

**IN THE HIGH COURT OF JUSTICE**

**Claim No. HQ16D03148**

**QUEEN'S BENCH DIVISION**

**BETWEEN:**

**JAKE WALLIS SIMONS**

**Claimant**

**-and-**

**CRAIG MURRAY**

**Defendant**

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**DEFENCE**

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1. Paragraph 1 (and paragraphs referred to herein are paragraphs in the Particulars of Claim unless otherwise stated or obvious) is admitted.
2. Save that no admissions are made as to the Defendant's prominence, paragraph 2 is admitted. The Defendant was a member of the British Diplomatic Service for 20 years. He is now an author, historian, consultant and political commentator.
3. Paragraphs 3 and 4 are admitted save that the Defendant will refer to the full circumstances and transcript of the interview for the proper context of the words complained of.
4. Paragraph 5 is denied.

5. Save that the words cited were written about the concept of Israel, and not Israel, paragraph 6 is admitted. The Defendant will rely upon the entire blog post.
6. The first sentence of paragraph 7 is admitted. The relevance of the balance of paragraph 7 is not admitted.
7. Paragraph 8 is admitted.
8. As to paragraph 9:
  - 8.1. The Claimant has not pleaded, which he must, whether his case is that the publication by the Defendant of the statements complained of has caused serious harm, or is likely to cause serious harm.
  - 8.2. Paragraph 9.1 is noted, however the seriousness of the imputation must be ascertained having regard to the following further factors:
    - 8.2.1. that the interview was clearly billed on screen as a debate;
    - 8.2.2. the obvious consternation caused in the Defendant by the Claimant's allegation of anti-Semitism;
    - 8.2.3. the moderating effect on the imputation of the Sky News presenter's words; and
    - 8.2.4. the Claimant's clearly expressed denials in relation to the Defendant's allegations that he was lying about the quotation.
  - 8.3. No proper basis is set out in paragraph 9.2 or anywhere in the Particulars of Claim from which the conclusion may safely be drawn that the audience of the interview was "in at least the hundreds of thousands" and in the circumstances the Defendant is not able to either admit or deny this averment.

8.4. It is not appropriate for the Claimant to invite the inference as he does in the first paragraph 9.3 that “there will have been foreseeable republication on various social media of the defamatory sting”. The publication complained of was not itself on social media. The Claimant is required to prove that any social media user republished the defamatory sting, which is not admitted.

8.5. Further, and as the Claimant well knows, the Claimant himself took to Twitter immediately following the broadcast, along with his solicitor in these proceedings Mr Lewis, and the two men wrote a number of disparaging tweets aimed at the Defendant. Any social media activity relied upon by the Claimant as relating to the words complained of must also comprehend this activity targeted at the Defendant by the Claimant (whose tweets have since been deleted) and his solicitor.

8.6. As to the second paragraph 9.3, which is denied, the combination of only the words complained of when taken in the context of the broadcast as a whole, with the extent of publication, does not give rise (easily or otherwise) to the inference that serious harm has been caused or is likely to be caused to the Claimant’s reputation.

9. The words complained of were published on an occasion of qualified privilege:

9.1. In around the mid-afternoon on 28 April 2016 the Defendant was telephoned by a Sky News producer who asked him if he would be prepared to do a live on-camera interview the following morning about the controversy surrounding anti-Semitism both in the Labour party, and more widely in the United Kingdom. The Defendant agreed.

9.2. For the avoidance of doubt the Defendant was not told in advance of the interview that he would be required to debate with any third party.

9.3. In the event, but unknown to the Defendant, the interview was set up as a live debate between the Claimant and the Defendant, moderated by a Sky News presenter. The first question was asked directly to the Defendant and he answered it without reference to the Claimant. The presenter then asked a question to the Claimant, and in answering that question the Claimant made an unprovoked attack upon the character of the Defendant as follows:

*“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.”*

9.4. In speaking these words the Claimant without any warning and live on television before an audience said by the Claimant at paragraph 8 to be “massive” accused the Defendant of participation in an ancient hatred towards Jews, of anti-Semitism, and of publishing anti-Semitic material on the internet; which amounted to an attack upon the ~~Claimant’s~~ Defendant’s character.

9.5. Further in speaking these words the Claimant explicitly and directly called upon the Defendant to immediately respond live on television before the very same “massive” audience as had just witnessed the Claimant’s attack, to the allegation that he had published anti-Semitic material on the internet.

9.6. In the circumstances the Defendant was under a duty and/or it was his proper and legitimate interest to communicate to those to whom the said allegations were published by the Claimant his defence to those allegations.

10. As to paragraph 10:

10.1. Paragraph 10.2 is denied. At 12.20pm on 29 April 2016 (some 30 minutes following the broadcast) the Defendant published on his blog an article making it clear that he had been wrong to state that the Claimant had lied.

10.2. Paragraph 10.4 is denied. The Defendant has not refused to apologise. For example in response to threats by the Claimant's lawyers immediately following the broadcast the Defendant wrote: *"Given I am genuinely sorry for calling Dr Wallis Simons a liar, and I immediately tried to amend this with the producers, then published evidence Dr Wallis Simons is not a liar on my blog, and have offered further amends, it is by no means clear to me there is a need to take this to court. I urge you to reconsider."*

11. There is no basis and nor is any basis set out for the injunction pleaded at paragraph 11, which is so poorly particularised that it must be struck out.

**Jonathan Price**

### **STATEMENT OF TRUTH**

I believe that the facts stated in this Defence are true.

Signed by Craig Murray: \_\_\_\_\_

Dated: \_\_\_\_\_

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