



DEFENDANTS COPY

Claim Form

In the
High Court of Justice Queen's Bench Division

Claim No.	<i>for court use only</i> H21600348
Issue date	

17 SEP 2016

Claimant(s) name(s) and address(es) including postcode

Jacob Wallis Simons
5 Deham Close
Winchester
Hampshire
SO23 7BL



Defendant(s) name and address(es) including postcode

Craig Murray
3 Park Road, Ramsgate, CT11 7QN

Brief details of claim

A claim for damages and aggravated damages for libel on the 29 April 2016 by the defendant about the claimant and a claim for an injunction to restrain the defendant.

Assigned to Master MC Cloud

Value

£40,000

You must indicate your preferred court for hearings here (*see notes for guidance*)

The Royal Courts of Justice, Queen's Bench Division, Strand, London WC2A 2LL

Defendant's name and address for service including postcode

Craig Murray
3 Park Road
Ramsgate
CT11 7QN

	£
Amount claimed	40,000
Court fee	2,480 + 528.00
Solicitor's costs	TBC
Total amount	TBC

When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number.

Claim No.

Does, or will, your claim include any issues under the Human Rights Act 1998? Yes No

Particulars of Claim (attached) ~~(to follow)~~

Attached

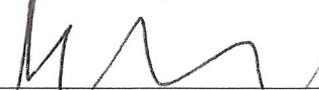
Statement of Truth

~~*(I believe)~~ (The Claimant believes) that the facts stated in these particulars of claim are true.

* I am duly authorised by the claimant to sign this statement

Full name Mark Lewis

Name of claimant's solicitor's firm Seddons

signed  position or office held Partner

~~*(Claimant)~~ ~~(Litigation friend)~~ (Claimant's solicitor) (if signing on behalf of firm or company)

**delete as appropriate*

Seddons
5 Portman Square
London
W1H 6NT
DDI: 020 7725 8012
DX: 9061 West End
Email: mark.lewis@seddons.co.uk

Claimant's or claimant's solicitor's address to which documents or payments should be sent if different from overleaf including (if appropriate) details of DX, fax or e-mail.

IN THE HIGH COURT OF JUSTICE

Claim No:

QUEEN'S BENCH DIVISION

BETWEEN

JAKE WALLIS SIMONS

Claimant

- and -

CRAIG MURRAY

Defendant

PARTICULARS OF CLAIM

1. The Claimant is a novelist, journalist and broadcaster. He is currently employed as Associate Global Editor at *Mail Online*, and as a foreign affairs reporter and commentator has contributed previously to publications such as *The Times*, *The Guardian*, BBC Radio 4, and *The Daily Telegraph*. Educated at St Peter's College, Oxford, he holds a PhD in Creative Writing from the University of East Anglia, and has published award-winning novels, including *The Exiled Times of a Tibetan Jew* and *The English German Girl*.
2. The Defendant was formerly HM Ambassador to Uzbekistan and Rector of Dundee University. He is now a prominent political activist, focussing primarily on human rights and Scottish independence. He maintains a political blog on his personal website www.craigmurray.org.uk.
3. Around 11:45 on the morning of Friday, 29 April 2016, the Claimant and Defendant participated in a short television debate which was broadcast live on Sky News. The issue that week was "Is Britain Anti-Semitic?", a topic which had been in the news due to the suspension of several members of the Labour Party that week. A video recording

of the interview is available to view on YouTube:
<https://www.youtube.com/watch?feature=youtu.be&v=CzC6QSylETc&app=desktop>

4. In the course of that interview, the following underlined words referring to and defamatory of the Claimant (“the Words Complained Of”) were published by the Defendant:

CLAIMANT: ... *This is a manifestation of the oldest hatred, of anti-Semitism, which has been rebranded for 2016 as anti-Zionism. And, if I can, one quote that illustrates this, that I just jotted down this morning, is this: Israel, quote, “claims tribal superiority over the entire rest of the world”. That, I’m sure you’ll agree, is an example of anti-Semitism masquerading as anti-Zionism, and the author of that quote is the man sitting in your Edinburgh studio right now, Craig Murray, who I think should respond to it.*

PRESENTER: *Craig, did you hear that? Do you want to respond to it? I mean it’s not for my, not for me to agree with anything, but Craig Murray, direct question put to you, did you hear it?*

DEFENDANT: *Yes, it’s a complete and utter lie. I have never, ever said anything vaguely like that ...*

CLAIMANT: [interrupting] *You wrote it on your blog. You wrote it on your blog.*

DEFENDANT: [overspeaking] *I do not believe that. I have never, ever said that.*

CLAIMANT: [interrupting] *You wrote it on your blog.*

DEFENDANT: *I did not write that on my blog. It is not...*

CLAIMANT: *I ... I jotted it down this morning from your blog*

DEFENDANT: *That is a lie. You are lying. You are lying. I have never written that on my blog.*

PRESENTER: *Alright, just, ok I tell you what, I always get ... gentlemen, gentlemen, gentlemen ... I get, I get very nervous when we start talking about lying. It makes me twitch, so let’s not. Let me ... if we’re talking about quotes, here’s a quote Mr Murray.*

DEFENDANT: *May I say ... May I reply? Because I’ve been accused of saying something that I did not say. May I make perfectly plain*

that I deplore that last statement, I do not agree with it, I have not said it, I do not believe that Israel has claimed tribal superiority

PRESENTER: [interrupting] *Ok ... Let's move on ... let's move on ... gentlemen, gentlemen ... we'll either, we'll either move on, or we'll draw a veil over this. Shall we move on? Let me, let me just bring in one of our tweets, sent to me, I'll start quoting. This is Ali Ataq, who says, quote "Anti-Semitism is blossoming, blossoming on the far left. All they have done is replaced the word 'Jew' with 'Zionist'". Craig Murray, there is this view isn't there, that on the far left there's been this elision of values, so you've got the, the far – some people call it the Red-Green alliance, this alliance (as it's perceived) between those on the hard left and those on the jihadist extremes – who make common cause. They're not particularly comfortable bed-fellows. So you have a situation, for example, where a radical leftist feminist will, sometimes literally, sit next to a jihadist who, for instance, believes that women who are found to be unfaithful should have their hands lopped off, all the rest of it. That appears to be an emerging feature of the last ten years. Would you agree with that at least?*

DEFENDANT: *What I do think is happening is that people like myself, who are critical of the State of Israel, which has for example in the last week demolished twelve more Palestinian homes on the West Bank, in Area C, in order to make way for more illegal Israeli settlements on the West Bank. When we point out what is happening to the Palestinians, we are now accused – quite falsely – of anti-Semitism, because there is a campaign to stop people fighting for the rights of Palestinians because they are terrified of this witch-hunt, that people like myself – who have fought racism my entire life – come on the media and get accused of making anti-Semitic comments which we didn't make. We really are in the middle of a very, very difficult witch-hunt in the UK.*

PRESENTER: *Jake Wallis Simons ...*

5. In their natural and ordinary meaning, the Words Complained Of meant and were understood to mean:
 - 5.1 That the Claimant was guilty of falsely accusing the Defendant of publishing a comment about Israel claiming “tribal superiority” when the Defendant had neither written or said that comment or anything vaguely similar to it;

- 5.2 That the Claimant made such false accusation knowing that it was false, and that he was wilfully lying about having copied it from the Defendant's blog that morning; and
- 5.3 That the Claimant was engaged in a witch-hunt of critics of Israel, including the Defendant, by making accusations of anti-Semitism that he knew to be false, and that his false allegation that the Defendant had written the aforesaid comment about Israel on his blog was part of that deliberate campaign to smear the Defendant with lies.
6. Contrary to the Defendant's protestations, the Claimant was not lying and was accurately quoting directly from a blogpost published by the Defendant on his website, where he says of Israel: "*It is rather a vicious racist construct, defined absolutely by race, refusing territorial limits, and with an aggressive theocratic overlay that claims tribal superiority over the entire rest of the world.*". The blogpost is still available to view at: <https://www.craigmurray.org.uk/archives/2014/10/the-racist-concept-of-israel/>
7. The Defendant has admitted that the Claimant was not lying in a subsequent blogpost dated 2 May 2016, saying "*Simons used this technique on me on Sky News by selectively quoting one phrase – not even the whole sentence – out of context to show I was an anti-Semite who sneered at the "tribe" of Israel. Out of context this part sentence was so outrageous I did not recognise it, and I called Mr Simons a liar, in which I was wrong.*" However, the subsequent blogpost redoubled the allegation that the Claimant was party to a deliberate campaign '*to discredit supporters of the Palestinians as anti-semites. Jake Wallis Simons has been at the forefront of this campaign*'. The subsequent blogpost is also still available to view at: <https://www.craigmurray.org.uk/archives/2016/05/fighting-right-support-palestine/>

8. The Words Complained Of were published to a massive, but as-yet-unquantified number of publishees within the jurisdiction. Sky News is watched by approximately 1.85 million viewers per day.
9. The Defendant's publication of the Words Complained Of has caused, or is likely to cause, the Claimant serious harm to his reputation.

PARTICULARS OF SERIOUS HARM

- 9.1 As a journalist and broadcaster, there are few more damaging allegations than of concocting evidence or deliberately lying about the source of a quotation. The seriousness of the sting of the defamatory words is particularly high given the profession of the person targeted.
- 9.2 The scale of publication, on live television on a major broadcast news channel in the middle of a weekday, means that the defamatory words will likely have reached an audience in at least the hundreds of thousands.
- 9.3 Sky News operates a Twitter hashtag called #skydebate to allow viewers to comment in real-time on the programme. The Court can infer that there will have been foreseeable republication on various social media of the defamatory sting for which the Defendant was responsible.
- 9.3 From the scale of publication and the gravity of the sting, the Court can easily infer that serious harm was caused, or was likely to be caused, to the Claimant's reputation by the Defendant's publication of the Words Complained Of.

10. By reason of the serious harm caused and/or likely to be caused to the Claimant's reputation, he has suffered damage, embarrassment and distress. In support of his claim for general and aggravated damages, the Claimant will rely on the following facts and matters:
 - 10.1 Paragraphs 9.1 to 9.3 are repeated.
 - 10.2 The failure of the Defendant to admit that his accusation of lying had been ill-founded until three days later on his blog (to a different and much smaller audience than to whom he published the defamatory Words Complained Of);
 - 10.3 The Defendant's attempt to blame the Claimant for the publication of the defamatory Words Complained Of, and his insistence that it was part of a concerted effort to falsely smear the Defendant, repeating part of the defamatory sting in the very blogpost that retracted the allegation of lying.
 - 10.4 The refusal of the Defendant to apologise for defaming the Claimant on live television news.
11. Unless restrained by this Honourable Court, the Defendant will repeat the Words Complained Of or words of similar effect which are defamatory of the Claimant.

AND the Claimant claims:

- (1) Damages, including aggravated damages, for libel; and
- (2) An injunction to restrain the Defendant or his servants or agents from further publishing or causing to be published the Words Complained Of or any other words to the same or any similar effect which are defamatory of the Claimant.

GREG CALLUS

5RB

STATEMENT OF TRUTH

The claimant believes that the facts stated in these Particulars of Claim are true. I am duly authorised by the claimant to sign this statement.

Signed

A handwritten signature in black ink, appearing to be 'Mark Lewis', written over a dotted line. The signature is stylized and somewhat illegible.

Mark Lewis
Seddons
5 Portman Square
London
W1H 6NT

7 September 2016