property</p> <p>2 damage or the violence. I did tell him that I supported</p> <p>3 the violence or damage. I told him that there had been</p> <p>4 a plan for direct action by various groups. That was</p> <p>5 an open secret because it was on the internet. I did</p> <p>6 not say that I was involved in the planning. I did</p> <p>7 refer to the comparison between £8,000 or £9,000 worth</p> <p>8 of fees charged to students, and £4,000 pounds of costs</p> <p>9 for housing. I did not say that I was a lecturer.</p> <p>10 I said I was in associate tutor and he wrote down</p> <p>11 assistant tutor. I definitely said I was not</p> <p>12 a lecturer. I did say to him, 'You need to understand</p> <p>13 the anger of the young people.' I made it clear that</p> <p>14 I was not involved, and I was not prepared to be drawn</p> <p>15 into violence or damage. I was not defending that. But</p> <p>16 I was saying that there had been anger among young</p> <p>17 people. To that extent I was accurately quoted. I did</p> <p>18 not want to be drawn on the violence, because I did not</p> <p>19 want to be misquoted on that subject. I did say that it</p> <p>20 was relative in the sense that I was trying to put it in</p> <p>21 context. He and I were both observers at the back of</p> <p>22 the crowd. He did ask me how long Millbank had been in</p> <p>23 the planning, and at first I just said, 'I don't know'.</p> <p>24 Then as I left I just said, 'Maybe 10 days but I wasn't</p> <p>25 involved'. I definitely said specifically I was not</p> <p style="text-align: center;">Page 130</p>	<p>1 This is where Ms Page said to him:</p> <p>2 "How do you demonstrate in a government building</p> <p>3 without there being violence because of security?"</p> <p>4 Well, we know, members of the jury, there was one</p> <p>5 example of security being breached recently, just in</p> <p>6 this building at the Leveson Inquiry. It does, from</p> <p>7 time to time, happen. Mostly, of course, government</p> <p>8 buildings are protected by security. He said:</p> <p>9 "Well, in those circumstances you would just simply</p> <p>10 carry on your peaceful demonstration where you could</p> <p>11 outside. You would not advocate violence directed</p> <p>12 towards security people."</p> <p>13 He said:</p> <p>14 "What I did see, for example the fire extinguisher</p> <p>15 being thrown, was something I disapproved of and I was</p> <p>16 vocal in my opposition to it."</p> <p>17 He was tackled on his time of arrival. He said he</p> <p>18 now thought it was just before 3 pm. He accepted that</p> <p>19 he had got the time wrong all the way through this case</p> <p>20 until quite recently, but having seen the footage with</p> <p>21 the automatic timer on it, he recognised that he arrived</p> <p>22 before the fire extinguisher was thrown, which was</p> <p>23 pinpointed at around 3.11. He just said that he had got</p> <p>24 the time wrong because he hadn't attached too much</p> <p>25 importance to time before.</p> <p style="text-align: center;">Page 132</p>

33 (Pages 129 to 132)

1 On 22 November David Robinson at Sussex interviewed
 2 him. He said:
 3 "I may have told him that I arrived at 4.30, I can't
 4 remember, but it would have been a mistake. I also told
 5 him that I had seen the fire extinguisher thrown, so
 6 I was always consistent in the time at which I had
 7 arrived, in so far as it could be timed from the fire
 8 extinguisher incident."
 9 His attention was drawn to tab 12 in the bundle,
 10 which is Ms Lee's note of the interview at Sussex. It
 11 was put to him that he had made a calculated attempt to
 12 mislead David Robinson about the time he had arrived on
 13 the scene and he said:
 14 "No."
 15 He was asked about the photograph on the front of
 16 the Evening Standard and Claire Solomon who took it
 17 apparently, because you have seen Claire Solomon's
 18 photograph as it appears(?) in the coverage in the
 19 Standard. He said:
 20 "I didn't know that she had entered Millbank. She
 21 just took the photograph two years earlier. I did not
 22 know anything about her movements on 10 November 2010.
 23 I didn't wish to give a photograph to the
 24 Evening Standard. I wanted them to take it down from
 25 the website. I think they took it down after

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1 proceedings were issued. I thought the Daily Mail had
 2 taken it down as well."
 3 He also objected to it having been used in
 4 The Times, but he didn't think that was as bad as the
 5 other publications. He regretted his image was used,
 6 but it was really picked up from the Evening Standard,
 7 who published it in the first place.
 8 He was then asked about the aftermath of the
 9 demonstration on 10 November. He said:
 10 "I was opposed to violence and criminal acts."
 11 Remember there was an interview played, an audio
 12 interview with Kit Bradshaw. He said:
 13 "I had time to reflect before that."
 14 He said:
 15 "What I really objected to about the Evening
 16 Standard article was that I did not conspire to commit
 17 violent disorder, and I certainly disagree with the fire
 18 extinguisher having been thrown from the roof. The fire
 19 extinguisher was just one example of what I disapproved
 20 of, not the only thing I disapproved of."
 21 He did not approve of any of the violence or damage.
 22 So far as the sentence imposed on the young man who
 23 threw the fire extinguisher was concerned, he, along
 24 with others, disapproved of the length of sentence which
 25 he thought was draconian. That did not mean, of course,

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1 that he approved of what he had done originally.
 2 The Times article, if you want to see it, is at tab
 3 14. He accepted he didn't complain about it. He said:
 4 "I didn't approve it, but I don't regard it as being
 5 a defamation of me in the same sense as the others. It
 6 does not misquote me or single me out. I don't like the
 7 image used and I am not a hardcore anarchist. The
 8 Evening Standard and the Daily Mail singled me out as
 9 having been one of the people responsible for the
 10 violent disorder. That is just wrong."
 11 He was shown at tab 5 a policewoman's photograph who
 12 was injured and a policeman who had also been bleeding
 13 from the face, and was shown a man holding a hammer.
 14 Those are photographs 38K, 38J and 38P. He said:
 15 "Of course I condemn it. I do not accept that it is
 16 inevitable that there will be violence just because
 17 there is civil disobedience. But it does need careful
 18 planning if civil disobedience is to pass off
 19 peacefully."
 20 His attention was drawn to an article he had written
 21 at tab 61 on 17 April 2011. He said:
 22 "I wrote about Black Bloc. It is associated with
 23 anarchy. It believes in aggressive property damage and
 24 violence. I regard that as both morally wrong and
 25 damaging to the overall cause. The article as a whole

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1 attacks violence. I do not agree with everything that
 2 have happened at Millbank. You will not find anything
 3 in that article by me which encourages or approves of
 4 violence."
 5 I am not going to read it, members of the jury. It
 6 is there, available, for you to consult, if you wish to,
 7 at tab 61. He said:
 8 "I criticised Black Bloc because they undermined our
 9 support, and I think their attitude is morally wrong.
 10 My reasons apply equally to the violence used on 10
 11 November at Millbank, but most of the people present
 12 taking part in the demonstration did not commit those
 13 acts. I have principled objections to Black Bloc in all
 14 its manifestations."
 15 His attention was drawn to another article by him at
 16 tab 50, 26 November 2010, he said:
 17 "That was not in any sense a call to violence. I am
 18 not indifferent to violence. I am not inciting anyone
 19 to anything."
 20 So again that is available if you wish to see it,
 21 members of the jury at tab 50. He does not accept that
 22 that reflects any encouragement to violence on his part.
 23 Reference is made to tab 32, a Workers' Power document.
 24 He said:
 25 "I left Workers' Power because I did not think it

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1 helpful or meaningful. I do not think force is
 2 necessarily always wrong."
 3 He gave the example, of course, of Libya. He wasn't
 4 suggesting was defensible in a demonstration in
 5 government buildings in this country.
 6 (3.15 pm)
 7 He said Fifth International, his attention was drawn
 8 to tab 30, a Fifth International document. He said:
 9 "That doesn't reflect my views. I don't regard it
 10 as a particularly meaningful organisation."
 11 He was referred to tab 7 and his communication with
 12 the Evening Standard. Managing editor had suggest there
 13 might be the possibility of a followup article. He did
 14 not think that reasonable. He said that he regarded the
 15 Evening Standard article as a massive hatchet job and he
 16 said:
 17 "They ignored my true role and accused me of violent
 18 disorder. What I was complaining of was my involvement
 19 in planning violent and criminal acts."
 20 And he was referred to the letter he wrote through
 21 solicitors, tab 10. He said they removed all the
 22 references.
 23 At the end of his cross-examination, he reaffirmed
 24 his position in response to a number of questions from
 25 Miss Page. He said he was not a ringleader, not

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1 involved in planning meetings or otherwise in the events
 2 of 10 November. He became of aware of it but did not
 3 plan it. He did not act like a ringleader. He was only
 4 leafleting for Revolution at the time. He was not
 5 a leader, or in any sense hardcore. It was put to him
 6 that he was a member of a small handful of people who
 7 represented the leadership of Revolution and he said
 8 that was not true. It was put to him that he has
 9 encouraged, orchestrated and influenced what had taken
 10 place and he said he had not.
 11 In re-examination he was asked one or two questions.
 12 He simply confirmed that he had noted that the
 13 defendants had changed their stance last Thursday from
 14 not accusing him of being involved in planning to taking
 15 on that burden last Thursday.
 16 He was asked about an article by him on autonomism
 17 at tab 61 and he said:
 18 "I'm against violence and when I write I oppose
 19 violence and that is an illustration of that."
 20 Again, I am not going to refer to that.
 21 Members of the jury, we will break off there for
 22 a quarter of an hour and I will then just come briefly
 23 to remind you of the evidence of the other witnesses, so
 24 could you be back, please, in quarter of an hour.
 25 MR MCCORMICK: My Lord, I wonder if counsel could have

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1 a word with you while the jury retire?
 2 MR JUSTICE EADY: Certainly.
 3 (In the absence of the jury)
 4 MR JUSTICE EADY: Yes.
 5 MR MCCORMICK: My Lord, it is simply this. Your Lordship
 6 has referred to the Daily Mail article staying up until
 7 this year. That is not right. What happened was the
 8 Daily Mail article about which complaint was made came
 9 down, I think, in January. What stayed up until earlier
 10 this year was what we in our own lawyer shorthand call
 11 the rogue article. It was a different article but it
 12 contained a similar allegation.
 13 MR JUSTICE EADY: Can you give me the reference number?
 14 MR MCCORMICK: I shall indeed, my Lord. The article that
 15 said stayed up is in tab 5 and there is a colour version
 16 at 38A. So your Lordship told the jury that the article
 17 at tab 3, which is the online version of the original
 18 Mail article, wasn't taken down. That is an error. It
 19 was taken down in about January.
 20 MS PAGE: January 2011.
 21 MR MCCORMICK: January 2011, yes. But what was not taken
 22 down was this other article also on the Mail website.
 23 MS PAGE: Aggravation of damages only.
 24 MR MCCORMICK: As Miss Page correctly points out, the
 25 distinction is it is relied on in aggravation of damage

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1 only. Your Lordship did say to the jury to take into
 2 account that fact that the article stayed up so long in
 3 terms of publication but doubtless your Lordship will
 4 deal with that again more specifically when you come to
 5 damages. So the original article came down
 6 in January 2011; what stayed up was another article.
 7 MR JUSTICE EADY: Tab 5 stayed and up and when did tab 5 go
 8 on to the website?
 9 MR MCCORMICK: At or shortly after the time.
 10 MR JUSTICE EADY: So that was from about --
 11 MR MCCORMICK: It has been up the whole time.
 12 MR JUSTICE EADY: -- 12 November 2010 until April 2012.
 13 MR MCCORMICK: April or May? May. It was noted in April.
 14 I think it took a few weeks for it to come down.
 15 MR JUSTICE EADY: Sorry about that, I will put that right as
 16 soon as they come in. Are the questions --
 17 MR MCCORMICK: Miss Page has a bundle of them.
 18 MS PAGE: There are 12 here. The format is slightly
 19 different to what I said your Lordship -- (Handed).
 20 MR JUSTICE EADY: I will hand that to the jury as soon as we
 21 commence. I am just wondering about timing. I think by
 22 the time I have finished I won't send them out today.
 23 If I did it would be more or less at the end of the
 24 ordinary working day, quarter past 4 or something, by
 25 the time I have addressed damages and so on.

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1 What I will do is have them back tomorrow, say just
 2 a few brief words at 10.15 and then they will have the
 3 rest of the day to deliberate.
 4 MR MCCORMICK: My Lord, we know it must be true because we
 5 checked it on the Evening Standard website, negotiations
 6 are ongoing at the moment as to a bus strike so there is
 7 that potential transport difficulty tomorrow. I don't
 8 know whether any of the jurors rely on buses to get
 9 here. That is a problem but we are keeping ourselves
 10 updated.
 11 MR JUSTICE EADY: I saw by listing there was an application
 12 for an injunction to prevent the bus strike. Whether it
 13 will make any difference --
 14 MS PAGE: Perhaps your Lordship should grant it and we can
 15 get on with this case.
 16 MR JUSTICE EADY: I want to show how unbiased I am. We will
 17 carry on shortly.
 18 (3.22 pm)
 19 (A short break)
 20 (In the presence of the jury)
 21 (3.34 pm)
 22 MR JUSTICE EADY: Members of the jury, it has been pointed
 23 out to me by counsel that I made a mistake earlier, for
 24 which I apologise. I referred to the article at tab 3,
 25 in the Daily Mail, staying online until April this year.

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1 That was a mistake. The article at tab 3 was taken down
 2 in January 2011; in other words last year. The article
 3 which stayed up from about 12 November 2010
 4 until May 2012 was the article at tab 5; 38A, I think,
 5 so that is not relied upon as a libel. The fact that it
 6 stayed up, however, longer than had been promised is
 7 relied upon as an aggravating factor so far as damages
 8 are concerned, so that is where that comes in. I am
 9 sorry about that. We hadn't concentrated very much on
 10 those articles but tab 3 did not stay up
 11 beyond January 2011. Tab 5 stayed on until May 2012;
 12 allegations to similar effect.
 13 Now, the next thing I want to raise with you is the
 14 questions which were going to be asked which I think
 15 will be handed out now. There will be 12 copies and
 16 those you will consider when you retire and those are
 17 the questions which you will be asked when you return.
 18 We will just go through them briefly now so you get
 19 the picture. It is very straight forward. Two separate
 20 sets of questions. One for the Evening Standard, one
 21 from the Daily Mail and. First, the Evening Standard:
 22 "1. Has the defendant proved that it's more likely
 23 than not than the meaning you find the article to bear
 24 is substantially true?"
 25 And if your spokesperson answer to that is yes, that

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1 will be the end of the matter. If the answer is no then
 2 we will go on to question 2:
 3 "What sum do you award by way of damages?"
 4 The answer to which will be a sum of money.
 5 Then that exercise will be repeated for the
 6 Daily Mail, so you have got those for your consideration
 7 later.
 8 I will just clarify the position for the rest of
 9 this afternoon: I am just going to finish going through
 10 the evidence, say something about the issue of damages
 11 and then I won't ask you to retire at this stage to
 12 consider your verdict because it's getting towards the
 13 end of the afternoon. It will probably be about 10
 14 past, quarter past 4 by the time I finish so that will
 15 be the end of an ordinary working day as far as the
 16 court is concerned, so I will leave a few sentences over
 17 to the morning and then I will ask you to retire
 18 tomorrow morning just after 10.15, which will give you
 19 a clear run and you will not feel under any pressure of
 20 time at that stage. I hope that is convenient to you.
 21 Right, well now I return, then, to the evidence and
 22 I come to Mr Benedict Moore-Bridger, the journalist. He
 23 told us that he was employed by the Evening Standard and
 24 that he had been employed by them for about five years
 25 as a news reporter. Prior to that he had done about six

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1 months with a news agency and before that he worked on
 2 a local newspaper also as a journalist.
 3 On 10 November 2010, between about 12 and 1, he was
 4 asked to go to Millbank because things were happening
 5 there and he moved to the front and to the side where he
 6 stayed for about half an hour and he moved around as he
 7 needed to thereafter.
 8 He said:
 9 "There were masses of people pressing up against the
 10 police, missiles were being thrown and the police
 11 appeared to be overrun. The space, the square in front
 12 of 30 Millbank, was packed with people, they were
 13 spilling back on to the road. Initially it was just
 14 uniformed police coping with the situation. Later there
 15 were riot police. There was a lot of scuffling and
 16 tussling and the police looked rather scared.
 17 "When I arrived there were people inside the
 18 building and on the roof. Some of the foyer windows had
 19 been smashed. More were smashed later. The foyer was
 20 smashed up between about 2 and 2.30 in the afternoon."
 21 By this time, of course, Mr Cooper had not arrived.
 22 He said:
 23 "I saw the reaction when the fire extinguisher was
 24 thrown. In the grand scheme of things it wasn't
 25 actually a huge occurrence on that day. I got an

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<p>1 overview of what was happening and I filed some stuff 2 for the first edition of the Evening Standard." 3 And then he showed where he thought he was standing 4 for the interview, marked with a cross on the edge of 5 the pavement to the left. He said the interview took 6 place at about 4.15 to 4.30. As you appreciate, that is 7 disputed because Mr McCormick relied on the footage we 8 saw this morning to show that by that stage the police 9 had pushed forward beyond that area and therefore they 10 would be behind the police lines if the interview took 11 place there. Anyway, the location of the interview is a 12 matter for you but it may not matter greatly so much as 13 the content. 14 He said he had seen the Revolution banner flying 15 from the roof or displayed in the middle of the roof. 16 He couldn't remember when it came down. He didn't 17 recall seeing it taken down. As to the interview 18 itself, he said: 19 "I was not in a group of journalists. There was 20 a group of cameramen on the left. The reporters were 21 dotted about everywhere. I remember Mr Cooper with 22 a rucksack of leaflets, trying to speak to people and 23 give them leaflets. He came up to me. I had my pad out 24 and I was looking at an earlier interview. He asked if 25 I was a journalist. I was rather busy and was a bit</p> <p style="text-align: center;">Page 145</p>	<p>1 67D you have got the transcript of the notes relating to 2 the telephone conversation which took place on their 3 mobiles. You will need to consider those. 4 He was asked about the important passage which 5 appears on page 67A of the more recent transcript and 6 six lines down on the original transcript: 7 "Reason we attacked Tory HQ." 8 Now, that is fairly central. You will notice that 9 in the later version on page 67A, just about halfway 10 down, there is an illegible which has been inserted in 11 there in square brackets which was not mentioned in the 12 original transcript. Now, the reason for that I think 13 Mr Moore-Bridger explained is that he had made two 14 attempts at writing down the word "attacked" and the 15 outline wasn't very satisfactory so it was the second 16 one that he relies on. He explained that, I think, is 17 the reason for that. There are several illegibles which 18 represent either things which he crossed out or which he 19 couldn't read in his own shorthand writing. 20 Anyway, the significant passage, "Reason we attacked 21 Tory headquarters," the difference between them is 22 really this, as I think is clear to you by now. 23 Mr Cooper says: 24 "I did not say the reason we attacked Tory HQ was to 25 send a really strong message. I was asked a question by</p> <p style="text-align: center;">Page 147</p>
<p>1 dismissive at that stage. 2 "He said to me, 'Do you want an interview?' and gave 3 me a leaflet. I asked him if he was from Revolution. 4 He said yes and that he could speak for the group." 5 There is, again, a dispute here between them. One 6 says one approached, the other says the other. 7 Mr Cooper denies that he said that he could speak for 8 the group as a spokesman. 9 Anyway, he said he was keen to be interviewed: 10 "I'd originally been a bit dismissive. He was in an 11 excited mood, smiling, jubilant, pumped up. I had the 12 impression it was all of a bit of a thrill for him. He 13 was in a good mood." 14 Then reference was made to tab 28 and 29. I think 15 you'll probably want to consider those, members of the 16 jury, when you retire, because the interview is a fairly 17 central part of this dispute and you have got at tab 29 18 the original shorthand notes which probably will not 19 mean very much to most of you. Then there is the 20 original transcript which is at page 67 which was an 21 approximation, which omitted certain things and then 22 pages 67A to 67C you have got the transcript which was 23 made more recently. It transpired apparently after last 24 Thursday, so very recent transcript of the shorthand 25 notes extending to three pages, 67A, 67B, 67C. Then at</p> <p style="text-align: center;">Page 146</p>	<p>1 him, 'Why did you attack Tory HQ?' I said that wasn't 2 really the question I wanted to answer and I focused on 3 the motives and reasons behind the overall 4 demonstration. 5 When he said to send a really strong message to this 6 government: 7 "We were not going to let higher education be 8 brutalised. That was the rationale of the overall 9 demonstration, including the marches and so on. It was 10 not a reference to attacking Tory HQ." 11 Mr Moore-Bridger on the other hand says that was 12 exactly what he said and that's why he has recorded it 13 in that way. That is an important conflict of evidence 14 between them and you may very well need to focus on 15 that. 16 Now, one of the reasons why Mr McCormick has 17 concentrated in great detail on criticising these 18 transcripts is because he is seeking to demonstrate to 19 you that they are overall -- I think his word was -- 20 sloppy and therefore although some of the criticisms may 21 appear rather trivial, overall they may not be a very 22 reliable record of what took place. That is really the 23 reason for his detailed analysis. 24 I am not going to go through his detailed analysis. 25 You heard what he said both in cross-examination and</p> <p style="text-align: center;">Page 148</p>

37 (Pages 145 to 148)

<p>1 this morning. It is for you to make up your own minds 2 what you think about it but in relation to that 3 particular passage, "The reason we attacked Tory HQ," 4 has appeared in the articles later. It is important to 5 focus on that distinction between the two versions 6 because it's fairly critical to the overall picture of 7 Mr Cooper. 8 Mr Moore-Bridger says in his evidence about that: 9 "I did not falsify his answer. I am impartial. I 10 have no political agenda or bias." 11 Then there was another rather curious passage. If 12 you look at page 67, the original transcript, underneath 13 the bit about Tory HQ, it says: 14 "How can I work at Uni of Sussex in International 15 Relations department?" 16 That looks a pretty (Inaudible) question for him to 17 be asking himself. Of course what emerged later when 18 Mr Moore-Bridger explained more clearly what had 19 happened, what seems to have happened is this: he 20 started a question, interrupted himself and then came 21 back to the question. So the original question was, 22 "How can you ask an undergraduate to pay 8,000 a year 23 when they're paying 4,000 for housing?" 24 In the middle comes the bit about working for 25 Sussex, so according to Mr Moore-Bridger, what happened</p> <p style="text-align: center;">Page 149</p>	<p>1 lasted several minutes because he checked it from his 2 phone records and it is therefore said, well, everything 3 can't have been recorded because these notes of that 4 conversation are very brief and, of course, it is 5 Mr Cooper's case that he re-emphasised to him that he 6 had nothing to do with the planning and didn't approve 7 of the violence or damage and that's not recorded, so it 8 is submitted to you on behalf of Mr Cooper that those 9 were things that were said but not recorded. So far as 10 Mr Moore-Bridger is concerned he says that was not said. 11 Now, in cross-examination, he was asked, "Is it not 12 good journalistic practice to read back to an interview 13 subject what you have written down and are proposing to 14 attribute to him, particularly in quotes?" 15 And he said it's not necessary to do that, certainly 16 not necessary to do it always and he accepts that he 17 didn't do it on this occasion. 18 Mr McCormick pointed out to him that, as a general 19 point, when you look at the format of these notes and as 20 recorded in various transcripts, it does not record his 21 questions and then the answers. He tends to run the two 22 together as though it originated from the subject, I.e. 23 Mr Cooper. So it is suggested that if the question had 24 been set out correctly, and the answer set out 25 correctly, it would emerge that Mr Cooper did not say,</p> <p style="text-align: center;">Page 151</p>
<p>1 was he started off by saying, "How can," interruption, 2 explained that he worked at the University of Sussex in 3 the International Relations department, then came back 4 to his original question, which is a rhetorical 5 question: 6 "How can you ask an undergraduate to pay 8,000 when 7 they're paying 4,000 for accommodation?" 8 That apparently is how it happened but it seems to 9 be a bit of a muddle in the first transcript and, again, 10 you will have to consider that. 11 Then there was the dispute about whether it was an 12 assistant or an associate tutor. There was a dispute, 13 of course, as to whether he said he was a lecturer or 14 not, but at any rate what is clear is that there is no 15 reference in the notes to his having said, "You can call 16 me a lecturer." That was Mr Moore-Bridger's 17 recollection. It's challenged by Mr Cooper who said he 18 never claimed to be a lecturer and at all events it's 19 not in the notes. 20 The phone call notes as transcribed are at page 67D. 21 There are several illegibles in that; in fact four 22 illegibles in that. That may be understandable because 23 they were both speaking on mobiles. Mr Moore-Bridger 24 was in the middle of a street at the time, it happened 25 and so on. Mr Moore-Bridger says that the conversation</p> <p style="text-align: center;">Page 150</p>	<p>1 "The reason we attacked Tory HQ," but that is for you to 2 resolve. That is perhaps the most central question 3 about the interview between them. 4 It was put to him, to Mr Moore-Bridger, that 5 Mr Cooper never described himself as an anarchist and 6 therefore he was asked, at tab 13 in his email to 7 Mr Bond, "Why did you describe him as an anarchist?" 8 He says there was no particular reason but 9 Mr McCormick cites that as another example of sloppiness 10 or inaccuracy. Again, that is for you to consider. 11 He was asked, for example, "Why did you include in 12 the second transcript but not the first that the 13 planning might have taken ten days or a fortnight? The 14 word fortnight wasn't mentioned in the first 15 transcript," and so on. He said it was an oversight. 16 He was referred to the, "How can you," when in the 17 first transcript it says, "How can I work at 18 University of Sussex." The passage I just pointed out. 19 These, you may think, are details but it is all 20 relied upon by Mr McCormick to suggest that it is a bit 21 of a rough and ready note and therefore not to be relied 22 upon as entirely reliable or accurate on the central 23 points. 24 He said: 25 "I identified that it was his organisation,</p> <p style="text-align: center;">Page 152</p>

38 (Pages 149 to 152)

1 Revolution was his organisation, then I became more
 2 interested in speaking to him because I'd seen that
 3 Revolution were up on the roof with their banner, but it
 4 is not true that I approached him; he approached me."
 5 It was put to Mr Moore-Bridger that by 4.30 there
 6 was nobody up on the roof. His recollection was that
 7 there were. We saw the footage this morning. How
 8 important that is a matter for you to consider.
 9 Mr Moore-Bridger said:
 10 "I do not accept that I did not record everything he
 11 said to me in the telephone call."
 12 He was purporting to have recorded everything of
 13 substance that he said.
 14 He said:
 15 "I wrote down practically everything he said.
 16 I record the salient points although you do have to get
 17 the direct quotes right."
 18 He accepted that there was no note to the effect
 19 that he consented to being called or described as
 20 a lecturer. Then, of course, it was put to him that he
 21 elided the question and answer over the important matter
 22 of the quotes, "Attack on Tory HQ."
 23 The phone mobile records apparently show that the
 24 phone call lasted seven to eight minutes and
 25 Mr McCormick points out that that was, on his own
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1 account, longer than the original telephone conversation
 2 and, secondly, that it rather suggests that everything
 3 that was said was not recorded because the notes on
 4 page 67D are relatively short.
 5 He was asked about how he got hold of the pictures
 6 and so on, why he had not corrected the inaccuracy
 7 pointed out by University of Sussex about Mr Cooper's
 8 status as an assistant tutor but he said it wasn't for
 9 him to correct it; it was for the news desk.
 10 You heard what was said about the pictures and
 11 I need not go into that; you know where they came from.
 12 In re-examination he said:
 13 "Well, my timings, I think, are probably about 15
 14 minutes earlier than I thought."
 15 So he was explaining that he originally got his time
 16 estimates a little bit wrong, as indeed had Mr Cooper.
 17 He did say at the end of cross-examination:
 18 "Mr Cooper gave me the impression that there was no
 19 differentiation between him and the group who had
 20 stormed the building."
 21 So he was not distancing himself so far as he was
 22 concerned as to the violence and damage.
 23 You heard from Anna Davis and, with great respect to
 24 her, I don't think she added a great deal. She produced
 25 some photographs for us which perhaps were not terribly
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1 clear. She took them with her BlackBerry.
 2 She wrote the first few lines of the article which
 3 had nothing to do with Mr Cooper. She is the education
 4 correspondent, quite an experienced journalist, she has
 5 been education correspondent for two years, before that
 6 she was health correspondent for one year, before that
 7 she was a news reporter for four years and had been on
 8 the Reading Evening Post for four years. She was
 9 covering the NUS march, particularly, and the university
 10 aspects in her role as education correspondent. She
 11 arrived at about 1.40 on 10 November.
 12 She said:
 13 "It was horrible, hundreds had broken off from the
 14 marches, people were hitting the windows, kicking the
 15 windows, setting fire to things. I got spat on. It was
 16 quite a different atmosphere.
 17 "By 2 pm I could see everything. The fires, windows
 18 smashed, etcetera. The police were overwhelmed. Gave
 19 the impression of being lawless and quite frightening."
 20 All of that, of course, was before Mr Cooper came on
 21 the scene.
 22 So I do not think we can get very much else out of
 23 her evidence so, members of the jury, that is a brief
 24 summary of those witnesses. I hope that is of some
 25 assistance. As I say, you concentrate on the things
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1 that impressed you about their evidence.
 2 I am going to say a few words, before we close for
 3 the day, about damages. Of course, if you decide that
 4 either of the newspapers or both has proved the words to
 5 be substantially true, that obviously doesn't arise.
 6 Damages only arise if you find that the defence has
 7 failed.
 8 If you decide that, then it will be for you to
 9 decide the remedy to which he is entitled against each
 10 of these defendants separately. It's not possible to
 11 order an apology to be published; the only remedy which
 12 the law affords is that of damages so libel claimants
 13 just have to claim damages.
 14 It will be another of your tasks to fix the amount,
 15 taking all the circumstances into account. The purpose
 16 of libel damages, as Mr McCormick explained, is three
 17 fold:
 18 First of all, to compensate for any distress and
 19 hurt feelings that you may find to have been occasioned
 20 to the individual. Not everyone is the same. Some
 21 people have thicker skins than others. That is a factor
 22 that needs to be considered in relation to your own
 23 assessment of this individual in this case.
 24 The next factor is providing some rough and ready
 25 compensation for any actual loss of or injury to
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<p>1 reputation.</p> <p>2 Thirdly, damages serve as an outward and visible</p> <p>3 sign of vindication.</p> <p>4 Let me just say a word or two more about that:</p> <p>5 If people have read or heard about a libel and as</p> <p>6 a result they really do think the worst of the claimant</p> <p>7 because they think perhaps he or she has done what was</p> <p>8 alleged against them, or perhaps they raise a question</p> <p>9 mark mentally against the person without necessarily</p> <p>10 coming to a conclusion then it may be that such an</p> <p>11 onlooker may need to be persuaded that the allegation</p> <p>12 was wrong and that can only really be achieved in our</p> <p>13 system either by an unqualified apology or, if that is</p> <p>14 not forthcoming, by the award of damages by a jury.</p> <p>15 Now, it needs to be such as to achieve such</p> <p>16 vindication or restoration of reputation, to use another</p> <p>17 phrase, as the jury thinks the claimant is entitled to.</p> <p>18 It therefore needs to be proportionate to the level of</p> <p>19 gravity by which the jury assesses of the libel in</p> <p>20 question.</p> <p>21 Let us say that someone has been accused in</p> <p>22 a television expose of murder or being a serial rapist</p> <p>23 and there has been some mistake of identity. Any of the</p> <p>24 no doubt hundreds of thousands of viewers may not be</p> <p>25 very impressed if afterwards they were to read of an</p> <p style="text-align: center;">Page 157</p>	<p>1 then you can rely upon that in the award of damages</p> <p>2 against the relevant defendant or defendants.</p> <p>3 You're entitled to take into account on damages, if</p> <p>4 you think it relevant, the conduct of the defendant so</p> <p>5 far as this litigation is concerned. Has that in any</p> <p>6 way added insult to injury? Obviously in this case the</p> <p>7 defendant has never withdrawn the allegations; on the</p> <p>8 contrary, they have maintained that they were true.</p> <p>9 Mr Cooper has been cross-examined to that effect in</p> <p>10 public and that has the effect, very often, of rubbing</p> <p>11 salt in the wound and would tend to aggravate or</p> <p>12 increase any order of damages.</p> <p>13 When I said a moment ago there were three purposes</p> <p>14 to be achieved by libel damages, all I mean is that</p> <p>15 those are factors that need to be taken into account in</p> <p>16 satisfying yourselves that you have arrived at an</p> <p>17 appropriate figure. I certainly do not mean that you</p> <p>18 fix upon a separate sum for each of those elements and</p> <p>19 then add them all together. You just need to arrive at</p> <p>20 a global figure for each of the two publications, for</p> <p>21 each of the defendants, in other words, such as you</p> <p>22 think appropriate for Mr Cooper himself, if you think</p> <p>23 there has been a libel. It needs to be in proportion to</p> <p>24 what happened overall but, in making that assessment,</p> <p>25 each one of those three factors needs to be borne in</p> <p style="text-align: center;">Page 159</p>
<p>1 award of, say, £500 or £5,000. They might think to</p> <p>2 themselves, "Well, that's not very convincing. Maybe</p> <p>3 there was something in this after all."</p> <p>4 On the other hand, if the libel is more at the</p> <p>5 trivial end then no doubt vindication or restoration of</p> <p>6 reputation could be achieved by a much more modest</p> <p>7 award, so it all depends on the circumstances.</p> <p>8 Circumstances that need to be taken into account are</p> <p>9 how serious are the allegations? To how many people</p> <p>10 were they published? Did anyone actually take any</p> <p>11 notice of them or were they likely to be dismissed? Did</p> <p>12 the libel affect the claimant's social or professional</p> <p>13 life in some way? If there were any adverse affects,</p> <p>14 for how long did they last? Has the defendant done</p> <p>15 anything to make amends or mitigate the effect of what</p> <p>16 was originally said? Has there been any apology? In</p> <p>17 this case that does not arise, of course.</p> <p>18 In this case, certain consequences of the</p> <p>19 publications have been singled out for particular</p> <p>20 mention. There was of the initiation of disciplinary</p> <p>21 proceedings at University of Sussex. There was also the</p> <p>22 abusive messages received by Mr Cooper, unpleasant and</p> <p>23 disturbing, no doubt. Insofar as you're satisfied on</p> <p>24 the balance of probabilities that any of this was caused</p> <p>25 by the publication of one or other of the defendants</p> <p style="text-align: center;">Page 158</p>	<p>1 mind.</p> <p>2 Now, here we're concerned with allegations which</p> <p>3 would probably be classified, when it comes to assessing</p> <p>4 of the appropriate compensation, as falling somewhere in</p> <p>5 the middle of the scale of gravity. Not at the trivial</p> <p>6 end, not at the most serious end. As always, it is</p> <p>7 a matter for your assessment on where you think they</p> <p>8 slot in on the scale of gravity.</p> <p>9 I will say something about figures in a moment. One</p> <p>10 has to fit the damages to the relative seriousness of</p> <p>11 what is alleged against the particular complainant. You</p> <p>12 apply your own experience of life and trust your own</p> <p>13 common sense. That is one of the reasons why you're</p> <p>14 here. Another way of putting it is simply to say keep</p> <p>15 a sense of proportion.</p> <p>16 You have heard a certain amount about aggravated</p> <p>17 damages. That simply means that it's part of the</p> <p>18 claimant's case that in certain respects they added</p> <p>19 insult to injury. You can take that into account if you</p> <p>20 think that's right and, again, it is not a question of</p> <p>21 adding sums together, just of taking that factor into</p> <p>22 account if you agree with Mr Cooper's case on that</p> <p>23 point.</p> <p>24 Needless to say, you can take into account not only</p> <p>25 the conduct of the defendants but also of Mr Cooper</p> <p style="text-align: center;">Page 160</p>

40 (Pages 157 to 160)

<p>1 himself. If you think that to some extent he brought 2 the problem on himself, that is a matter you can reflect 3 in the amount of any award if you think it right to do 4 so. 5 So too if you think the defendant has proved the 6 defamatory sting of the libel to be partially true. 7 Again, you can reflect that in the amount of any award. 8 Do remember that the exercise is one of compensating the 9 claimant, not punishing the defendant. So the parties' 10 relative wealth is irrelevant. It's not like a fine 11 imposed in a criminal court when you do take into 12 account the means of the defendant. Here, we're taking 13 into account purely the factors on compensation. 14 What matters is fair compensation, if compensation 15 is called for, and that you decide, particularly having 16 regard to your own assessment of the value of money in 17 general. Take into account, of course, things that you 18 deal with in your everyday lives: wages, homes, cars, 19 holidays, investments; it's real money that we're 20 talking about, not fantasy figures. 21 Another reality check which may be of some use in 22 arriving at a reasonable figure of compensation is to 23 have regard by way of comparison to awards made in the 24 courts by way of personal injuries. I can give you some 25 help on that by referring to the level of such awards so</p> <p style="text-align: center;">Page 161</p>	<p>1 at about £200,000 was about ten years ago in respect of 2 a couple of claimants who were accused of child abuse on 3 a massive scale in respect of a large number of 4 children. They had to go into hiding and change their 5 identities. The libel case lasted for six months and 6 they were awarded damages in the top bracket, £200,000 7 each. As I say, it now has to be adjusted for inflation 8 but that is an example of a very serious level of libel 9 damages. 10 People have been accused of being involved in 11 terrorism, explosions and have been awarded rather less 12 than that, not by juries but by judges on assessments, 13 between £100,000 and £200,000. 14 So those are examples of the very serious kind of 15 libel and I said earlier you may assess this as being 16 something halfway, somewhere in the middle of gravity on 17 libel damages, so do bear those figures in mind if they 18 assist. 19 Now, we are coming towards the end of the day, 20 members of the jury, and I will be shortly releasing you 21 for the day and then you will be able to apply fresh 22 minds in the morning and have as much time as you wish 23 and will not be under any pressure. 24 Let me just say this: when you retire you will be 25 asked to answer the specific questions on your sheet.</p> <p style="text-align: center;">Page 163</p>
<p>1 that you can compare them if you wish to. You do not 2 have to do that; it is just one further factor in 3 keeping one's feet on the ground. 4 For example, nowadays, for the loss of a leg from 5 above the knee, the courts would be awarding something 6 in the range of £61,000 to £90,000, depending on the 7 circumstances. Losing an arm below the elbow, £61,500 8 to £70,000. Total loss of one eye, £35,000 to £42,000. 9 The loss of an index finger would be about £12,000. 10 Now, so far as libel damages generally are 11 concerned, some years ago, 15 years ago, a case was 12 taken to the European Court of Human Rights and they 13 decided that at that stage libel awards were in some 14 cases disproportionate and arbitrary. They suggested 15 that there should be some discipline brought to bear on 16 libel damages in this country and therefore there was 17 a decision of the Court of Appeal in 1997 which tried to 18 give some framework or guidance to the levels of libel 19 damages. 20 Adjusting for inflation, we now work to a ceiling of 21 very roughly speaking about £235,000 for the most 22 serious libel awards. When I say the most serious, that 23 would really be among the gravest allegations you can 24 imagine about people. 25 So far as I am aware, the highest award then valued</p> <p style="text-align: center;">Page 162</p>	<p>1 Answer to question 1 in each case is yes or no. Answer 2 to question 2, if you get to it, is simply a sum of 3 money. 4 When you retire tomorrow morning I suggest, if you 5 have not done so already, that you appoint one of your 6 number to act as as your spokesperson or foreman, as we 7 sometimes say, and that person could chair your 8 discussions if you find that a convenient course to 9 take. 10 That person will be asked to answer any questions 11 when you return to court, either with a verdict or at 12 any intermediate stage, so those are the questions that 13 that person will have to answer. 14 We have one or two little matters, courtroom matters 15 but nevertheless short matters to deal with in the 16 morning, members of the jury so what I will do now is 17 release you for the day and invite you to come back, 18 please, tomorrow morning for 10.15 when, as I say, very 19 shortly after 10.15 you will be invited to retire and 20 consider your verdicts. 21 That is all for the day, members of the jury. 22 You're free now to go. Thank you very much. 23 (In the absence of the jury) 24 MR JUSTICE EADY: Now, any other points that counsel wish to 25 raise.</p> <p style="text-align: center;">Page 164</p>

1 MR MCCORMICK: None from this side, my Lord.
2 MS PAGE: No. Thank you very much.
3 MR JUSTICE EADY: Right. So we will have a clean start at
4 10.15. Thank you very much.
5 (4.11 pm)
6 (The court sat again at 10.15 am on Friday, 22 June 2012)
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11 Closing submission by MR McCORMICK35
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