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Case No: QB-2019-002507

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
MEDIA AND COMMUNICATIONS

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 12/12/2019

Before :

MR JUSTICE SAINI

Between :

ARRON BANKS
- and -
CAROLE CADWALLADR

Claimant

Defendant

William McCormick QC and Sara Mansoori (instructed by Kingsley Napley LLP) for the Claimant

Gavin Millar QC and Ben Silverstone (instructed by Bindmans LLP) for the Defendant

Hearing dates: 4 December 2019

Approved Judgment

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

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MR JUSTICE SAINI

MR JUSTICE SAINI :

This judgment is divided into 5 sections with two annexes as follows:

- I. Overview: paras. [1-12]
- II. The Publications and the Rival Meanings: paras. [13-26]
- III. Legal Principles: paras. [27-39]
- IV. Application to the Facts: paras. [40-76]
- V. Conclusions as to Meaning: paras. [77-81]

Annexe A: The Ted Talk

Annexe B: The Convention Speech

I. Overview

1. This is the trial of a preliminary issue as to meaning in a defamation claim brought by the Claimant (“Mr. Banks”) against the Defendant (“Ms. Cadwalladr”) in respect of four publications.
2. Mr. Banks is a British businessman who is a prominent figure in the campaign for the United Kingdom to leave the EU. In that connection, Mr Banks co-founded and funded Leave.EU.
3. Ms. Cadwalladr is an author, investigative journalist and features writer whose investigations have focused on a broad range of issues including the EU referendum campaign, electoral funding, and use of personal data and technology.
4. The four publications in issue are as follows:
 - (a) A statement made by Ms. Cadwalladr in a 15 minute TED talk she gave in April 2019 (the “Ted Talk”). The full text of the Ted Talk is at Annexe A and given that it is intended to be heard (and not read as text) it is more appropriately considered in its original broadcast form. I return to this theme below. The Ted Talk can be found at https://www.ted.com/talks/carole_cadwalladr_facebook_s_role_in_brexit_and_the_threat_to_democracy/transcript#t-739134. The specific words complained of are set out at para. [14] below. They are spoken 7 minutes into the Ted Talk. At the date of the Letter of Claim it had been viewed more than 2 million times.
 - (b) A statement made by Ms. Cadwalladr in a broadcast talk entitled “The Convention: Never Again!” on 4 Jun 2019 (“the Convention Speech”). This is reproduced at Annexe B but again should be considered in the original form: <https://www.youtube.com/watch?v=VyB99tdyKFA>. The speech lasts for 18 minutes and the words complained of (set out at para. [18] below) are spoken

16 minutes in. At the date of the Letter of Claim it had been viewed on YouTube more than 5,000 times.

- (c) A short tweet by Ms. Cadwalladr on 24 June 2019 (“the First Tweet”); and
 - (d) A short tweet by Ms. Cadwalladr on 11 July 2019 (“the Second Tweet”).
5. Each of these publications remains accessible at the present time. I understand that Ms. Cadwalladr had, at the material times, in the region of 400,000 followers on Twitter.
 6. The parties could not be more divided as to what they argued was meant by the publications. As is usual, the Claimant’s advisers sought to extract the most serious and damaging meaning from the language used by Ms. Cadwalladr while her advisers sought to do the opposite arguing for lower Chase level meanings.
 7. As a result, the written and oral arguments advanced in support of the substantially different meanings (specifically, those in relation to the Ted Talk and the Convention Speech - which were transcribed into text documents in the bundles) at times seemed to me to be more like arguments about the construction of a deed concerning the demise of a leasehold interest.
 8. The arguments on both sides involved on occasion going back and forth between different passages in the text version, and reflecting on what the speaker was referring to later by reference to a passage earlier in the text. To take just one example, when Ms. Cadwalladr referred in the Convention Speech to the Russian Government having offered money to Mr. Banks (see Annexe B, para. 14) one of the arguments before me involved going back a few pages in the text to reflect on whether this was really just about the “gold and diamond deals” (see Annexe B, para. 8) which Mr. Banks is said to have been offered in the Russian embassy. A viewer would not do that. They would simply watch the Ted Talk in one go and not, as a lawyer would do, think as follows: when Ms. Cadwalladr refers to Russian offers of money was she referring to gold and diamonds which I can identify by looking back? Are they the same thing as money or was this something else?
 9. The ordinary reasonable viewer of the Ted Talk and the Convention Speech does not have a text before her. She will watch it as an uninterrupted broadcast and is most unlikely to rewind back to an earlier part and slowly examine the language (as if she had the text before her) and then go back to where she stopped earlier and reflect on what the meaning was.
 10. One can readily understand why in disputes as to meaning of language this happens. Lawyers (and I include judges in that category) cannot resist turning any exercise where language is being considered into an exercise in construction of words. That problem is particularly acute when a speech (given and intended to be viewed and heard, and not read) is turned into a text document.
 11. This process diverts one from what should be a simple task in most cases and calls into question whether our normal adversarial processes (pleading, skeleton arguments and oral argument) are the appropriate way in which to resolve disputes as to meaning. The task of the court is to determine the single natural and ordinary meaning of the words complained of, which is the meaning that the hypothetical reasonable viewer of the

videos (or reader of the tweets) would understand the words bear. The court is to undertake that task without over-elaborate analysis and without adopting too literal an approach to this task. Textual analysis is the exact opposite.

12. As I told the parties at the hearing, I approached this task by viewing and reading the relevant publications without considering the pleaded case and skeleton arguments. My mind being unpolluted by such materials, I formed a preliminary view as to the meanings. Although I have found the submissions of substantial assistance as a cross-check on that initial view, I was not ultimately persuaded that the meanings forcefully advanced by either party were wholly correct. There were however important parts of each of their cases which reflected or were similar to my own original conclusions.

II. The Publications and the Rival Meanings

13. The specific words in respect of which complaint is made in each of the publications are as follows.

(a) The Ted Talk

14. The Ted talk was titled “Facebook’s role in Brexit – and the threat to democracy” and within it the Claimant said:

“And I am not even going to go into the lies that Arron Banks has told about his covert relationship with the Russian Government.”

15. The Claimants argued that the natural and ordinary meaning of these words is “that the Claimant has repeatedly lied about the nature and/or extent of his relationship with the Russian Government”.
16. The Claimant’s alternative (and modified) natural and ordinary meaning if (contrary to his primary case) the Court decides that the “lies” require more by way of context is: “that the Claimant has repeatedly lied about the nature and/or extent of his relationship with the Russian Government in relation to whether that relationship involved acceptance of Russian funding in breach of the law on funding referendum campaigns”. This was a modification and departure from the pleaded case, which was first indicated at the hearing and formulated thereafter. It is the subject of a Note I received from the Defendant’s advisers after the hearing. I return to that issue in Section V below at para [82].
17. The Defendant’s meaning is: “that (a) there are reasonable grounds to suspect that Mr Banks has lied about having a secret relationship with the Russian government and (b) there are grounds to investigate whether that relationship involved acceptance of foreign funding in breach of the law on funding referendum campaigns”.

(b) The Convention Speech

18. The words complained of are:

“We know that the Russian Government offered money to Arron Banks.”

19. The Claimant's natural and ordinary and/or inferential meaning (as modified at trial) is: "that the Russian government offered the Claimant money and there were strong grounds to believe that he would, in return for such an offer, assist the Russian government in achieving its aims and objectives, even though those aims and objectives did not align with those of the United Kingdom."
20. The Defendant's meaning is: "Mr Banks was offered a financial benefit by the Russian government and there are reasonable grounds to investigate whether he was willing to accept it in circumstances where its acceptance would have been a breach of the prohibition on foreign funding of referendum campaigns".

(c) The First Tweet

21. The First Tweet (with my underlining of the words complained of):

"Oh Arron. This is too tragic. Nigel Farage's secret funder Arron Banks has sent me a pre-action letter this morning; he's suing me over this TED talk. If you haven't watched it please do. I say he lied about his contact with Russian govt. Because he did."

22. The Claimant's say the natural and ordinary meaning is: "that the Claimant has lied about the nature and/or extent of his relationship with the Russian Government".
23. The Defendant says the meaning is: "that (a) there are reasonable grounds to suspect that Mr. Banks has lied about having a secret relationship with the Russian government and (b) there are grounds to investigate whether that relationship involved acceptance of foreign funding in breach of the law on funding referendum campaigns".

(d) The Second Tweet

24. When she re-tweeted and commented upon a tweet from @Alberto Nardelli on her Twitter feed Ms. Cadwalladr said (with my underlining of the words complained of):

"Congrats, Alberto. And well done, Italy. This is how a relatively well functioning country should respond. Case is mirror image of Arron Banks + Russians. The total apathy/indifference to that here continues to shock & disturb."

"@Alberto Nardelli

BREAKING: Milan's public prosecutor has opened an investigation into Lega and Russia after BuzzFeed News released a tape of the Moscow meeting involving a close Salvini aide."

25. The Claimants says that the natural and ordinary and/or inferential meaning is: "that there was reason to believe that the Claimant had committed criminal offences which had involved meeting Russian Government officials". By way of an alternative case, it is also argued that the natural and ordinary and/or inferential meaning and/or innuendo meaning is: "that the Claimant had been covertly meeting with and receiving money

from the Russian Government for unlawful purposes” (detailed Particulars of Innuendo being set out in para.14 of the Particulars of Claim).

26. The Defendant advances an ‘opinion’ meaning as follows: “that there was a close similarity between the matters underlying the investigation into La Lega and the Russian government, and those involving Mr. Banks and the Russian government”. The Defendant’s alternative ‘factual’ meaning is: “there are grounds to investigate whether Mr Bank’s contact with Russia involved any criminal conduct”.

III. Legal Principles

27. The approach to meaning in defamation actions was summarised by Lord Kerr in the Supreme Court in Stocker v Stocker [2019] UKSC 17, [25] where (having noted the use in the court below of dictionary definitions) he explained:

“Therein lies the danger of the use of dictionary definitions to provide a guide to the meaning of an alleged defamatory statement. That meaning is to be determined according to how it would be understood by the ordinary reasonable reader. It is not fixed by technical, linguistically precise dictionary definitions, divorced from the context in which the statement was made.”

28. As to the basic principles that should govern a court’s approach in relation to this task, these were clearly and helpfully set out by Nicklin J in Koutsogiannis v The Random House Group Ltd [2019] EWHC 48 (QB) [11-12] where he explained (with internal citations omitted):

“11. The Court's task is to determine the single natural and ordinary meaning of the words complained of, which is the meaning that the hypothetical reasonable reader would understand the words bear. It is well recognised that there is an artificiality in this process because individual readers may understand words in different ways: Slim v Daily Telegraph Ltd [1968] 2 QB 157, 173D– E, per Lord Diplock.

12. The following key principles can be distilled from the authorities:

(i) The governing principle is reasonableness.

(ii) The intention of the publisher is irrelevant.

(iii) The hypothetical reasonable reader is not naïve, but he is not unduly suspicious. He can read between the lines. He can read in an implication more readily than a lawyer and may indulge in a certain amount of loose thinking but he must be treated as being a man who is not avid for scandal and someone who does not, and should not, select one bad meaning where other non-defamatory meanings are available. A reader who always adopts a bad meaning where a less serious or non-defamatory meaning is available is not reasonable: s/he is avid for scandal. But always

to adopt the less derogatory meaning would also be unreasonable: it would be naïve.

(iv) Over-elaborate analysis should be avoided and the court should certainly not take a too literal approach to the task.

(v) Consequently, a judge providing written reasons for conclusions on meaning should not fall into the trap of conducting too detailed an analysis of the various passages relied on by the respective parties.

(vi) Any meaning that emerges as the produce of some strained, or forced, or utterly unreasonable interpretation should be rejected.

(vii) It follows that it is not enough to say that by some person or another the words might be understood in a defamatory sense.

(viii) The publication must be read as a whole, and any 'bane and antidote' taken together. Sometimes, the context will clothe the words in a more serious defamatory meaning (for example the classic "rogues' gallery" case). In other cases, the context will weaken (even extinguish altogether) the defamatory meaning that the words would bear if they were read in isolation (e.g. bane and antidote cases).

(ix) In order to determine the natural and ordinary meaning of the statement of which the claimant complains, it is necessary to take into account the context in which it appeared and the mode of publication.

(x) No evidence, beyond the publication complained of, is admissible in determining the natural and ordinary meaning.

(xi) The hypothetical reader is taken to be representative of those who would read the publication in question. The court can take judicial notice of facts which are common knowledge but should beware of reliance on impressionistic assessments of the characteristics of a publication's readership.

(xii) Judges should have regard to the impression the article has made upon them themselves in considering what impact it would have made on the hypothetical reasonable reader.

(xiii) In determining the single meaning, the court is free to choose the correct meaning; it is not bound by the meanings advanced by the parties (save that it cannot find a meaning that is more injurious than the claimant's pleaded meaning)."

29. As will be apparent from the summary of the rival positions I have set out above, there was argument before me as to various Chase levels of meaning. These were explained in

Brown v Bower [2017] 4 WLR 197, in a passage cited by Nicklin J at [13] of Koutsogiannis:

“They come from the decision of Brooke LJ in Chase -v- News Group Newspapers Ltd [2003] EMLR 11 [45] in which he identified three types of defamatory allegation: broadly, (1) the claimant is guilty of the act; (2) reasonable grounds to suspect that the claimant is guilty of the act; and (3) grounds to investigate whether the claimant has committed the act. In the lexicon of defamation, these have come to be known as the Chase levels. Reflecting the almost infinite capacity for subtle differences in meaning, they are not a straitjacket forcing the court to select one of these prescribed levels of meaning, but they are a helpful shorthand.”

30. I pause here to observe, like Nicklin J, that it needs to be remembered that these different levels of meaning are tools rather than confined categories. Certain of the pleaded meanings contended for by the parties before me seem to me to have been “shoehorned” to fit into one or more of the Chase levels. That is an artificial and ultimately unhelpful exercise which turns these classifications into ends in themselves as opposed to tools.
31. Innuendo meaning is also relevant in this claim (it arises in relation to the Second Tweet). It is defined in PD 53B 4.2(4)(b) as “a meaning alleged to be conveyed to some person by reason of knowing facts extraneous to the statement complained of”. The Court must decide what meaning would have been conveyed to a reasonable person having that special knowledge: Baturina v Times Newspapers Ltd [2011] EWCA Civ 308, [2001] 1 WLR 1526 at [56] (Sedley LJ).
32. The Defendant argued that it is not permissible for reliance to be placed on facts subsequently learnt by the publishee: Grappelli v Derek Block (Holdings) Ltd [1981] All ER 272, [1981] 1 WLR 822. The continuing vitality of this principle is open to question following the decision of the Privy Council in Simons and Others v Lyder and Others [2019] UKPC 38; [2019] 3 WLR 537, but given my conclusions below that interesting issue does not arise for resolution in this trial.
33. The question of whether a statement is one of fact or opinion arises in relation to the Second Tweet. The answer to that question is informed by certain factors which were helpfully set out by Nicklin J in Koutsogiannis at [16]):
 - i) The statement must be recognisable as comment, as distinct from an imputation of fact.
 - ii) Opinion is something which is or can reasonably be inferred to be a deduction, inference, conclusion, criticism, remark, observation, etc.
 - iii) The ultimate question is how the words would strike the ordinary reasonable reader. The subject matter and context of the words may be an important indicator of whether they are fact or opinion.

iv) Some statements which are, by their nature and appearance opinion, are nevertheless treated as statements of fact where, for instance, the opinion implies that a claimant has done something but does not indicate what that something is, i.e. the statement is a bare comment.

v) Whether an allegation that someone has acted "dishonestly" or "criminally" is an allegation of fact or expression of opinion will very much depend upon context. There is no fixed rule that a statement that someone has been dishonest must be treated as an allegation of fact."

34. Particular considerations arise where the Court has to decide the meaning of words posted on social media: Stocker v Stocker [2019] UKSC 17, [2019] 2 WLR 1033 at [41]-[45]. It is necessary to recognise that this form of communication is generally conversational and casual rather than consisting of carefully chosen expression. Readers scroll through such statements quickly and move on: they do not pause and reflect or ponder on what meaning the statement might possibly bear. Their reaction to the publication is fleeting. The essential message that is being conveyed is likely to be absorbed quickly by the reader.
35. In this context it is therefore especially important for the Court not to engage in elaborate or close analysis and not to parse a post or tweet for its theoretically or logically deducible meaning. An impressionistic approach should be adopted, albeit one that takes account of the whole tweet and the context in which the ordinary reasonable reader would read the tweet.
36. The hypothetical reader of a tweet must be taken to be a reasonable representative of users of Twitter who follow Ms. Cadwalladr: McAlpine v Bercow [2013] EWHC 1342 (QB) at [58].
37. In Monroe v Hopkins [2017] EWHC 433 (QB); [2017] 4 WLR 68, Warby J provided the following useful guidance as to the material which can properly be regarded as the context that informs the natural and ordinary meaning of a tweet:

“38... I would conclude that a matter can be treated as part of the context in which an offending tweet if it is on Twitter and sufficiently closely connected in time, content, or otherwise that it is likely to have been in the hypothetical reader's view, or in their mind, at the time they read the words complained of. This test is not the same as but is influenced by the test for whether two publications are to be treated as one for the purposes of defamation: Dee v Telegraph Media Group Ltd [2010] EWHC 924 (QB) [2010] EMLR 20 [29] (Sharp J).

39. I would include as context parts of a wider Twitter conversation in which the offending tweet appeared, and which the representative hypothetical ordinary reader is likely to have read. This would clearly include an earlier tweet or reply which was available to view on the same page as the offending material. It could include earlier material, if sufficiently closely connected.

But it is not necessarily the case that it would include tweets from days beforehand. The nature of the medium is such that these disappear from view quite swiftly, for regular users. It may also be necessary, in some cases, to take account of the fact that the way Twitter works means that a given tweet can appear in differing contexts to different groups, or even to different individuals. As a matter of principle, context for which a defendant is not responsible cannot be held against them on meaning. But it could work to a defendant's advantage.

40. [Counsel for the defendant] invites me to “extend” the principle, that context includes information in the wider publication that incorporates the statement complained of, by taking into account “facts and matters in the wider realm of Twitter generally as it was being experienced by the hypothetical ordinary reader at the relevant time”. I have indicated how I do see the context in a Twitter case. But Mr Price has put forward a rather broad formula, which is also rather vague, and looks as if it might be somewhat over-ambitious. To the extent that it might draw in as “context” things that might or might not have been known to the ordinary reader, it would tend to erode the rather important and principled distinction between natural and ordinary meanings and innuendos.”

38. In the context of the issues argued before me in relation to the First and Second Tweets (more specifically, in relation to the hyperlink to the Ted Talk in the First Tweet), Poulter v Times Newspapers Ltd [2018] EWHC 3900 (QB) is particularly relevant. In that case, Nicklin J considered whether material accessible via a hyperlink should be treated as relevant context. He explained:

“21... I noted in *Falter -v- Alzmon* [2018] EWHC 1728 QB that the rule from *Charleston* that readers are taken to read the whole of a publication has its limits in relation to links provided in an online version of an article:

[12] The Internet provides a degree of challenge to [the] orthodoxy [of *Charleston*] because it is possible to set out in on-line publications many hyperlinks to external material. It is perhaps unrealistic to proceed on the basis that every reader will follow all the hyperlinks, but everything depends upon its context. For example, if in a single tweet there is a single statement that says, "X is a liar" and then a hyperlink is given, it is almost an irresistible inference to conclude that the ordinary reasonable reader would have to follow the hyperlink in order to make sense of what was being said. At the other end of the spectrum, a very long article could contain a very large number of hyperlinks. Only the most tenacious or diligent reader could be expected to follow every single one of those hyperlinks. Such a reader could hardly be described as the ordinary reasonable reader. How many links any

individual reader would follow would depend on an individual's interest in or knowledge of the subject matter or perhaps other particular reasons for investigating each of the hyperlinks in question.

[13] It therefore does not seem to me to be possible to put forward a hard and fast rule that hyperlinks imbedded in an article that is complained of should be treated as having been read by the ordinary reasonable reader...

I referred to Warby J's judgment in *Monroe -v- Hopkins* [2017] 4 WLR 68 in its treatment of hyperlinks in Tweets, before concluding:

[15] *Monroe -v- Hopkins* gives very helpful guidance, but it does not extend the principle of *Charleston -v- News Group* into a rigid rule that requires the court, when determining meaning, to include in consideration material that is available to be read or watched by way of hyperlink. What, if I might summarise, I derive from *Monroe -v- Hopkins* is that everything is going to depend upon the context in which material is presented to the reader.

[16] I suppose, ultimately, if it is a matter of dispute, the court is going to have to take a view as to what hypothetical reasonable reader is likely to do when presented by an online publication and the extent to which s/he would follow hyperlinks presented to him/her...

24... Whether readers follow links provided like this is influenced by a number of factors, including: (1) their familiarity with the story or subject matter and whether they consider they already know that they are offered by way of further reading; (2) their level of interest in the particular article and whether that drives them to wish to learn more; (3) particular directions given to read other material in the article; (4) if the reader considers that he or she cannot understand what is being said without clicking through to the hyperlink. It might be reasonable to attribute items (3) and (4) to the hypothetical ordinary, reasonable reader, but (1) and (2) will vary reader by reader."

39. I will now turn to apply these principles to the 4 publications. As indicated above, my approach was initially to consider the meanings (without reference to the written arguments) and then to consider the oral and written arguments as a cross-check. I have taken into account each of the points made to me orally and in writing but in the interests of brevity I will only set out in summary form the main points argued.

IV. Application to the Facts

(a) The Ted Talk

40. The Ted Talk has the title “Facebook’s role in Brexit – and the threat to democracy”. Ms. Cadwalladr is described below the video on the Ted Talk webpage as “an investigative journalist and features writer”. This is a serious talk on a serious subject for people who are interested in such matters. Specifically, although delivered via the internet, this is not the stuff of social media (where brief comments are made and where fleeting impressions are quickly formed). The themes are based around the use of Facebook ads in targeting voters on the EU referendum, Cambridge Analytica, and breaches of electoral laws. As indicated above, simply reading the text at Annexe A will give a rather different and sterile impression of the Talk when compared to that which a viewer would obtain.
41. I consider that the Ted Talk will be seen to have been prepared or scripted (at least to some extent in advance) given the use of visual aids to illustrate what is being said. Viewers would therefore understand (indeed they would expect) Ms. Cadwalladr to have thought about what she was going to say and to have chosen her words carefully and deliberately. The Talk was in broad terms a form of political speech where caution against over-elaborate analysis is particularly relevant. I refer in this regard to the observations of Warby J in Monroe v Hopkins [2017] EWHC 433 (QB); [2017] 4 WLR 68 at [31].
42. Turning to the words complained of, namely, “And I am not even going to go into the lies that Arron Banks has told about his covert relationship with the Russian Government”, these appear soon after Mr. Banks has been featured in a photograph with Nigel Farage, Donald Trump and others. The broad subject-matter and context of the entire Ted Talk is improper electoral funding, claimed Russian interference in elections, use of technology to influence voters, and the connections between Brexit and the election of Donald Trump.
43. Crucially, in my view, a viewer will have specifically noticed that the words complained of are spoken in a part of the talk where Ms. Cadwalladr begins with references to breaches by Leave.EU of British electoral and data protection laws, and the group’s referral to the police. She refers to Mr Banks as having “funded this campaign” and continues (relevant words underlined by me) that:
- “And in a completely separate case, he’s being referred to our National Crime Agency, our equivalent of the FBI, because our Electoral Commission has concluded they don’t know where his money came from. Or if it was even British. And I’m not even going to go into the lies that Arron Banks has told about his covert relationship with the Russian government. Or the weird timing of Nigel Farage’s meetings with Julian Assange and with Trump’s buddy, Roger Stone, now indicted, immediately before two massive WikiLeaks dumps, both of which happened to benefit Donald Trump. But I will tell you that Brexit and Trump were intimately entwined. This man told me that Brexit was the petri dish for Trump. And we know it’s the same people, the same companies, the same data, the same techniques, the same use of hate and fear.”
44. The following points are relevant steps in my assessment of meaning:

- (a) First, there is a direct accusation that Mr Banks told lies. No amount of the context relied upon can provide an escape from that conclusion. This is a Chase level 1 type of case. The words are not capable, in their natural and ordinary meaning, to be suggesting merely that there are reasonable grounds to investigate a matter and I reject the Defendant's submissions to the contrary.
 - (b) Second, the reasonable viewer would consider the accusation to be that Mr. Banks told untruths on at least more than one occasion.
 - (c) Third, the relationship alleged between Mr. Banks and the Russian Government was clearly said to be something that was secret or hidden.
 - (d) Fourth, the reasonable viewer would not consider (given what had been said immediately before these words) that Ms. Cadwalladr was making a generalised allegation that Mr. Banks had lied about the nature of his secret relationship with the Russian Government (in other words, that there was some non-specific improper relationship unrelated to any subject-matter). One cannot divorce the meaning from the broad context in which this allegation was made. That context appears in the remainder of the Talk and its most crucial aspect is that the relationship Mr. Banks is said to have had with the Russian Government is relation to the issue of improper foreign funding of electoral campaigns. That is the connection a reasonable viewer would make.
45. Accordingly, in my judgment, the meaning of the material part of the Ted Talk is as follows: that on more than one occasion Mr. Banks told untruths about a secret relationship he had with the Russian Government in relation to acceptance of foreign funding of electoral campaigns in breach of the law on such funding.
46. It follows that, to some extent, I accept the points made by each of the parties. Specifically, I agree with the Claimant that this is "Chase level 1" meaning alleging outright 'guilt' and that the Claimant has told lies (plural) about his covert relationship with the Russian Government. However, I also accept parts of the Defendant's case that the context needs to read into the meaning and the lies are in relation to the foreign funding.

(b) The Convention Speech

47. The relevant statement was made on 4 June 2019 in the Keynote speech at an event entitled "The Convention: Never Again! – How we protect British democracy from social media and dark money". It was entitled "The Landscape of Corruption" and was delivered to a live audience and was filmed, with the footage being made available on the Convention YouTube channel. Like the Ted Talk this was not social media chat and it was clearly intended to be regarded as a serious event on a topic about protecting UK democracy. It is a form of political speech on a matter of public interest. Its focus is on connections between Cambridge Analytica, Trump, Bannon and Brexit, as well as Leave.EU, Mr. Banks and foreign influence by Russia in relation to the democracy of the United Kingdom. The impression made on me as a viewer was, as with the Ted Talk, very different to that one would come away with upon "cold" reading of the text.
48. The following points were relevant in my assessment of meaning of the words in issue:

- (a) First, although wider Russian strategic aims and threats to the UK are covered in the Speech, the part where the words complained of are found is more specific.
 - (b) Second, there is a simple statement that Mr. Banks has been offered money by Russia. There is no allegation that he has accepted such money.
 - (c) Third, in context, the offer appears to be one related to electoral matters (a viewer will have just heard from Ms. Cadwalladr on that subject). Someone viewing the Speech would come away with that message as the connection with Mr. Banks.
 - (d) Fourth, the part of the Speech where the relevant words appear refers to “question marks” and “enough information out there for us to be seriously concerned”. This suggests that something needs to be investigated in relation to both the referendum result and wider issues. These are particularly significant pointers in my view in relation to the meaning.
49. In my judgment, the natural and ordinary meaning of the words was: Mr. Banks has been offered money by the Russians and (by way of inference) that there are substantial grounds to investigate whether he would be willing to accept such funds in violation of prohibitions on foreign electoral funding.
50. Given that some time was spent by the Claimant in writing and orally analysing the words in the Convention Speech, I should briefly outline the arguments and why I did not find them persuasive. The Claimant’s position is that the natural and ordinary meaning of the words was: “that the Russian government offered the Claimant money and there were strong grounds to believe that he would, in return for such an offer, assist the Russian government in achieving its aims and objectives, even though those aims and objectives did not align with those of the United Kingdom.”
51. In the Claimant’s submissions in support of this meaning substantial reliance was placed on the fact that the words complained of, namely “we know that the Russian government offered money to Arron Banks”, need to be viewed and understood in the context of the Speech as a whole. I agree.
52. The Claimant said that the overall theme of the Convention Speech is of Russian interference with the sovereignty of the United Kingdom and the attack on the UK’s rule of law. I was also referred to the fact that Ms. Cadwalladr states that Mr. Banks had “covert meetings” with the Russian Government (Annexe B, para [8]). It is argued on his behalf that the viewer would understand from the use of the word “covert” and the general approach of Ms. Cadwalladr that she was alleging that Mr. Banks had something to hide in respect of his relationship with the Russian Government. It is said that the clear inference and implication in the context of the Speech is that this must be because there were strong grounds to believe that Mr. Banks would support Russia in achieving its aims and objectives, despite the fact that Russia’s aims and objectives are a threat to the United Kingdom’s sovereignty and rule of law. While I accept that the theme of Russian interference with the sovereignty of the United Kingdom and the attack on the UK’s rule of law is introduced by Ms. Cadwalladr and runs throughout the Speech, I consider the Claimant’s argument as to the meaning of the words

complained of to be rather far-fetched and divorced from the specific context in which those words were used. The specific context is the foreign funding of elections.

(c) The First Tweet

53. The First Tweet was published on 24 June 2019 by Ms. Cadwalladr on her Twitter feed @carolecadwalla after Mr. Banks' Solicitors sent her a pre-action letter earlier that day complaining of the Ted Talk and Convention Speech.
54. In my judgment, it is of particular importance that she encouraged her Twitter followers to watch the Ted Talk, posting the hyperlink to it, stating (my underlining):
- “Oh Arron. This is too tragic. Nigel Farage’s secret funder Arron Banks has sent me a pre-action letter this morning; he’s suing me over this TED talk. If you haven’t watched it please do. I say he lied about his contact with Russian govt. Because he did.”
55. In this case my independent preliminary conclusions on meaning very largely coincide with those advanced by the Defendant.
56. The Claimant argues that this is a clear “Chase level 1 meaning” case alleging ‘guilt’ and there is no room to infer or imply any lower meaning.
57. Ms. Cadwalladr relies upon principles set out in a number of cases including Falter and Poulter (cited above at para. [37]), and submits that the TED Talk forms part of the context of the First Tweet on the basis that the ordinary reasonable reader of the tweet would have followed the embedded link, and would have viewed the Talk.
58. I largely agree with the Defendant. My reasons can be summarised as follows:
- (a) First, it can properly be inferred that a reasonable representative of Ms. Cadwalladr’s Twitter followers would have been interested in the background to, and issues raised by, the tweet. The tweet is a short message containing just a single link. The tweet gives little detail about the allegation against Mr Banks and in order properly to understand what is said a reasonable reader would consider it necessary to follow the link.
 - (b) Second, importantly, Ms. Cadwalladr positively invites the reader to follow the tweet (“If you haven’t watched it, please do”).
 - (c) Third, although it is a fact specific question in every case, I consider that this is the type of case referred to by Nicklin J in Falter -v- Altzmon [2018] EWHC 1728 QB at [12]. As a matter of obvious inference, I consider a reasonable reader would follow the link to the Ted Talk in order to obtain an understanding of how and in what context Ms. Cadwalladr said Mr Banks had lied.
59. Having done that, it follows in my judgment that the reasonable reader would understand the First Tweet to bear the same meaning as that Ted Talk. I refer to and repeat my conclusions at para. [46] above.

(d) The Second Tweet

60. The Second Tweet was published on 11 July 2019 when Ms. Cadwalladr re-tweeted and commented upon a tweet from @Alberto Nardelli on her Twitter feed @carolecadwalla:

“Congrats, Alberto. And well done, Italy. This is how a relatively well functioning country should respond. Case is mirror image of Arron Banks + Russians. The total apathy/official indifference to that here continues to shock and disturb”

(my underlining of the words in issue).

Immediately below this tweet was Mr. Nardelli’s tweet:

“BREAKING: Milan’s public prosecutor has opened an investigation into Lega and Russia after BuzzFeed News released a tape of the Moscow meeting involving a close Salvini aide.”

61. The first issue is whether I consider the relevant words complained of were an expression of Ms. Cadwalladr’s opinion (as opposed to words carrying some form of factual meaning). The Defendant has invited me (as her primary case) to conclude that a reasonable reader would understand the words complained of to bear an “opinion” meaning, essentially to the effect that there was a close similarity between the matters underlying the investigation into La Lega and the Russian government, and those involving Mr. Banks and the Russian government.
62. I do not accept that submission and agree with the Claimant. My initial (and final) view was the words complained of were not simply an opinion and did carry a form of factual meaning; and such a meaning would be heavily informed by the nature of the allegations in the Nardelli Tweet. That is because the imputation against Mr Banks is based on the “mirror image” comparison. That tends against this being merely an opinion. Rather, a close parallel is being drawn between the two situations. The Nardelli Tweet refers to an “investigation into Lega and Russia” but contains no details of the events giving rise to the investigation, other than a “Moscow meeting involving a close Salvini aide” (which does not of itself convey any wrongdoing).
63. In my initial (and final) view, the factual meaning to be drawn from the Second Tweet, is that there is a proper basis to investigate whether Mr. Bank’s contact with Russia involved any criminal conduct, just as the Italian government is investigating Lega’s contact with the Russians. That is similar to the Defendant’s secondary case. I am struck in particular by the other specific words used by Ms. Cadwalladr in her tweet (aside from those complained of). The clear impression given is that we (I read that as the UK) should, like Italy (which she describes as a “relatively well-functioning country”) also be responding to the Banks/Russia issue by undertaking investigations.
64. I have reached the above conclusion based on the terms of the Second Tweet alone and I do not consider that the relevant context includes the BuzzFeed articles to which I make reference below. I do not accept that the BuzzFeed articles form part of the context of the tweet, in accordance with the general approach identified in Falter. They are of a very different nature to the simple Ted Talk hyperlink in the First Tweet. The reasonable reader of the Second Tweet is not likely in my judgment to undertake the

further explorations of the material which would identify the articles or undertake Google searches (which in any event may or may not have revealed these articles depending on search terms). The reasonable reader is likely to take a very quick look at the Second Tweet and the Nardelli tweet below it and then move on. Unlike in the case of the First Tweet, she does not need to seek further explanation to follow what has been said by Ms. Cadwalladr.

65. I could stop here but given the time spent orally and in writing developing arguments in relation to the BuzzFeed articles I should set out what my conclusions would have been had I considered these articles were part of the context in which the meaning of the Second Tweet fell to be assessed.
66. As pleaded, these articles are said to be part of the context (paragraph 12 of the Particulars of Claim) via two routes. First, because they were pictured and commented on in the threads of the Second Tweet and Mr. Nardelli's original tweet (and were readily available to view by persons reading the Second Tweet). An interesting legal debate could be had as to whether the articles can be introduced as context in this way. In particular, the issues I identified above arising out of the Grapelli and Simon decisions on post-publication material might arise. The articles are also sought to be introduced in support of the alternative "innuendo" case advanced by Mr. Banks (paragraph 14 of the Particulars of Claim).
67. Having considered the articles, I do not consider they support his pleaded extreme meanings either by way of general context or when introduced under the "innuendo" limb of Mr Banks' case. If anything, the second article buttresses the meaning which I have concluded a reader would take away from the Second Tweet alone.
68. Turning to the detail of Mr. Banks' case, as to the natural and ordinary and/or inferential meaning, it was argued on behalf of Mr Banks that given the interests of Ms. Cadwalladr's Twitter followers they are likely to have read, or know the main gist of, the BuzzFeed News articles concerning the tape referred to by Mr Nardelli. This tape was of a meeting in Moscow in which an aide to the Italian Deputy Prime Minister, Matteo Salvini, was negotiating a deal with Russian officials to covertly channel tens of millions of dollars of Russian oil money to Mr Salvini's Lega Party (referred to by Mr Banks in his skeleton and pleading as "the Information"- a designation which I will adopt). Details about the tape were published by BuzzFeed on 10 July 2019, the day before the Second Tweet.
69. In this regard, I was referred in some detail in oral argument to the fact that the Second Tweet re-tweeted Mr Nardelli's Tweet and it was argued that this allowed Ms. Cadwalladr's followers (as well as anyone who accessed her Twitter account) to click on Mr Nardelli's Tweet and access the BuzzFeed article (the first article) setting out the transcript of the tape, entitled "Read the Full Transcript of the Italian Far Rights and Russia Oil-Deal Meeting" and which was/is available via a link on comments below Mr Nardelli's Tweet. See <https://www.buzzfeednews.com/article/buzzfeednews/transcript-lega-russia-oil-deal-meeting>.
70. A second article entitled "Revealed: The Explosive Secret Recording That Shows How Russia Tried to Funnel Millions To The European Trump" contains a paragraph at the

start summarising the Information. See <https://www.buzzfeednews.com/article/albertonardelli/salvini-russia-oil-deal-secret-recording>.

71. In the context informed by these two articles, it was argued for Mr. Banks that a statement that the case is the “mirror image of Arron Banks + Russians” would mean and be understood to mean in its natural and ordinary and/or inferential meaning that Mr. Banks had committed criminal offences which had involved meeting Russian Government officials.
72. As to innuendo meaning, in the alternative, it was argued that if the facts and matters I have sought to summarise above are not general knowledge, or matters put before readers of the Second Tweet and therefore may not be taken into account when determining the context for the natural and ordinary meaning or inferential meaning, the Claimant relies on them in support the following innuendo meaning: “that the Claimant had been covertly meeting with and receiving money from the Russian Government for unlawful purposes”. So, it is argued, to the extent that there were readers of the Second Tweet who were not aware of the facts and matters set out above when first reading the words complained of in the Second Tweet, it is reasonable to infer that they would have accessed the Information and/or the first and/or second article by finding them in the threads of either the Second Tweet or Mr Nardelli’s Tweet, or by conducting a simple Google search of “Buzzfeed Lega Russia” which would have led them to the first and second articles and would have then re-read (or simply understood) the Second Tweet to bear the innuendo meaning I have set out above. This potential sequence of events may seem far-fetched and unrealistic but it is not a matter for decision now.
73. However, putting that matter to one side and (assuming in Mr. Banks’ favour that the articles form part of the context in which the Second Tweet fell to be understood) I do not in any event consider they support his primary or alternative (innuendo) cases as to meaning. Having been taken to them orally in submissions and also having considered the totality of what is said in these articles myself they do not support the argument that the Second Tweet meant either that Mr Banks had committed criminal offences which had involved meeting Russian Government officials, or the innuendo meaning to the effect that he had been covertly meeting with and receiving money from the Russian Government.
74. The first article (which provides the tape transcript) is lengthy, difficult to follow, and amounts to a confusing back and forth between a number of individuals which would not in my judgment suggest to a reader that the meaning of the Second Tweet was as pleaded by the Claimant. It does not relate either expressly or impliedly to anything one might think Mr. Banks may have done. The second article is a commentary on the transcript featured in the first article and its broad theme (based mainly on the meeting between the 3 Russians and 3 Italians who were recorded on the tape) is of Russian commercial influence being used with far-right European leaders. Mr Banks is however specifically referred to as follows:

“Ahead of Britain’s EU referendum in 2016, Brexit’s biggest financial backer, Arron Banks, discussed gold and diamond investment deals offered via the Russian Embassy in London that promised vast profits. Banks, who is currently being

investigated by the UK's National Crime Agency over the "true source" of £8 million he donated to the Leave.EU campaign, has said he ultimately declined the offers and repeatedly denied any wrongdoing."

75. If this is being fed into the context, it seems to me that, if anything, this passage, with its reference to an investigation and to Mr Bank's responsive statement and repeated denials of any wrongdoing, more supports the proposition that the Second Tweet bears a factual meaning of the type I have found it has above. That is, there is a proper basis to investigate whether Mr. Banks' contact with Russia involved any criminal conduct just as the Italian government is investigating Lega's contact with the Russians.
76. Mr. Banks does not in my view derive support for his primary or innuendo meaning from the articles even if they form part of the context for identifying the meaning of the Second Tweet.

V. Conclusions as to Meaning

77. In my judgment, the Ted Talk and the First Tweet meant:

On more than one occasion Mr. Banks told untruths about a secret relationship he had with the Russian Government in relation to acceptance of foreign funding of electoral campaigns in breach of the law on such funding.

78. The Convention Speech meant:

Mr. Banks had been offered money by the Russians and that there were substantial grounds to investigate whether he would be willing to accept such funds in violation of prohibitions on foreign electoral funding.

79. The Second Tweet meant:

There is a proper basis to investigate whether Mr. Banks' contact with Russia involved any criminal conduct just as the Italian government is investigating Lega's contact with the Russians.

80. As I noted at para. [16] above, the Defendant's advisers objected in a post-hearing Note to the modified meanings advanced after the hearing by the Claimant. I have given my own rulings as to the meanings above and insofar as there remains an objection on the part of the Defendant to these being the meanings in issue for the trial of the next stage of these proceedings, I will hear argument on that matter as well as further directions.

81. As noted by Warby J in Allen v Times Newspapers [2019] EWHC 1235 (QB) at [50]-[51] the principles to be applied concerning amendment of a claim where there has been a preliminary issue as to meaning are perhaps in a state of flux.

ANNEXE A: The Ted Talk

The Ted Talk – talk delivered by Carole Cadwalladr, ‘Facebook’s role in Brexit – and the threat to democracy’, uploaded to www.ted.com in April 2019

1. So, on the day after the Brexit vote, in June 2016, when Britain woke up to the shock of discovering that we're leaving the European Union, my editor at the "Observer" newspaper in the UK asked me to go back to South Wales, where I grew up, and to write a report. And so I went to a town called Ebbw Vale. 00:35
2. Here it is. It's in the South Wales Valleys, which is this quite special place. So it's had this very, sort of rich, working-class culture, and it's famous for its Welsh male voice choirs and rugby and its coal. But when I was a teenager, the coal mines and the steelworks closed, and the entire area was devastated. And I went there because it had one of the highest "Leave" votes in the country. Sixty-two percent of the people here voted to leave the European Union. And I wanted to know why. 01:09
3. When I got there, I was just a bit taken aback, because the last time I went to Ebbw Vale, it looked like this. And now, it looks like this. This is a new 33-million-pound college of further education that was mostly funded by the European Union. And this is the new sports center that's at the middle of 350-million-pound regeneration project that's being funded by the European Union. And this is the new 77-million-pound road-improvement scheme, and there's a new train line, a new railway station, and they're all being funded by the European Union. And it's not as if any of this is a secret, because there's big signs like this everywhere. 01:53

[EU Funds: Investing in Wales] 01:55

(Laughter) 01:57
4. I had this sort of weird sense of unreality, walking around the town. And it came to a head when I met this young man in front of the sports center. And he told me that he had voted to leave, because the European Union had done nothing for him. He was fed up with it. And all around town, people told me the same thing. They said that they wanted to take back control, which was one of the slogans in the campaign. And they told me that they were most fed up with the immigrants and with the refugees. They'd had enough. 02:36
5. Which was odd. Because walking around, I didn't meet any immigrants or refugees. I met one Polish woman who told me she was practically the only foreigner in town. And when I checked the figures, I discovered that Ebbw Vale actually has one of the lowest rates of immigration in the country. And so I was just a bit baffled, because I couldn't really understand where people were getting their information from. Because it was the right-wing tabloid newspapers which printed all these stories about immigration. And this is a very much left-wing Labour stronghold. 03:08
6. But then after the article came out, this woman got in touch with me. And she was from Ebbw Vale, and she told me about all this stuff that she'd seen on Facebook. I was like, "What stuff?" And she said it was all this quite scary stuff about immigration, and especially about Turkey. So I tried to find it. But there was nothing there. Because there's no archive of ads that people had seen or what had been pushed into their news

feeds. No trace of anything, gone completely dark. And this referendum that will have this profound effect forever on Britain -- it's already had a profound effect: the Japanese car manufacturers that came to Wales and the north east to replace the mining jobs -- they are already going because of Brexit. 03:54

7. And this entire referendum took place in darkness, because it took place on Facebook. And what happens on Facebook stays on Facebook, because only you see your news feed, and then it vanishes, so it's impossible to research anything. So we have no idea who saw what ads or what impact they had, or what data was used to target these people. Or even who placed the ads, or how much money was spent, or even what nationality they were. 04:28
8. But Facebook does. Facebook has these answers, and it's refused to give them to us. Our parliament has asked Mark Zuckerberg multiple times to come to Britain and to give us these answers. And every single time, he's refused. And you have to wonder why. Because what I and other journalists have uncovered is that multiple crimes took place during the referendum. And they took place on Facebook. 05:00
9. It's because in Britain, we limit the amount of money that you can spend in an election. And it's because in the 19th century, people would walk around with literally wheelbarrows of cash and just buy voters. So we passed these strict laws to stop that from happening. But those laws don't work anymore. This referendum took place almost entirely online. And you can spend any amount of money on Facebook or on Google or on YouTube ads and nobody will know, because they're black boxes. And this is what happened. 05:34
10. We've actually got no idea of the full extent of it. But we do know that in the last days before the Brexit vote, the official "Vote Leave" campaign laundered nearly three quarters of a million pounds through another campaign entity that our electoral commission has ruled was illegal, and it's referred it to the police. 05:55

And with this illegal cash, "Vote Leave" unleashed a fire hose of disinformation. Ads like this. 06:06

[Turkey's 76m people joining the EU] 06:08

11. This is a lie, it's a total lie. Turkey is not joining the European Union. There's not even any discussions of it joining the European Union. And most of us, we never saw these ads, because we were not the target of them. "Vote Leave" identified a tiny sliver of people who it identified as persuadable, and they saw them. And the only reason we are seeing these now is because parliament forced Facebook to hand them over. 06:37
12. And maybe you think, "Well, it was just a bit of overspending. It's a few lies." But this was the biggest electoral fraud in Britain for 100 years. In a once-in-a-generation vote that hinged upon just one percent of the electorate. And it was just one of the crimes that took place in the referendum. 07:03
13. There was another group, which was headed by this man, Nigel Farage, the one to the right of Trump. And his group, "Leave.EU" -- it also broke the law. It broke British electoral laws and British data laws, and it's also being referred to the police. And this man, Arron Banks, he funded this campaign. And in a completely separate case, he's

being referred to our National Crime Agency, our equivalent of the FBI, because our electoral commission has concluded they don't know where his money came from. Or if it was even British. And I'm not even going to go into the lies that Arron Banks has told about his covert relationship with the Russian government. Or the weird timing of Nigel Farage's meetings with Julian Assange and with Trump's buddy, Roger Stone, now indicted, immediately before two massive WikiLeaks dumps, both of which happened to benefit Donald Trump. But I will tell you that Brexit and Trump were intimately entwined. This man told me that Brexit was the petri dish for Trump. And we know it's the same people, the same companies, the same data, the same techniques, the same use of hate and fear. 08:24

14. This is what they were posting on Facebook. And I don't even want to call this a lie, 08:30

[Immigration without assimilation equals invasion] 08:32

because it feels more like a hate crime to me. 08:38

16. I don't have to tell you that hate and fear are being sown online all across the world. Not just in Britain and America, but in France and in Hungary and Brazil and Myanmar and New Zealand. And we know there is this dark undertow which is connecting us all globally. And it is flowing via the technology platforms. But we only see a tiny amount of what's going on on the surface. 09:07

17. And I only found out anything about this dark underbelly because I started looking into Trump's relationship to Farage, into a company called Cambridge Analytica. And I spent months tracking down an ex-employee, Christopher Wiley. And he told me how this company, that worked for both Trump and Brexit, had profiled people politically in order to understand their individual fears, to better target them with Facebook ads. And it did this by illicitly harvesting the profiles of 87 million people from Facebook. It took an entire year's work to get Christopher on the record. And I had to turn myself from a feature writer into an investigative reporter to do it. And he was extraordinarily brave, because the company is owned by Robert Mercer, the billionaire who bankrolled Trump, and he threatened to sue us multiple times, to stop us from publishing. 10:13

18. But we finally got there, and we were one day ahead of publication. We got another legal threat. Not from Cambridge Analytica this time, but from Facebook. It told us that if we publish, they would sue us. We did it anyway. 10:30

(Applause) 10:40

19. Facebook, you were on the wrong side of history in that. And you were on the wrong side of history in this -- in refusing to give us the answers that we need. And that is why I am here. To address you directly, the gods of Silicon Valley. 10:59

(Applause) 11:03

20. Mark Zuckerberg ... 11:05

(Applause) 11:06

21. and Sheryl Sandberg and Larry Page and Sergey Brin and Jack Dorsey, and your employees and your investors, too. Because 100 years ago, the biggest danger in the South Wales coal mines was gas. Silent and deadly and invisible. It's why they sent the canaries down first to check the air. And in this massive, global, online experiment that we are all living through, we in Britain are the canary. We are what happens to a western democracy when a hundred years of electoral laws are disrupted by technology. 11:45
23. Our democracy is broken, our laws don't work anymore, and it's not me saying this, it's our parliament published a report saying this. This technology that you have invented has been amazing. But now, it's a crime scene. And you have the evidence. And it is not enough to say that you will do better in the future. Because to have any hope of stopping this from happening again, we have to know the truth. 12:21
24. And maybe you think, "Well, it was just a few ads. And people are smarter than that, right?" To which I would say, "Good luck with that." Because what the Brexit vote demonstrates is that liberal democracy is broken. And you broke it. This is not democracy -- spreading lies in darkness, paid for with illegal cash, from God knows where. It's subversion, and you are accessories to it. 13:00
- (Applause) 13:09
25. Our parliament has been the first in the world to try to hold you to account, and it's failed. You are literally beyond the reach of British law -- not just British laws, this is nine parliaments, nine countries are represented here, who Mark Zuckerberg refused to come and give evidence to. 13:30
26. And what you don't seem to understand is that this is bigger than you. And it's bigger than any of us. And it is not about left or right or "Leave" or "Remain" or Trump or not. It's about whether it's actually possible to have a free and fair election ever again. Because as it stands, I don't think it is. 13:52
27. And so my question to you is, is this what you want? Is this how you want history to remember you: as the handmaidens to authoritarianism that is on the rise all across the world? Because you set out to connect people. And you are refusing to acknowledge that the same technology is now driving us apart. 14:21
28. And my question to everybody else is, is this what we want: to let them get away with it, and to sit back and play with our phones, as this darkness falls? 14:34

The history of the South Wales Valleys is of a fight for rights. And this is not a drill -- it's a point of inflection. Democracy is not guaranteed, and it is not inevitable, and we have to fight and we have to win and we cannot let these tech companies have this unchecked power. It's up to us -- you, me and all of us. We are the ones who have to take back control. 15:04

(Applause) 15:07

(Cheers) 15:10

(Applause)

ANNEXE B: The Convention Speech

The Convention Speech – talk by Carole Cadwalladr, “The Landscape of Corruption”, published on YouTube on 7 June 2019

1. Introduction: Next up is a speaker who has been absolutely tireless in her pursuit of truth. In fact reading her Twitter feed is pretty exhausting when you when you see just how much she gets up to. So she's been absolutely dogged in trying to find out the truth about how data was used and misused in the EU referendum by Cambridge Analytica and others and crucially where the money really came from, and despite an orchestrated online trolling campaign against her she has received several awards for her investigative journalism and she is still fighting to uncover the full truth. Please welcome Carole Cadwalladr. [Applause].
2. Thank you, thank you very much. So it has been revealed that I'm quite nervous about the technology here and I'm not entirely sure I'm gonna work this PowerPoint correctly so forgive me but thank you so much for inviting me. Thank you so much Henry for organising, thank you all so much for coming. I'm normally sitting at my kitchen table gently despairing and railing at the dog so this is, it's good for me to come out and rail at somebody else and I do I'm kind of unnaturally cheerful at the moment which I was just shocking people in the green room. Normally I'm all about the dystopia and the gloom but I really did get cheered up that we live in a country that today yesterday it welcomed the still who we call the leader of the free world and this is how we greeted him [shows picture] [laughter from audience] and I am so thrilled. I just I thought I just felt really proud to be British and I thought yes we've got some fighting spirit it's not all the disaster and, and then I got even more cheered up because somebody immediately corrected it for me in my Twitter feed [another picture] [laughter]. So so oh now you're getting it now you get it's not it's not a... it's not a... it's not a three leaf clover that no so, and I'm also delighted that Donald Trump is in the country. I just wish he could come to Britain you know Britain more often because I think having Donald Trump here reminding us of who his friends are and who his allies are is a very very useful thing for us [photograph of Donald Trump and Nigel Farage].
3. So I Donald please if you're out there please come every week as far as I'm concerned and and let us see you let us let the people in Britain let them show their alliances because the problem I feel one of the many problems is that we have in Britain is that we look at Brexit as if it's about this thing up here as if it's going on in Westminster and that's how it gets reported on very much and it's all about Britain and Brexit in this tiny bubble and it's as if we're making the decisions here. And actually so much of what is happening is happening at a global scale and it's happening in this place immediately below it which is Menlo Park, Facebook's headquarters in Silicon Valley and I suspect that a lot of you are here because you feel very passionate about Europe and Brexit in the European Union and I am here for a different reason which is that I'm very passionate about rule of law and that this is not about politics. I feel very strongly that what is happening at the moment is much much more serious than just politics and it is an attack upon our national sovereignty and upon rule of law and so I can't remember what my next thing is which is why I have the slides to remind me. So this global connections which we see this is that the same forces are happening all across the world and the same authoritarians, the same populists are being mediated by these tech platforms and I'm just going to scroll through this this group of people here play a

pivotal role in this story, and I just want to get to this slide here which is 25 yards down the road Pret a Manger and that was where so Andy Wigmore who's pictured here next to Farage he we sat down in that Pret a Manger and he showed me those photos on his on his phone. He had just come back from the inauguration and he laid it out he laid out these links between Brexit and Trump and those are still mostly being ignored in Britain. Andy Wigmore he was the one who sat down in the Pret a Manger and he laid it all out the connections between the same group of people in America and in Britain and he told me, he was the one who told me about the role of Cambridge Analytica and he said to me the key thing this is I've got a picture of my petri dish because what Andy Wigmore told me is that this idea that Brexit was the petri dish for Trump and it's it's up to you who you decide if this bacteria represents anybody that's for you not for me to say not for me to say.

4. Very very central in this story are these two people and they're very central in the story of Trump and in Brexit [photograph of Donald Trump and Steve Bannon]. So Steve Bannon on the right here he was the vice president of Cambridge Analytica and he was the editor-in- chief of Breitbart and we know that on the day Article 50 was triggered Nigel Farage was interviewed by Breitbart and he said thank you to Steve Bannon and thank you to Breitbart. This wouldn't have been possible without you. And the thing I kind of always come back to in this story is that although there's an awful lot of like scrabbling around and trying to find people to speak to you and finding emails and sources and all the rest of it there's so much of it which is just out in the open and it's in plain sight and that is one of the things which was in plain sight - the role of Steve Bannon and his benefactor Robert Mercer and that money which went into Cambridge Analytica and into Breitbart and what Nigel Farage said was a pivotal role in Brexit. This is also in plain sight. You can see this article is more than five years old it said 2014 [photograph of Guardian article with headline "Nigel Farage: I admire Vladimir Putin"]. Nigel Farage was asked who the politician he most admires in the world and he says is Vladimir Putin and we know that Nigel Farage's voting record in the European Union is also very, very pro-Russian. This is not hidden. We don't need to uncover this. We just have to pay attention to it.
5. I'm just going to scoot forward. This was one of an article which I published. It's more than two years ago and it was about the links between Trump and Brexit and Russia and none of those have been disproved. It's it's all worse actually than what was originally published in there. This diagram was something I just I thought I'd put up because again there's nothing here which this was two years ago that that you know this was out there and this this role I just thought it was interesting because this role, so Cambridge Analytica was the company which was used by Nigel Farage's Leave.EU campaign and Aggregate IQ by Boris Johnson's and of course the two very separate campaigns. Yet here they are back in the news again. They kind of went away for a bit but now it is really about Boris Johnson and Nigel Farage and this was Trump two days ago singing both of their praises so again it's linking back it's we're really really closely entwined with what is happening in America. Anyway when I went back and I was just like digging out that erm that article just thinking what shall I say today and I noticed I had these quotes at the start of it that I'd forgotten about and I just did think was quite interesting and I thought I might talk a little bit about.
6. So the first quote is from Alex Younger who is the head of MI6 and in December 2016, so a year after the presidential election, he made this really extraordinary speech and he

talked about the attack upon British democracy and how it was being mediated by these new forms of technology, and I spoke to this sort of senior defence person at the time and he said he said it was he said there was something really, really odd about this speech because it's not MI6's job to safeguard us internally, that's MI5's job, and and he asked you know was it was it a signal, what was what what was kind of going on there?

7. The thing why this sort of struck me again is because twice in the last year Ben Bradshaw has asked in the House of Commons Theresa May whether she blocked an investigation into Arron Banks in 2016 when she was Home Secretary and Theresa May has refused to answer that question [photograph of Tweet by Ben Bradshaw dated 15 November 2018: "Theresa May fails to deny that she blocked an investigation into Arron Banks in 2016 when she was Home Secretary"], and I think that's really significant because if politicians can deny something they do deny it and she didn't deny it. So there's a real question mark there over what what who knew what erm and and and and what the intelligence services were doing and I come back to that question because when Boris Johnson was asked about possible Russian interference in Britain when he was Foreign Secretary, he said he hadn't seen not a sausage, there was not a sausage, there was no sign of that and that was our Foreign Secretary talking and MI6 reported to him. And he was Foreign Secretary from June 2016. He was Foreign Secretary when Sir Alex Younger made that extraordinary speech as the head of MI6 warning us about the threat to Britain.
8. And he was Foreign Secretary when, as we now know, Arron Banks was continuing to go into the Russian Embassy [part of Guardian article showing photograph of Arron Banks]. So this was a story that I did with Peter Jukes, who's coming up next, last summer and that was when we discovered there was this covert relationship between Arron Banks and between the Russian Government. And we discovered that in the same week that they launched the Leave.EU campaign shown here - on the far right is Brittany Kaiser of Cambridge Analytica, Gerry Gunster in the middle there, Arron Banks [photograph of Liz Bilney (tbc), Gerry Gunster, Arron Banks and Brittany Kaiser]. In that week they were inside the Russian Embassy two times and on the second time they were being offered this gold and diamond deal. So we now know that. But we also know that these meetings continued after Brexit. So from June 2016, Arron Banks and Andy Wigmore were continuing with these covert meetings and they were also travelling back and forward to America. They were campaigning for Trump and we know that in the summer of 2016 the FBI were aware of Russian attempts upon American democracy. 'Five Eyes' knew this. I'm sorry is this going, it's a bit technical. But it's five, so Boris Johnson who MI6 reported to, knew this. The the embassies are under, the one thing we know the intelligence services do is checking who's going in and outside of these embassies, so I think Boris Johnson, that cannot be correct, when he said he had seen not a sausage and I don't know sorry am I I don't know I don't know if I'm pitching this at the at the right level so but I should just carry on blindly a little bit. [Clapping].
9. The reason I'm just I suppose what I am saying to you is that this stuff is out there. So this these bits of information are all out there and it's just as I say like even going back you see these things and you start to ask these questions because again it is Boris Johnson and Nigel Farage who are the kind of coming men who and there are all these questions about the past so...

10. I'm just going to show you sorry this is just very quickly. [Image of transcript with highlighted line: "and the Russian Ambassador in London. Defendant PAPADOPOULOS stated that the topic of their discussion was "to arrange a meeting between us and the Russian leadership to discuss U.S.-Russia ties under President Trump.""] The person they were visiting inside the Russian Embassy was the Russian ambassador. This is an extract from the first indictment that Robert Muller unsealed where he talked about the Russian ambassador being a conduit between the Trump campaign and the Kremlin. That's there in black and white.
11. So whatever was going on with Arron Banks and Andy Wigmore, it was meeting with this person, and Nigel Farage said he said that he'd never met the ambassador. Here he is with him – [photograph of Nigel Farage shaking hands with man] [laughter] but doesn't have a great memory because when he was caught coming out of the Ecuadorian Embassy and he was asked what he was doing in there on the steps of the Embassy he said he couldn't remember what he was doing there either. [Laughter].
12. Erm I'm just going to skip forward I'm slightly I'm I don't know how much time have I got five minutes I'm a bit unclear let me just go forward. Erm so I'm just going to I'm just gonna sort of skip to the end and say there are these investigations now which are going on into these multiple crimes that we know took place during the referendum. So this one. This was, the Electoral Commission did a year-long investigation into Leave.EU's spending returns. It started after the very first article that we published on Cambridge Analytica. They referred that to the Met Police, what's the date there, May 2018. Nothing we've heard nothing of that. It's been with the Met for over a year now nothing. Then this one. Vote leave. So this was Shamir who's coming on in a moment, this was Shamir's amazing evidence which led to this investigation. That was July 2018. [Guardian article dated 17 July 2018: "Vote Leave/ Group fined and reported to police by Electoral Commission"]. That was referred to the Met Police. Nothing. Again that was after a full investigation to a criminal level of proof.
13. This one. [Guardian article: "Data misuse/ Arron Bank's firm and Leave.EU fined £135,000"]. This is still ongoing. The ICO's investigation into Arron Banks' use of data. Still ongoing. And then this one. The big one. [Guardian article: "Brexit campaign/ Arron Banks faces criminal inquiry"]. The National Crime Agency's investigation into where Arron Banks gets his money from. And I think there's sort of a certain amount of hope that you know this is a prop... this is our version of the FBI and if anybody can get to the bottom of this then it's them and and I you know I think there is a sort of a certain amount of hope that maybe we'll find out the truth about where his money comes from but I think we cannot I actually think we just really can't assume that... and the money is offshore for a reason. It's off it's an offshore dark jurisdictions and I I I sort of personally I'm of the view that the law is not going to save us and the regulators aren't necessarily going to save us and so it really is kind of up to us to save ourselves because this is out there already.
14. We know already that they broke the law in multiple ways. We know already that Russia tried to attack our democracy. We know that the Russian government offered money to Arron Banks. And so, there's still question marks. There's still a lot of question marks but there is enough serious information out there for us to be seriously concerned, not just about the result of the referendum but also the ongoing consequences of this, the ongoing distortions of this dark money in erm in what is happening right now.

15. Anyway I'm gonna skip to the end. Oh no this is a good bit just let me give you this bit. [Laughter]. This is a good bit. When I interviewed Arron Banks two years ago I asked him about this offshore stuff and how it's impossible to know where his wealth comes from. And I said what about this offshore stuff and he said, "diamond mines", and I said, so the argument is that diamond mines are the perfect vehicle for money laundering because you entire you own the entire flipping supply chain. So you own it from the mine to the shop so you could just chuck in some extra diamonds. Arron: but that's pure speculation. Me: yeah it's pure speculation. Arron: (laughs) you haven't got a clue if that's true or not. Which is not a denial. [Laughter]. I just want to point that out. Erm anyway I'm gonna skip right forward and I'm just gonna end it here. We started on a giant penis and we're going to end with Boris Johnson. [Laughter]. [Clapping]. So we we Boris Johnson and Nigel Farage are the two pivotal figures who are going to impact what happens next in the next critical months and that the rest of Britain's future. And the cavalry isn't coming and it's really about uh you know it's about the law cannot save us. We need to make the moral case and we need to make the political case and we have to say maybe the NCA cannot prove where Arron Banks' money comes from but nor can Arron Banks, and this money this foreign money should be nowhere near British politics and it is all over it. And we are the ones who have Nigel Farage's arguments most com... this is about sovereignty, it really is, and we need to protect our sovereignty and our laws and we need to be, we need to get rid of this we need to stand up to this foreign money and foreign influence and we need the truth about what happens and we need to... just arrgh yes whatever. [Clapping and cheering].