IN THE WESTMINSTER MAGISTRATES' COURT

BETWEEN:

THE CAMPAIGN AGAINST ANTISEMITISM

(CAA)

- v -

REGINALD HUNTER

APPLICATION TO SET ASIDE SUMMONS OR STAY IT AS AN ABUSE OF PROCESS

Mr Lawler for the Campaign Against Antisemitism

Rebecca Chalkley KC leading Rabah Kherbane for Reginald Hunter

1. On 28 January 2025 Edmonds Marshall and McMahon solicitors' submitted an application for a summons, on behalf of the Campaign Against Antisemitism, to institute a private prosecution against Reginald Hunter (a comedian). The Application was accompanied by a Case Summary which incorporated the duty of candour notice. The Duty of Candour section within the case summary stated:

> 55. As set out in the statement of Ms Bachram (para 52), the post in exhibit **HB/19** (see text above at paragraph 27) was reported to the Sussex police and no action was taken; it was said to be a 'civil matter' though what this claimed 'civil matter' was, was not identified or explained (email chain **HB22**).
>
> 56. Ms Bachram then reported **HB/17** (the explicit message) and **HB/20** (see text above at paragraph 32). That was said to have been reviewed by '*a number of members of staff*' and was said to be a civil matter (email chain **HB23**).
>
> 57. There is no indication that the Crown Prosecution Service was consulted.

2. The application was referred to me on 2 April 2025. I granted the application, without a hearing on the same date. I issued a summons for the following offences:

Charge 1:

STATEMENT OF OFFENCE

Improper use of a public electronic communications network, contrary to s.127 of the Communications Act 2003

PARTICULARS OF OFFENCE

Reginald D Hunter, on the 24th day of August 2024 sent by means of a public electronic communications network, namely X (formerly known as Twitter), a communication, namely an explicit computer-generated image that was grossly offensive or of an indecent, obscene or menacing character, contrary to sections 127(1)(a) and (3) of the Communications Act 2003.

Charge 2:

STATEMENT OF OFFENCE

Improper use of a public electronic communications network, contrary to s.127 of the Communications Act 2003

PARTICULARS OF OFFENCE

Reginald D Hunter, on the 10th day of September 2024 sent by means of a public electronic communications network, namely X (formerly known as Twitter), a communication, namely “THIS is why I HATE these people and am committed to their destruction – not because JEW hatred. Not even because they are European Nazis pretending to be JEWS. Because of all the lying. Mama HATED liars and bequeathed that hatred to ALL of her children.” that was grossly offensive or of a menacing character, contrary to sections 127(1)(a) and (3) of the Communications Act 2003.

Charge 3:

STATEMENT OF OFFENCE

Improper use of a public electronic communications network, contrary to s.127 of the Communications Act 2003

PARTICULARS OF OFFENCE

Reginald D Hunter, on the 1th day of September 2024 sent by means of a public electronic communications network, namely X (formerly known as Twitter), a communication, namely “Hey sugar. I don’t hate you for being an agent of evil. Not new. Not even uncommon. You being a liar, a persistent liar KNOWING the truth, is why I will see you and your kind ended, even if it costs me EVERYTHING. You are not even a JEW. Run tell that.” that was grossly offensive or of a menacing character, contrary to sections 127(1)(a) and (3) of the Communications Act 2003.

3. Reginald Hunter (RH) has applied for the summons to be quashed or, in the alternative, for the proceedings to be stayed as an abuse of process. He does so on the following grounds:

    a. “The material now before me demonstrates a primary oblique motive and a breach of the Duty of Candour such that the summons should be quashed.

    b. Further, the material demonstrates that in addition to being satisfied that the summons ought to be quashed, the conduct, lack of candour, motive and approach to disclosure in this case by the Private Prosecutor, the Campaign Against Antisemitism (the ‘CAA’), is such that the case should be stayed as an Abuse of Process.

    c. The Disclosure Process is not complete, and the non-disclosure of relevant and disclosable material is symptomatic of the way this case has been conducted and itself goes to the heart of the issues of the breach of candour and improper motive. This non-disclosure is a further Abuse of the Court’s process”.

4. The CAA’s response to that challenge was:
    a) It has complied with its’ duty of candour.
    b) There is no evidence to support the claim that it is targeting RH.
    c) The allegation that the prosecution is politically motivated is an attempt to smear the CAA without evidence.

d) To invite RH to produce evidence of complaints, criticism and investigations by MP's etc.
e) Miss Bachram's social media activities were "more than adequately summarised within the case summary.
f) Mandy Blumenthal and Mark Lewis' connections with the CAA are irrelevant.
g) The defence have not established an oblique motive that is "*so dominant and so unrelated to the proceedings that it renders them an abuse of process*",

5. I am grateful to Mr Lawler, Ms Chalkley KC and Mr Kherbane for the care with which they have approached this case. Where appropriate I have reproduced passages from their submissions in this judgment, in particular on issues which are uncontroversial.

The law relating to the issuance of a summons and the Duty of Candour.

6. **Rule 7.2 of the Criminal Procedure Rules** deals with the issue of a summons by a magistrates' court. Of relevance to private prosecutors are Rule 7.2(6) (emphasis added):

(6) Where this paragraph applies, as well as complying with paragraph (3), and with paragraph (4) if applicable, an application for the issue of a summons or warrant must—

(a) concisely outline the grounds for asserting that the defendant has committed the alleged offence or offences;

(b) disclose—

(i) details of any previous such application by the same applicant in respect of any allegation now made, and

(ii) details of any current or previous proceedings brought by another prosecutor in respect of any allegation now made; and

(c) include a statement that to the best of the applicant's knowledge, information and belief—

(i) the allegations contained in the application are substantially true,

(ii) the evidence on which the applicant relies will be available at the trial,

(iii) the details given by the applicant under paragraph (6)(b) are true, and

(iv) the application discloses all the information that is material to what the court must decide…

7. And 7.2(14):

(14) The court may decline to issue a summons or warrant if, for example—

(a) a court has previously determined an application by the same prosecutor which alleged the same or substantially the same offence against the same defendant on the same or substantially the same asserted facts;

(b) the prosecutor fails to disclose all the information that is material to what the court must decide;

(c) the prosecutor has—

(i) reached a binding agreement with the defendant not to prosecute, or

(ii) made representations that no prosecution would be brought, on which the defendant has acted to the defendant's detriment;

(d) the prosecutor asserts facts incapable of proof in a criminal court as a matter of law;

(e) the prosecution would constitute an assertion that the decision of another court or authority was wrong where that decision has been, or could have been, or could be, questioned in other proceedings or by other lawful means; or

(f) the prosecutor's dominant motive would render the prosecution an abuse of the process of the court.

8. In **R (Kay) v Leeds Magistrates' Court [2018] 4 WLR 91**, the Divisional Court (Gross LJ, Sweeney J) summarised the relevant legal principles for the determination of an application for a summons (at §22):

a. The magistrate must ascertain whether the allegation is an offence known to the law, and if so whether the essential ingredients of the offence are prima facie present...
b. If so, generally the magistrate ought to issue the summons, unless there are compelling reasons not to do so—most obviously that the application is vexatious (which may involve the presence of an improper ulterior purpose and/or long delay); or is an abuse of process; or is otherwise improper.
c. Hence the magistrate should consider the whole of the relevant circumstances to enable him to satisfy himself that it is a proper case to issue the summons and, even if there is evidence of the offence, should consider whether the application is vexatious, an abuse of process, or otherwise improper.
d. Whether the applicant has previously approached the police may be a relevant circumstance.
e. There is no obligation on the magistrate to make inquiries, but he may do so if he thinks it necessary.
f. A proposed defendant has no right to be heard, but the magistrate has a discretion to: (a) Require the proposed defendant to be notified of the application; (b) Hear the proposed defendant if he thinks it necessary for the purpose of making a decision.

9. The court also stated:

(1) Whilst the Code for Crown Prosecutors does not apply to private prosecutions, a private prosecutor is subject to the same obligations as a Minister for Justice as are the public prosecuting authorities—including the duty to ensure that all relevant material is made available both for the Court and the Defence.

(2) Advocates and solicitors who have the conduct of private prosecutions must observe the highest standards of integrity,

> of regard for the public interest and duty to act as a Minister for Justice in preference to the interests of the client who has instructed them to bring the prosecution — owing a duty to the Court to ensure that the proceeding is fair.

10. The Court held that:

> "*There is no doubt that the duty of candour applies to an ex parte application for the issue of summonses*". (paragraph 24).

11. Sweeney J characterised this obligation as (§25-26):

> [A] duty of "full and frank disclosure" which necessarily "includes a duty not to mislead the judge in any material way" and which requires the disclosure to the court of "any material which is potentially adverse to the application" or "might militate against the grant" or which "may be relevant to the judge's decision, including any matters which indicate that the issue ... might be inappropriate"

12. He also found:

> "38. As this case demonstrates, the grant of summonses, typically conducted ex parte, can have far reaching consequences. Compliance with the duty of candour is the foundation stone upon which such decisions are taken. In my view, its importance cannot be overstated.
>
> 39. The DJ undoubtedly had the power to deal with the breach of the duty of candour in this case by quashing the summonses. Logically, that was the first issue that she should have engaged with, but she failed to engage with it at all."

13. Hughes LJ stated in ***In Re Stanford International Bank Ltd [2010] 3 WLR 941***] (at para 191):

> "In effect a prosecutor seeking an ex parte order must put on his defence hat and ask himself what, if he were representing the defendant or third party with a relevant interest, he would be saying to the judge, and, having answered that question, that is what he must tell the judge."

14. The issue of the consequence of non-compliance with the Duty of Candour was considered in the case of ***R (ex parte Siddiqui) v Westminster Magistrates' Court (Abbasi)*** **[2021] EWHC 1648 (Admin).** The judgment, given by Garnham J, stated:

> "41: The question for this court, therefore, is not did the failure to disclose make a difference to the District Judge's decision to issue the summons, or might it have done so, but should it have done so. Kay makes clear that the District Judge is obliged, on such an application, to consider the significance of the material which should have been disclosed; it does not dictate the outcome of that consideration…
>
> 42. In my judgment, on the application to set aside the summons in circumstances such as the present, the District Judge ought to discharge the summons in any of three situations. First, where the settlement agreement, on its proper construction, precluded a private prosecution; second where the breach of the duty of candour was so serious that that breach in itself required the quashing of the summons; and third, where that breach amounts to an abuse of process. We turn to examine whether any of those situations arose here

15. Popplewell J observed in **Banca Turco Romana v Cortuk [2018] EWHC 662 (Comm) (at §45),** in the context of a without notice application to continue a freezing order, that the duty of full and frank disclosure:

> "[I]s a duty owed to the court which exists in order to ensure the integrity of the court's process. The sanction available to the court to preserve that integrity is not only to deprive the applicant of any advantage gained by the order, but also to refuse to renew it. In that respect it is penal, and applies notwithstanding that even had full and fair disclosure been made the court would have made the order. The sanction operates not only to punish the applicant for the abuse of process, but also…to ensure that others are deterred from such conduct in the future. Such is the importance of the duty that in the event of *any substantial breach* the court inclines strongly towards setting aside the order and not renewing it, even where the breach is innocent. Where the breach is deliberate, the conscious abuse of the court's process will almost always make it appropriate to impose the sanction."

16. In appeal by a prosecutor faced with a stay in the Crown Court. The court considered an allegation that the private prosecutor not only had improper motives but had conducted itself improperly such that the case was stayed under the second limb of abuse of process. The court reviewed the authorities and applied them to the particular issue of motive and misconduct, and considered the arguments of improper motives, concluding:***D Ltd v A*** **[2017] EWCA Crim 1172** the Court of Appeal considered an interlocutory

> "60. Be that as it may, and notwithstanding all the very elaborate arguments, written and oral, advanced to us we can see no proper basis for a finding of improper motives, whether for the purposes for limb one or limb two, such as to vitiate this entire prosecution – a finding, indeed, which the judge herself did not in terms make. In many ways, in fact, the defendants'

submissions seemed to conflate the issue of why the applicant initiated the private prosecution with the (distinct) issue of how they are conducting the private prosecution. In substance, notwithstanding the applicant's evident numerous tactical considerations and, for example, seeming satisfaction at being in control of the prosecution once the Police and the Serious Fraud Office declined to interfere (matters which of themselves do not impede the defendants in advancing their own defences), the predominant motive seems clear: to seek just retribution from defendants who the applicant is convinced have engaged in a sustained criminal fraud on the applicant. There is nothing improper in that. On the contrary, it is a facet of the pursuit of justice in punishing alleged criminality: which is itself the rationale for the statutory right to bring a private prosecution."

"73. We also have well in mind the warning of Davis LJ in ***D Ltd v A*** **[2017] EWCA Crim 1172** at [50] that:

> applications for a stay of this kind cannot be judicially resolved by a process of feel or instinct: . . . It remains the case that it is an exceptional step to stay a prosecution; and if a stay is to be granted it must be by a proper application of settled principles to the facts.
>
> 78. [the test is whether there is] an oblique motive which is so dominant and so unrelated to the proceedings that it renders them an abuse of process.

…

> 86… While a dominant public interest is not required, as the authorities make very clear, the absence of any expression of a public interest rationale, taken together with the clear expression of an oblique motive is telling."

The application

17. The contents of the application for the summons can be summarised as follows:

a) RH was performing at the Edinburgh Fringe Festival on 11 August 2024. “It was subsequently reported that Mr Hunter had made a joke….”
b) A British-Israeli couple present at the show objected to the joke. They were aggressively heckled by other audience members at which point they left.
c) “It is understood that the matter was investigated by Police Scotland”.
d) The Police Scotland reviewed information that they had received arising from this incident and found that no crime had been committed.
e) Heidi Bachram is a media consultant who has an active social media profile. On 12 August 2024 she became aware of the reports of the incident at the Edinburgh Fringe referred to above. She posted a number of comments on the platform X. RH became aware of those posts and posted the messages on the same platform which found the charges contained in the summons.
f) The summary referred at paragraphs 37-40, to a definition of antisemitism provided by the International Holocaust Remembrance Alliance (IHRA).

18. Although the statement of Heidi Bachram was referred to in the application, a copy was not provided.

Analysis and Findings

19. A significant amount of material has been placed before me. It is not necessary for findings to be made in respect of every aspect of it. The following has been established from the material that it before me, including the material contained within the “Supplemental Bundle”:

a) Disclosure by the CAA following the court’s orders for disclosure were: tweets to be found from p155 of the supplementary Bundle; An

example of Mr Silverman's letter (see below);confirmation that Mark Lewis was aa patron of CAA in 2018, who continues to provide advice to it. The remaining disclosure followed research on behalf of RH.

b) The CAA was formed by Mandy Blumental, who is a member of its' committee.

c) Mark Lewis was a patron of the CAA and has provided legal advice to it.

d) Mark Lewis and Mandy Blumental were the individuals described in the application for the summons as "A British Israeli couple". I find the failure to identify them and their close association with the prosecutor as significant. The wording of the summary misled me into believing that there was no such association, I am satisfied that this was intentional.

e) Mark Lewis was fined by the Solicitors' regulatory Authority on 13 December 2018. This was not disclosed at any point by the prosecutor. Since he was one of those present at the Fringe show, who objected to the joke, and subsequently disrupted the performance, it should have been.

f) There is a report of Mark Lewis being criticised by Nicklin J on the basis he had "*put evidence before the Court, on an ex parte application, that was not true" (p140 of the Supplementary Bundle)*- although it should be noted that the judge did not find that he had knowingly misled the court. The judge reportedly stated that there had been a "*significant failure*" by Lewis to comply with the general obligation of full and frank disclosure (Mr Lawlor conceded that Mr Lewis had been criticised albeit in the course of a property dispute). This was clearly relevant given he was at the Fringe show, the criticism should have been disclosed.

g) The CAA stated in a tweet they were contacting police in Scotland to report the incident and "*provide evidence*" (p56 of the supplemental bundle). I am satisfied that this strongly suggests its direct involvement in the report. I regard the failure of the prosecutor to identify its' involvement in reporting the matter to the Police Scotland as significant. The statement in the summary "It is understood that the matter was investigated by Police Scotland", is misleading as it suggests no involvement by the CAA in the reporting. I am satisfied that the wording in the summary was calculated to mislead me.

h) I have not been given an explanation regarding how Miss Bachram came to report her complaints to CAA. There is evidence that she has a relationship with Mr Lewis, tweeting in 2019 and 2020: "more work for Mark Lewis"; "@MLewislawyer has already issued warnings"; "should MLewislawyer have a look".

i) The summary of Miss Bachram's tweeting in the application case summary was wholly inadequate. It did not reveal the extent of her tweets directed against RH in the period immediately preceding the complaints (her tweets were sent between 15 August and 11 September 2024). The summary misled me into believing that his comments were addressed to her involvement with the Jewish faith as opposed to his response to attempts that were being made to have him "cancelled".

j) Mr Silverman identified himself as in the Director of Investigations and Enforcement, to entertainment venues to whom he sent letters, in an attempt to persuade the organisers to cancel RH's shows (an example of a letter dated 3 September 2024 was eventually disclosed). I was not informed of this in the original application, and this information was not disclosed by CAA until 27 September 2025.

This failure was significant. I am satisfied that the failure to disclose it in the original it was intentional, being an attempt to disguise the true purpose of the application. It was clearly relevant as it is direct evidence of the CAA attempting to have RH “cancelled”.

k) The evidence of Mr Silverman was analysed by Chamberlain J in the case of **Husain v SRA [2025] EWHC1170** at paragraph 117:

“As I have noted, the Tribunal did not accept Mr Silverman's evidence in its entirety. Nonetheless, in my judgment, it should have approached his evidence with greater circumspection than it did. He was, at the time of the hearing, Director of Investigations and Enforcement at the Campaign for Antisemitism. Some examples of the CAA's recent public comments were recorded at [26.16.17] and [26.16.27]. The section of Mr Silverman's report entitled "Problematic organisations and individuals" should also have flagged to the Tribunal that the expert before them was an active participant in, rather than just a commentator on, a highly polarised political debate. In my view, these matters were relevant to the extent to which his evidence could be regarded as "objective unbiased opinion on matters within his expertise": see *The Ikarian Reefer* [1993] FSR 563, 565”.

l) The CAA could not have informed me of this criticism in the original application as judgement was not handed down until 14 May 2025. It should have disclosed it during the course of these proceedings. The failure to notify me not only that Mr Silverman the Enforcement Director of the CAA had attempted to cancel RH but in addition to fail to disclose Chamberlain J comments about Mr Silverman’s evidence amounts to a clear breach of its’ duty of candour.

m) The case summary lodged in support of the application states that “The International Holocaust Remembrance Alliance (IHRA) defines antisemitism as……

This working definition was adopted by the UK Government on 12 December 2016. Whilst the definition is not binding, it is recognised by all UK police forces…..

n) Chamberlain J urged caution in the use of the IHRA material at paragraph 107 of **Husain:**
"It must also be borne in mind that the IHRA's examples were billed as "contemporary examples" in 2016. They were not intended to set the parameters of legitimate political debate for all time. Whether a particular criticism of Israel's conduct falls within the bounds of legitimate political debate depends on the facts—and the facts change. A court or tribunal using the IHRA working definition and examples must be alert to this and must avoid using them in a way which forecloses political debate on new events as they unfold".

o) `The CAA have not disclosed this judgement. They should have done as part of their disclosure obligations.

p) The Charity Commission launched a compliance investigation into the CAA in November 2024. The CAA failed to inform me of that investigation when the original obligation was lodged. It has not disclosed it, or the subsequent finding against it by the Charity Commission at any point. I am satisfied that these are clear breaches of their disclosure obligations.

q) Concerns have been raised about CAA by the following bodies**:**

(i) The All Party Parliamentary inquiry report into antisemitism was published in February 2015. This raised the following concerns, "*Outside of the established Jewish community organisations and latterly with their support, a 'grass roots' campaign group named the 'Campaign Against Antisemitism' was founded and organised a rally on the 31 August which was held outside the Royal Courts of Justice. We were somewhat disappointed to note that*

not all of the messages from that group have been in line with CST's stated approach of seeking to avoid undue panic and alarm. We encourage Jewish communal leaders and others when speaking on antisemitism to follow CST's example and to be reassuring and responsible in their language, taking into account the activity which as we have outlined had been undertaken before the summer and during it. So too, it is important that the leadership do not conflate concerns about activity legitimately protesting Israel's actions with antisemitism, as we have seen has been the case on some occasions: SB/§68.

(ii) Baroness Margaret Hodge criticised CAA political targeting of PM Keir Starmer and stated the CAA was "*using antisemitism as a front to attack Labour. Time to call them out for what they really are. More concerned with undermining Labour than rooting out antisemitism".* She was a former patron of the CAA who resigned on 17 July 2022.

(iii) The Charity Commission launched an investigation into the CAA on 4 January 2023.

(iv) On 30 May 2024 NHS trust letter on reasons for withdrawal of training offered by the CAA. The reasons are provided as:

- Concerns were raised internally about the appointment of CAA.
- An infographic from the CAA , which has been circulated on Twitter and via blogs, was felt to single out one community for targeting and that members of that community are likely to feel unsafe as a result.
- A Google search of CAA shows inflammatory views and the promotion of violent conflict.
- CAA has a significant pro-Israel stance, and seeks to lobby in this area.
- The CAA was formed as a result of protests against Israel's military offensive in Gaza which were held in London in the summer of 2014 and not as a response to anti-Jewish hate crimes. (The Trust was directed to this link to support this statement.)

- The all-parliamentary group against anti-Semitism stated, in its 2015 report, that "it is important that the (CAA) leadership do not conflate concerns about activity legitimately protesting Israel's actions with antisemitism, as we have seen has been the case on some occasions."
- The Trust was directed to a blog post (Link), which alleges that CAA use their charitable status as a tool to silence those speaking up for Palestinians and Jewish voices which do not adhere to CAA's political beliefs.
- A Google search of the CAA identifies a Guardian article about the contentious nature of the organisation.
- The following was provided as evidence: [the evidence is identified.]
- "*It was not one of these points in isolation, but when they were looked at as a whole the decision was made to not proceed with the CAA training. As a healthcare provider there is a duty to ensure that GOSH is a welcoming, inclusive and safe place for all patients, families and staff. The Trust felt that CAA were not the right organisation to partner with and that another provider had to be found*."

(v) In April 2024 the CAA posted footage of an incident involving the CEO of the CAA, Gideon Falter, who attended a protest and this led to an incident with the Metropolitan Police, and the demand by Mr Falter for resignation of Sir Mark Rowley. Mr Falter released a limited clip of the incident, before the police released a full clip of the incident for context. The CAA were criticised by the government's antisemitism tsar John Mann for "*not playing it straight*" when they blocked him on the social media platform X.

Ruling

20. I am quite satisfied that the failure to disclose the matters record at paragraphs 19a) to p) above were intentional. If I had been aware of those matters, I would have refused to issue a summons as I would have found the application to be vexatious.

21. The CAA have demonstrated by the misleading and partial way in which it summarised its' application and its' wilful, repeated, failure to meet its'

disclosure obligations, that its' true and sole motive in seeking to prosecute RH is to have him cancelled. I have no doubt that the prosecution is abusive.

22. I do not find that the items at paragraph 19q should have been disclosed. However, my view of the conduct of the CAA is consistent with them as an organisation which is not "playing it straight" but is seeking to use the criminal justice system, in this case for improper reasons.

23. I direct that a copy of this judgement must be disclosed by the CAA and attached by it, in all future applications.

24. I quash the summons.

Michael Snow
District Judge (Magistrates' Courts)

23 December 2025