

Made on behalf of the Defendant  
Witness: Mr R D Hall  
Second statement of witness  
Date: 27 June 2024

**Claim No: KB-2023-002102**

**IN THE HIGH COURT OF JUSTICE**

**KINGS BENCH DIVISION**

**Media and Communications List**

**BETWEEN:**

**(1) MARTIN HIBBERT**

**(2) EVE HIBBERT**

**(by her mother and litigation friend Sarah Gillbard)**

**Claimants**

**- And -**

**RICHARD D HALL**

**Defendant**

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**SECOND WITNESS STATEMENT  
OF THE DEFENDANT**

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I, Richard D Hall, of [REDACTED] will say as follows. The process by which this witness statement was prepared is that it was typed by myself. The statements hereafter are made from my own knowledge. Where they are matters of information or belief the sources for the same are set out.

**INTRODUCTION**

1. I am the Defendant in this claim for harassment for writing a book and for producing a film, both of which are titled, *Manchester: 'The Night of the Bang.'* The claim is brought by Martin Hibbert, the First Claimant, and his daughter Eve Hibbert, the Second Claimant, by her mother (litigation friend),

Sarah Gillbard.

## **THE DEFENDANT'S HISTORY**

2. I am a UK born, 56 year old engineering graduate and worked as a professional engineer from 1986 to 2002, including 11 years working for Rolls-Royce plc. In 1998 I gained full professional status as a chartered electrical engineer.
3. In 2002 I left the employment of the large engineering company I worked for, and started a computer repair and website design business, and ran that business until 2008.
4. From 2009 I became interested in journalism relating to specific subjects, in particular examining controversial incidents which involve the state in suspected cover-ups. At that time I wrote a weekly column in the Hartlepool Mail, and I also began a career producing television programmes for Edge Media Television who broadcast on the Sky platform. Between 2009 and 2015 I produced and presented over 200 TV programmes which were aired on national TV on the Sky satellite network.
5. Since 2015 I have worked as a fully independent investigative journalist, producing many films and online programmes, and I have written 2 books. Journalism has provided my sole income for over 10 years. The book I wrote about the Manchester Arena incident has been very well received, with 96% of [Amazon reviewers](#) giving it a 5 star review. Public scepticism about the Manchester incident is reflected in a [survey](#) carried out by King's College London in October 2022, they found that 26% of the UK population feel the mainstream media and government are involved in a cover-up relating to the incident.
6. When carrying out investigative journalism I have been considerate to those whom I have attempted to get statements from. In a film which I produced in

April 2015 about the Cumbria shootings, Website video number 205, (2 years before the Manchester incident), [I stated](#),

*“It’s really difficult when you’re trying to get witnesses to speak to you, especially when it’s such a sensitive subject because if they say ‘no’, you cannot then come back to them and say well why are you saying ‘no’?, you can’t get into an argument with them because that is kind of harassment. So as soon as they say ‘no’, that’s it – the door is closed.”*

7. Then in a film produced in July 2016, Website video number 225, [I stated](#),

*“The advice I would give to someone who does want to pick up a camera and go to one of these fabricated events and try and get their own evidence, is be extremely polite and courteous”.*

8. In a film produced in August 2017, Website video number 242, shortly after the Manchester incident, [I stated at 5 minutes](#),

*“At this point in time I have no opinion on Westminster or Manchester, other than I don’t trust the mainstream media and I wouldn’t trust an inquest. That’s my only opinion at this point in time, because I haven’t done a personal investigation.”*

## **THE DEFENDANT’S INVESTIGATION**

9. In mid 2019 I started investigating the 2017 Manchester Arena incident.

10. In July 2019 I became aware of a video filmed on a mobile phone by a member of the public. The video is 43 seconds long and was filmed inside the City Room where the alleged bomb was set off, within 4 minutes of the blast occurring.

11. The video is very important evidence, because it shows the crime scene in high definition (720x1280 pixels), very shortly after the time the device was set off. There is far more detail of the crime scene within this video than was produced by the subsequent Public Inquiry.

12. I found out who filmed the video, a Mr John Barr, and I wrote to him on 5<sup>th</sup> August 2019. I have a copy of the letter. I also interviewed him in two telephone conversations. An interview with John Barr is transcribed in my book. Mr Barr on two occasions told me he took the video about 4 minutes after the device went off; later, on reflection, he told me it was 'about 2 minutes'. Either is consistent with my own detailed researches into the timings of this event.
13. John Barr and his son who he was with, were completely unharmed by the 'bomb' when it went off, they were situated 16 metres away from it.
14. Much information can be determined from the John Barr video.
  - i There was no building damage.
  - ii There was no broken glass, from either the windows or glass panels.
  - iii There was no shrapnel visible.
  - iv The lighting was intact and working.
  - v No injuries were visible.
  - vi The number of people in the room seemed far lower than officially claimed.
  - vii There are people lying on the ground, and some others apparently attending to them. There is no sign of any urgent activity during this video of people rushing to attend to the purportedly dead or injured; no sign of tourniquets being applied, nor of any other activity consistent with an extremely serious major incident having just occurred.

15. A merchandise stall which was situated just 8 metres from the epicentre of the explosive device and in direct line of sight of it, was completely intact without any sign of damage. The stall, a large flimsy temporary structure, contained paper posters, t-shirts etc, and was wholly intact.
16. Also in the video, one alleged victim, Ruth Murrell is seen close up, walking past the camera in high heel shoes, without any impairment in her walk, and there are no visible injuries to her legs. In the media however, and in her own words in an interview with the Queen, it was claimed that she had a nut or a bolt travel all the way through her leg (15cm) and come out of the other side, and the media produced images of a severely damaged leg. This provides very strong evidence that injuries were being staged in a faked 'attack'. The only noticeable anomaly on her person was that she has a dark stain on her jeans, which I believe, due to the evidence, was most likely fake blood.
17. The technique of using fake blood and a variety of other props is a technique that has been used in mock attacks, as was seen at the Manchester Trafford centre a year earlier, and in staged attacks, notably in the case of the Boston bombing, which has been comprehensively analysed in the film "The Boston Unbombing".
19. Having gathered this compelling evidence, along with other evidence, it was in the public interest for me to investigate further the veracity of those who claimed they were injured inside the City Room, by an alleged bomb blast.
20. Some time, on or about the 1st of September 2019, I set off in my vehicle and visited 19 properties throughout the North of England to attempt to speak to witnesses in relation to the Manchester incident. The people I managed to speak to were generally helpful.
21. One of the 19 witnesses was Sarah Gillbard (the mother of an alleged victim, and one of the Claimants in this case). My intention was to visit her property,

in order to politely ask her if she would be interested in speaking to me about what she had experienced.

22. As with anyone I approach in my research, I ask them a polite question, such as, “I am researching the incident at Manchester that you were affected by, would you be interested in helping me by answering some questions about the incident?” However, I was unable to ask the question. When I called at the house, I do not recall the exact date and time, there was no answer. I had travelled a considerable distance to try to speak with Ms Gillbard, therefore I waited in the area and tried the house a few more times before giving up. On no occasion was the door answered, and I did not speak to anyone living in the house.
23. If I had managed to speak to Sarah Gillbard when I visited her property, I would have had the opportunity to speak to her about matters relating to what I intended to publish, including any personal data.
24. Therefore I did attempt in my research to contact the Claimants, but contact was unsuccessful.
25. While I was in the area of Sarah Gillbard’s street, I was parked on a public road. During this time, I left a camera on the dashboard of my vehicle which was visible from outside of the vehicle, therefore the camera was not hidden. The camera recorded events along the entire length of a public street. After the recording was made, I viewed the footage. I later deleted the footage from the memory card. The memory card has since been reformatted; therefore I no longer hold any footage of the public street which was recorded. I have not made any further visits to them since that date.
26. In my book I gave a written account of these events (starting at page 219), in which I explained that I had seen on the camera footage, two people and a girl in a wheelchair get into a car parked on a driveway, then drive off. So I reported that the person was “in a wheelchair”, thus implying the fact that she

was probably disabled. At no point did I state that the Claimant's do not have injuries.

### **THE DEFENDANT'S PUBLISHED MATERIAL**

27. By early 2020, I had amassed a considerable amount of evidence about the Manchester Arena incident, and decided to write a book and produce an accompanying film detailing my investigation. The film carries the same title as the book, and all of the information contained in the film is repeated in the book, therefore these two publications are essentially one and the same, but in different forms. The book and film were released on 27 March 2020.
28. As part of the investigation, I employed the services of a statement analyst to examine and report on the veracity of witness statements. The analyst had been trained by Peter Hyatt who has an international reputation for analysing witness statements for deception and has worked with the FBI in America. 33 witness statements were analysed, including 1 media statement given by the Claimant, all of which are contained in the book. Only 5 of these statements were featured in the film, therefore I produced an additional film which covered only the statement analysis, this included 19 of the 33 statements, including a statement made by the Claimant. The second film was released on 15 May 2020.
29. Discussion of the Claimants only appears in the 3 publications described in paragraphs 27 and 28. No discussion about the Claimants appears in the other publications that the Claimants have listed in their Claim [para. 23 - POC] , i.e., 23a, 23c and 23d. Publications 23a, 23c and 23d were released in 2018, 2020 and 2019 respectively and present general information about the Manchester Arena incident. Each film is different and presents different evidence which was discovered as time progressed.
30. At no time did I believe or suspect or know, that my actions of publishing researched facts and some honest opinion could or would cause harm to

anyone.

### **PUBLIC INQUIRY WERE FULLY INFORMED ABOUT THE PUBLISHED MATERIAL**

31. In my research, I have produced a 435 page book, 8 hours of documentary film and video analysis, all of which is evidence based. In addition I have produced a summary of the research in a 110 page evidence document which has been submitted as evidence to this trial.
32. On 2<sup>nd</sup> April 2020, I wrote to the chair of the Manchester Arena Public Inquiry, Sir John Saunders, which was shortly before the Inquiry began. I also wrote to 4 of the barristers of the Public Inquiry legal team. I sent them a polite letter and a copy of my book in order to make them all aware of the evidence I had uncovered, which includes analysis of the John Barr video. I have copies of the letters I sent. I did not get a reply to any of the 5 letters.
33. At the Public Inquiry the John Barr video was not included in the evidence, and John Barr was not asked to give evidence at the Inquiry. A large amount of other very important evidence contained in my book was also ignored by the Public Inquiry. However, given the existence of “public concern” about the event, it was reasonable for me to forward my book to the chair and to the barristers.

### **NO HARASSMENT, NO BREACH OF DATA PROTECTION**

34. What I wrote in my book and presented in the films, consisted of nothing more than honest reporting and opinion, and was in compliance with the NUJ code of conduct, eg, Code 5, “A journalist should obtain material by honest, straightforward and open means, with the exception of investigations that are both overwhelmingly in the public interest and which involve evidence that cannot be obtained by straightforward means.”
35. A statement at the beginning of the book states,



*“Throughout the book, opinions are expressed by the Author and Genevieve Lewis about the veracity of statements made by those involved in the 2017 Manchester Arena incident. All the opinions contained herein are not being expressed as factual claims. All the conclusions and assertions made in this book concerning whether individuals have lied or have been untruthful are expressed purely as the author’s opinions”.*

Similar statements appear in both the film and the statement analysis film.

36. In the book and videos (described in Para 27 & 28), images have been used which were taken from public web pages. In the book and film I make the following statement about the use of the images,

*“All images used in this book are necessary to be able to fully scrutinise claims made by the various parties which the book is examining. Care has been taken to only use images which are absolutely necessary to explain each particular point. All the images have either already appeared in mainstream media or on viewable website pages. I believe their inclusion constitutes fair use”.*

Similar statements appear in both the film and the statement analysis film.

37. The images that were used showing the Claimant had already been published in media articles in published interviews. This means presumably that consent was given for the images to appear in the public domain, and use of the images constitutes “fair use”.
38. Discussion about, or mention of, the Claimants appears on just 18 of 435 pages in my book. Some of the discussion comes under the heading “Statement Analysis” (7 pages), which was not authored by the Defendant, it is the work of a statement analyst, Genevieve Lewis – and in the book is clearly described as her opinion. In total there are 11 pages of content where

I discuss the Claimants and those pages have been reproduced in a separate document, so that the material which is at issue can be evaluated by the court.

39. In the book I discuss well in excess of 200 other people, who are all named, and who were involved in the Manchester arena incident as victims or witnesses. I have also spoken to a considerable number of people who were directly or indirectly involved. In the 4 years since publication, none of these people have contacted me to complain about the published material.
40. If a reasonable person were to read the information in the book, in no way would it be considered “harassment”, either by a dictionary definition, or as defined by the Protection from Harassment Act 1997.
41. Nor can the material be described as a misuse of personal data. All the images and information used were already in the public domain. I have compiled a list of [160 media articles](#) in which information and images featuring the Claimants have been published. The Claimants appear to be happy for these articles to have been put into the public domain. The first Claimant has featured in hundreds of media articles over a period of 7 years, therefore having such a prominent public profile means it is reasonable for any journalist to critically analyse his words. Care was exercised so that only images that were absolutely necessary to explain each point, were utilised from the large number of publicly available images.
42. I work as a one man operation. I do many distinctly different jobs within the business. I do the accounts, I design and build the website, I write scripts, I present TV shows, I film, I edit video, I do investigative journalism, and I am also the proprietor of an online shop which sells merchandise to the public.
43. The online merchandise part of the business requires me to comply with GDPR regulations, which is primarily about how to properly manage private data pertaining to paying customers.

44. The Claimants are not paying customers of my online merchandise business. They are members of the public, whom I was investigating as part of investigative journalism activities; I was not acting in the capacity of a “data controller” of my merchandise business when I visited their property.
45. When I entered the High Court at a previous hearing, a journalist took a photograph of me which was published in many newspapers, along with many journalists’ opinions about me. I was the subject of their investigation. I do not complain about this, it is their right to photograph me in public and then report their opinions about me in their publications. This is no different to my actions when I investigated the Claimants. Did these journalists break GDPR regulations? Also note that I did not publish the video of the street, but if I had, this would have been perfectly legitimate journalism.

### **VERY LATE CLAIM**

46. The material in question has been publicly available since the spring of 2020. The Claimant has stated that he became fully aware of these publications, by July 2021 or earlier, but the Claimants did not decide to pursue this claim until December 2022, which is 17 months after being fully aware of the material.
47. In addition to the 17 months delay, the first Claimant has made public statements demonstrating clearly that he has not suffered any genuine harm by the published material,

On 31 October 2022 on Radio 4, referring to the Defendants work he said at [8 min 06 seconds](#),

“Again, me being me I just laugh it off ”

On 5<sup>th</sup> March 2023 on Radio 4, he said at [15 min 43 seconds](#),

“I suppose I’m old school, sticks and stones, I can take it ”

48. The BBC has also approached me about the event,
- i In the summer of 2022 the BBC sent a barrage of 11 emails to me trying to get me to take part in a programme called “Disaster Trolls”. I made it clear that I did not wish to be contacted. They then wrote a letter to me making a number of false accusations.
  - ii Despite telling the BBC that I did not wish to be contacted further, they sent a film crew to my market stall, uninvited and made false accusations about me at my place of work.
  - iii The BBC then contacted Youtube, resulting in the removal of my channel, despite there being no Manchester material on the channel.
  - iv The BBC contacted Merthyr Tydfil Council, resulting in the closing down of my market stall business, which was selling perfectly legitimate merchandise including a number of published books by various authors, films, clothing etc.
  - v The BBC published multiple TV and radio programmes and written articles, in which they portrayed me in a wholly unfair and slanderous fashion. One of the Claimants participated in these “hit pieces”.
  - vi Only after all of these attacks by the BBC over a five month period from August to December 2022, did the Claimants then start legal proceedings.
49. After the Claimants claim was submitted to the court, I continued to carry out further independent research into the Manchester incident. New information surfaced during the Public Inquiry, and I reported on this in Website Video [number 305](#), released on 2<sup>nd</sup> June 2023. It was in the public interest to critically analyse the Public Inquiry.

50. Then I published another film in show [number 307](#), released on 22<sup>nd</sup> November 2023, which critically analysed statements and media articles featuring the Claimants in this case. The Claimants have had a huge amount of coverage in the press, but without any examination of their claims. It was in the public interest to provide this film.
51. I then published a further film on 13<sup>th</sup> December 2023, show [number 308](#). The CCTV images released by the Public Inquiry were buried within thousands of archived pdf document files, and had not been provided in a format that were easy to view. I ran a project which took many months to extract all of the CCTV images, and created an online viewing app, so that the public would be able to access the images in time order, and select specific cameras to view. This film explores all of the CCTV evidence with a critical eye and it was in the public interest to do so.
52. The obvious outcome of a successful claim by the Claimants would be to censor my published work in breach of my rights under the ECHR, namely Article 9 of the Convention “Freedom of thought, conscience and religion” and Article 10 “Freedom of expression.” I have both the right to hold my beliefs and to manifest them. It is noted that although they seek “an injunction” they do not specify the parameters of that injunction as they should have done. What, exactly, are they seeking to stop?
53. In fact, the Particulars of Claim in this matter are vague and do not condescend to specifics as to the precise statutory or common law breaches which the Claimants allege or the consequential relief to which they would actually be entitled.
54. I do however say the following. Regarding the Protection from Harassment Act 1997, the Claimants have not explained how my minimal past attempts to contact them amount to a “course of conduct”. For the information of the Court, I have no need or intention to contact them again. In any event, journalistic enquiries do not amount to “harassment”.

55. In respect of any potential claims under the Data Protection Act 2018, the Claimants have not first exercised or exhausted their rights as specified under that Act, including their rights to approach the Information Commissioner.
56. It is also not accepted that they have suffered any losses at all by my investigations, let alone to substantiate aggravated damages. All of the information I refer to is in the public domain and none of it has been obtained unlawfully.
57. The Claimants are also out of time for bringing any action under the Defamation Act 2013. Had they done so, then it would be denied my publications had caused or were likely to cause serious harm to the reputations of the Claimants under Section 1 of that Act. In any event, I would have had a defence under Section 3 (Honest opinion) and Section 4 (Publication on matter of public interest).

### **PREVIOUS OFFER TO REMOVE IMAGES REJECTED BY CLAIMANTS**

58. I offered to remove all personal images of the Claimants from my videos in a letter dated 11 January 2023. This was, and remains, an “open” offer and not one made under CPR 36 or otherwise for procedural reasons within this claim. However this offer was not accepted by the Claimants.

### **Statement of Truth**

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed 

Defendant

  


27 June 2024