



JUDICIARY OF  
ENGLAND AND WALES

## SUMMARY

### **Rachel Riley -v- Laura Murray [2021] EWHC 3437 (QB): Mr Justice Nicklin**

*[References in square brackets are to paragraphs in the judgment of the Court.  
The Judgment has an index to assist identification of the various issues]*

1. The Court has handed down judgment in this libel action today, following the trial of the claim between 10-12 May 2021. The Claimant has been successful and has been awarded damages of **£10,000**.
2. There will be a further hearing in the week commencing 10 January 2022 at which the Court will consider any arguments as to the orders to be made consequent on the judgment.

#### **Ms Riley's claim**

3. The claim for libel arose from a Tweet posted by the Defendant at 21.03 on 3 March 2019: "the Defendant's Tweet" [11]. It was posted following a Tweet by the Claimant at 18.16 on 3 March 2019: "the Good Advice Tweet" [7].

#### **Determination of preliminary issues of meaning, fact/opinion and whether defamatory: [25]-[27]**

4. The meaning of the Defendant's Tweet, whether it was defamatory and whether it was an allegation of fact or expression of opinion were determined as preliminary issues on 24 April 2020 (see [\[2020\] EWHC 977 \(QB\)](#)). The Court's decision on these issues is set out in [25] of the current judgment. The Defendant's Tweet was found to mean:
  - (1) Jeremy Corbyn had been attacked when he visited a mosque.
  - (2) The Claimant had publicly stated in a tweet that he deserved to be violently attacked.
  - (3) By so doing, the Claimant has shown herself to be a dangerous and stupid person who risked inciting unlawful violence. People should not engage with her.

Paragraphs (1) and (2) were found to be statements of fact; Paragraph (3) an expression of opinion. Paragraphs (2) and (3) were found to be defamatory at common law.

#### **Issues for determination at trial: [31]**

5. These were:

- (a) has the Claimant demonstrated that publication of the Defendant's Tweet has caused or is likely to cause serious harm to her reputation as required by s.1 Defamation Act 2013? If so,
- (b) has the Defendant demonstrated that the Factual Allegation is substantially true under s.2 Defamation Act 2013;
- (c) has the Defendant demonstrated that the Opinion is protected as honest opinion under s.3 Defamation Act 2013;
- (d) has the Defendant demonstrated that the Defendant's Tweet was a publication on a matter of public interest under s.4 Defamation Act 2013; and
- (e) if the Claimant succeeds on liability, what remedies should she be granted.

## Decision

- 6. The Claimant and Defendant both gave evidence at the trial. The Judge found that both witnesses were truthful in the evidence they gave and that each was doing her best to assist the Court in their evidence: [32].
- 7. The Court found that the Claimant had demonstrated that the Defendant's Tweet had caused serious harm to her reputation and that she had therefore satisfied the requirements of s.1 Defamation Act 2013: [42]-[47].
- 8. The **defence of truth** failed: [63]-[80]. The Good Advice Tweet was capable of being interpreted in at least two ways. The Defendant's Tweet stated, as a fact, that it had one meaning. This was a misrepresentation. The Judge explained [75]-[78]:

“The important point is that, in her choice of words, and particularly the decision not to include the Good Advice Tweet in the post, the Defendant's Tweet removed that important ambiguity. Instead, the Defendant pronounced what the Claimant had said in the Good Advice Tweet *as a matter of fact*. That decision led to the Defendant's Tweet being published (and republished) to people who were therefore unaware that what they were being told was only one *interpretation* of what the Claimant had said in the Good Advice Tweet... What the Defendant stated, as a matter of fact, in the Defendant's Tweet is not substantially true; it was at best half the story, presented to readers of the Defendant's Tweet as if it was the full story. Critically, it took away the important fact that what the Good Advice Tweet said was a matter of interpretation or opinion, upon which reasonable views could differ, and replaced it with the Defendant's unequivocal statement of what it meant as a matter of fact. In doing so, the Defendant's Tweet was a misrepresentation of what the Claimant had said in the Good Advice Tweet.

The position in which the Defendant finds herself could easily have been avoided. If she had said, in the Defendant's Tweet, for example, that the Claimant had posted a Tweet which was capable of suggesting, or implied, that Jeremy Corbyn deserved to be violently attacked then she may well have had a viable defence of truth (or honest opinion). But she did not do this. She took upon herself the burden of describing, as a matter of fact, what the Claimant had said and failed because she removed the element of ambiguity. Worse, she added the two elements that the Claimant had stated that Mr Corbyn “*deserved to be violently attacked*”. By doing so, the Defendant put forward the very worst construction that could be put upon the Good Advice Tweet and stated, as a fact, that this was what the Claimant had said.”

- 9. The **defence of honest opinion** also failed: [92]-[102]. Substantially, this was because the Defendant had failed to prove true the foundation of her opinion: the Claimant had not made the statement attributed to her in the Good Advice Tweet. Although the defence of honest opinion provides a degree of latitude in the proof of facts upon which an honest

person *could* have held the expressed opinion, “*it does not provide an escape route for defendants who have expressed an opinion on stated facts they cannot prove to be true*”: [99].

10. Finally, the **defence of publication on a matter of public interest** also failed: [120]-[131]. Although the Court was satisfied that the Defendant’s Tweet was on a matter of public interest, and that the Defendant had believed that publishing it was also in the public interest, the Judge found that the Defendant had not demonstrated that her belief was reasonable, stating [125]:

“Essentially, in the Defendant’s Tweet, the Defendant misrepresented what the Claimant had said in the Good Advice Tweet. I do not accept that the decision not to include the Good Advice Tweet, or accurately to describe what it said, was an exercise in editorial judgment that can excuse this critical failure. The effect was not trivial, it was significant. It prevented readers of the Defendant’s Tweet understanding what the Claimant had actually said and that what the Defendant was offering was her interpretation of it. As the reactions to the Good Advice Tweet demonstrate, some readers might nevertheless have shared the Defendant’s view, but critically, others would not have done.”

11. The Judge rejected the Defendant’s submission that rejection of her defences would be an unjustifiable interference with her right of freedom of expression: [128]-[131].

## **Damages**

12. The Claimant did not seek an injunction at the trial of the action. The Judge awarded **£10,000** in damages because there was an element of provocation in the Good Advice Tweet: [155]-[157]:

“Although posting the Good Advice Tweet could not be described as “*bad conduct*” of the Claimant, it properly falls to be characterised as provocative, even mischievous. It was calculated to provoke a reaction and it did. As the Claimant would readily have appreciated, the words she used in the Good Advice Tweet invited and required interpretation; read only in their literal sense they were meaningless. As explained in more detail above, there were two obvious meanings: the hypocrisy meaning or the meaning that suggested that Jeremy Corbyn deserved to be egged because of his political views. I am quite satisfied, on the evidence, that the Claimant was aware that the Good Advice Tweet was capable of being read in both senses. She may have intended the first, but she was certainly not blind to the second...”

... [T]here is a clear element of provocation in the Good Advice Tweet, in the sense that the Claimant must have readily appreciated that the meaning of the Good Advice Tweet was ambiguous and could be read as suggesting, at least, that Jeremy Corbyn deserved to be egged because of his political views. In the context of her own high-profile campaign against anti-Semitism in the Labour Party, the risk of the Good Advice Tweet being read in that way should have been obvious. In that respect, the Claimant can hardly be surprised – and she can hardly complain – that the Good Advice Tweet provoked the reaction it did, including the Defendant’s Tweet. Those are matters which are properly to be taken into account when fixing the appropriate award of damages...”

**NOTE: This summary is provided to help in understanding the Court’s decision. It does not form part of the judgment. The full judgment of the Court is the only authoritative document. Judgments are public documents and are available at: [www.judiciary.uk](http://www.judiciary.uk) and [www.bailii.org.uk](http://www.bailii.org.uk)**