



JUDICIARY OF
ENGLAND AND WALES

SUMMARY

Jamal Hijazi -v- Stephen Yaxley-Lennon
[2021] EWHC 2008 (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 21-22 and 26 April 2021. The Claimant has been successful and has been awarded damages of **£100,000**.

Mr Hijazi’s Claim

2. The claim for libel arose from two videos posted by the Defendant on his Facebook account on 28 and 29 November 2018 [22]. The transcript of what the Defendant said in these two videos is set out in the Appendix to the Judgment.
3. The background to the claim was an incident between the Claimant and another pupil, Bailey McLaren, at the Almondbury Community School on 25 October 2018 (“the Playing Field Incident”). The Playing Field Incident was recorded by another pupil and the footage was shared amongst other pupils at the School (“the Viral Video”) [5]-[14].
4. The Claimant was bullied whilst he was at the School. The Playing Field Incident was an incident of bullying of the Claimant and was reported to the police. Bailey McLaren was interviewed by police about the incident. He admitted his involvement and received a police caution for common assault [9]. The Playing Field Incident (together with earlier acts of misconduct) led to Bailey McLaren being permanently excluded from the School on 12 November 2018 [19].
5. From around 27 November 2018, the Viral Video became widely shared on social media and was picked up by mainstream media. Articles appeared on 27-28 November 2018. Although there was no direct evidence that the attack on the Claimant in Playing Field Incident had been racially motivated, the event quickly became perceived as an example of racist bullying of the Claimant by Bailey McLaren [21]. It was in the midst of this media controversy that the Defendant posted the two videos that led to this libel action [22].

6. At an earlier stage in the proceedings the Court determined that the First and Second Videos conveyed the following meanings [28]-[29]:

First Video:

“The Claimant had (1) as part of a gang, participated in a violent assault on a young girl which had caused her significant injuries; and (2) threatened to stab another child.”

Second Video:

“The Claimant had, as part of a gang, participated in a violent assault on a young girl which had caused her serious injuries.”

7. The Defendant’s videos were seen by almost 1 million people. He admitted that publication of the First and Second Videos caused serious harm to the Claimant’s reputation [31].

Defence of truth

8. The Defendant relied upon the defence of truth under s.2 Defamation Act 2013. To support his defence, the Defendant sought to prove 7 allegations against the Claimant [33].

Evidence at the trial

9. The Claimant and his father gave evidence at the trial. The Defendant did not give evidence, but he called five witnesses, all of whom were pupils at the School at the time of the Playing Field Incident [41]. The Court also had substantial school records for the key witnesses [42]-[43]. The Defendant also sought to rely on hearsay evidence in the form of recordings of several individuals. Most of these recordings had been made covertly.

The Court’s decision on the defence of truth

10. The Court found that the Defendant had failed to prove each of the seven incidents upon which he had relied for his defence of truth [55]-[148]. In consequence, the Defendant’s defence of truth failed.

“The Defendant took on the burden of proving his allegations to be true. He failed. In reality... his evidence fell woefully short.” [163]

Remedies

11. The approach to assessing libel damages is set out in [150]. The Court has awarded the Claimant damages of **£100,000**. Explaining the award, the Judge said:

[162] The Defendant’s allegations against the Claimant were very serious and were published widely... The consequences to the Claimant have been particularly severe. Although it was media attention on the Viral Video that first propelled the Claimant (and Bailey McLaren) into the glare of publicity, overwhelmingly that coverage (rightly) portrayed the Claimant as the victim in the Playing Field Incident. The Defendant’s contribution to this media frenzy was a deliberate effort to portray the Claimant as being, far from an innocent victim, but in fact a violent aggressor. Worse, the language used in the First and Second Videos was calculated to inflame the situation. As was entirely predictable, the Claimant then became the target of abuse which ultimately led to him and his family having to leave their home, and the Claimant to have to abandon his education. The Defendant is responsible for this harm, some of the scars of which, particularly the impact on the Claimant’s education, are likely last for many years, if not a lifetime.

[163] The most significant element of the damages award that I fix will be the need for vindication. This judgment – but more importantly – the award of damages will mark clearly that the Defendant has failed to demonstrate the truth of his allegations. The Defendant took on the burden of proving his allegations to be true. He has failed. In reality, and for the reasons I have explained, his evidence fell woefully short. He has, however, persisted with the serious allegations he originally made, and has even added to them during the proceedings. The Claimant has had to face them in the full glare and publicity of a High Court trial. It is my responsibility to make clear that the Defendant has failed in his defence of truth, to vindicate the Claimant and to award him a sum in damages that represents fair compensation. The sum I award is £100,000.

12. The Court found that there was no need for an order requiring the Defendant to publish a summary of the Court's decision. The Court will hear submissions on whether an injunction should be granted and, if so, in what terms [164]-[169].

NOTE: This summary is provided to help in understanding the Court's decision. It does not form part of the reasons for the decision. The full judgment of the Court is the only authoritative document. Judgments are public documents and are available at: www.judiciary.uk and www.bailii.org.uk

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