



Neutral Citation Number: [2025] EWHC 266 (KB)

Case No: KB-2024-000630

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

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 10/02/2025

Before :

MR JUSTICE SHELDON

Between :

MOHAMMED SAEED EL-SAEITI

Claimant

- and -

(1) THE ISLAMIC CENTRE (MANCHESTER)

(2) [*Claim discontinued*]

(2) FAWZI MOHAMMED HAFFAR

Defendants

Miss Lorna Skinner KC (instructed by **Bark&co Solicitors Limited) for the **Claimant****
Mr Ben Gallop (instructed by **DWF Law LLP) for the **First Defendant****

Hearing dates: 28 January 2025

Approved Judgment

This judgment was handed down remotely at 11.00am on 10 February 2025 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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MR JUSTICE SHELDON

Mr Justice Sheldon :

1. The Claimant, Mohammed Saeed El-Saeiti, is a former Imam at the Didsbury Mosque in Manchester. The First Defendant, the Islamic Centre (Manchester), is a charity and was the Claimant's former employer. The Third Defendant, Fawzi Mohammed Haffar, is one of the trustees of the First Defendant.
2. The Claimant brings proceedings for libel against the First and Third Defendants (I shall refer to them collectively as "the Defendants"). A claim against a further defendant has been discontinued. The Claim Form was issued on 29 February 2024. An Amended Claim Form was issued on 13 June 2024, and the Particulars of Claim were issued on 24 June 2024. No Defence has yet been filed or served.
3. The claim for libel relates to a number of publications dealing with the report of Sir John Saunders ("the Report") following the public inquiry set up under the Inquiries Act 2005 to investigate the deaths of the victims of the terrorist bombing at an Ariana Grande concert held at the Manchester Arena ("the Inquiry"). The bombing killed 22 people, including several children, and injured more than 1,000 people. The perpetrator of the bombing was Salman Ramadan Abedi.
4. The first set of publications consists of four broadcasts by the BBC: (i) 2 March 2023, BBC World News; (ii) 2 March 2023, BBC One 6pm News; (iii) 2 March 2023, BBC One 10pm News; and (iv) 3 March 2023, BBC Breakfast News: collectively referred to as "the First Statement".
5. These broadcasts include an exchange between the Third Defendant and Judith Moritz, the BBC North of England correspondent, in which Ms Moritz said to the Third Defendant that "They heard evidence from one of your Imams who was said to be reliable", and the Third Defendant responded:

"That Imam, and I stood in the court and I said, that Imam is a liar. Many things he did were not correct".
6. With respect to the First Statement, the Claimant contends that the natural and ordinary meaning of the First Statement was that *the Claimant is a dishonest person who committed perjury by knowingly giving false evidence to the Inquiry*. The Claimant contends that this was a statement of fact and was defamatory.
7. The Defendants, on the other hand, contend that the meaning of the First Statement, is that *Despite contrary protestations by the Chairman of the Didsbury Mosque, the Imam who had given evidence to the inquiry about political meetings had done so truthfully*. The Defendants contend that this was a statement of fact and was not defamatory of the Claimant.
8. The Second Statement was contained in a press statement put out by the First Defendant on 3 March 2023, which was uploaded onto the website of the Didsbury Mosque and on the Facebook profile of the Didsbury Mosque. The Particulars of Claim refers to paragraph 2 of the press statement which said as follows:

"The Chair has made comments on evidence heard from Mr. Haffar and Mr. Saeiti and has stated that the evidence of Mr.

Saeiti was preferred. It should be noted that Mr. Haffar was subjected to vigorous cross-examination whereas Mr. Saeiti, was not. The opinion of Didsbury Mosque is that had Mr. Saeiti been cross-examined and had his evidence been tested, he would have been found lacking in credibility and his evidence widely dismissed”.

9. The Claimant contends that the natural and ordinary meaning of the Second Statement was that *the Claimant had given dishonest evidence to the Inquiry and had thereby committed perjury*. The Claimant contends that this was a statement of fact and defamatory.
10. The Defendants, on the other hand, contend the meaning of the Second Statement is that *the Claimant’s recollection of events at the Mosque should have been rejected by the Inquiry*. The Defendants contend that this was a statement of opinion and not defamatory of the Claimant.
11. On 20 September 2024, following an application by the Defendants, Collins Rice J ordered a trial of the following preliminary issues with respect to the First and Second Statements:
 - i) The single natural and ordinary meaning of each statement complained of;
 - ii) Whether, in that meaning, each statement complained of is a statement of fact or of opinion;
 - iii) Whether, if any statement complained of is a statement of opinion, it indicated (whether in general or specific terms) the basis of the opinion; and
 - iv) Whether or not each statement – assuming but without deciding that it referred to the Claimant – is, in the meaning found, defamatory of the Claimant at common law.
12. Various case management directions were made by Collins Rice J to facilitate the preliminary issues trial. They have been complied with. The trial took place on 28 January 2025, with Ms Lorna Skinner KC representing the Claimant and Mr Ben Gallop representing the Defendants.

The legal framework

(i) Natural and Ordinary Meaning

13. There was no dispute between the parties as to the relevant legal principles with respect to how the Court should approach the natural and ordinary meaning of the publication complained of. These principles have been conveniently summarised by Nicklin J in *Koutsogiannis v The Random House Group Ltd* [2020] 4 WLR 25 at [12]-[15]; approved by the Court of Appeal in *Corbyn v Millett* [2021] EMLR 19.
14. Paragraph 12 of *Koutsogiannis* states as follows:

“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 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)."

15. With respect to words complained of in a television broadcast, the Court's task is to determine the natural and ordinary meaning which the broadcast "would have conveyed to the ordinary reasonable viewer watching the programme once", which is an impressionistic exercise: see *Skuse v Granada Television Ltd* [1996] EMLR 278, per Lord Bingham MR at p285.
16. The parties are agreed that where, as in this case, a claim is brought against an individual whose interview is included in a broadcast, the natural and ordinary meaning of the publication is the same as if the claim was brought against the broadcaster itself, and the relevant meaning is that which emerges from the entire broadcast and not just the words spoken in the interview. This was reflected in the judgment of Warby J in *Economou v De Freitas* [2017] EMLR 4 at [17]:

"The fact that the ordinary reasonable reader is assumed to read the whole of the article or other publication complained of can cause complexities if, as in this case, the claimant sues a defendant for being a source of and causing a media publication. A media publication will often include some material for which the source bears responsibility and some for which he bears none. . . . Such additional material is likely to affect the meaning of the publication. The additional material may make things worse, in which case the source cannot be blamed; or it may make the meaning less damaging, or even innocent, in which case the claimant must take the meaning as it emerges from the entire publication. A source or contributor cannot be sued for a defamatory meaning which only arises from part of the media publication to which he has contributed: see *Monks v Warwick District Council* [2009] EWHC 959 (QB) [12–14] (Sharp J)."

ii) Fact or Opinion

17. The parties were agreed that the approach to be taken by the Court in distinguishing factual allegations from opinion was 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 word 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, ie 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.

iii) What is Defamatory

18. The parties were agreed that the test for what is defamatory at common law was set out by the Court of Appeal in *Millett v Corbyn* at [9]:

“At common law, a meaning is defamatory and therefore actionable if it satisfies two requirements. The first, known as ‘the consensus requirement’, is that the meaning must be one that ‘tends to lower the claimant in the estimation of right-thinking people generally.’ The Judge has to determine ‘whether the behaviour or views that the offending statement attributes to a claimant are contrary to common, shared values of our society’: *Monroe -v- Hopkins* [2017] 4 WLR 68 [51]. The second requirement is known as the ‘threshold of seriousness’. To be defamatory, the imputation must be one that would tend to have a ‘substantially adverse effect’ on the way that people would treat the claimant: *Thornton -v- Telegraph Media Group Ltd* [2011] 1 WLR 1985 [98]...”

The Parties’ submissions

a) The First Statement

19. In accordance with the Order made by Collins Rice J, I am assuming for the purposes of this judgment that the reference in the First Statement to “the Imam” is to the Claimant. The parties’ submissions were made on this assumption.
20. Ms Skinner KC submitted that the meaning of the statement made by the Third Defendant had to be understood in the context of the entirety of the broadcasts. It was recognised that these included the statement that the Report found that leaders at the Mosque were wilfully blind to extremist activity on the premises, and that the Mosque’s chairman (the Third Defendant) was described in the Report as an “unreliable” witness. Ms Skinner KC submitted, however, that the wilful blindness and unreliability related to extremist activity at the Mosque and not to whether there

were political meetings on the premises. It was the latter to which the words of the Third Defendant that are complained about were referring. The ordinary reasonable viewer would, therefore, be left with the impression that the Third Defendant, as one of the Mosque's leaders, was an unreliable witness in respect of the issue of wilful blindness to extremist activity on the premises, but not to the issue of political meetings.

21. Further, although the Third Defendant had been found by the Report to have been "unreliable", he was not found to have lacked "credibility", and so the ordinary reasonable viewer would not have gained the impression that he was not to be believed. Ms Skinner KC contended that the terms "reliability" and "credibility" were distinct, as a witness could be credible (ie, honest) without being reliable. Ms Skinner KC pointed out that there are many factors which may influence a witness's reliability, such as the passage of time and ability to recollect recollection ability, as well as honesty. The only issue that affects credibility was honesty.
22. Ms Skinner KC contended that the impression gained by the ordinary reasonable viewer would have been affected by the fact that whilst the broadcast included the interview with the Third Defendant, it did not contain an interview with the Claimant, responding to the statement made about him by the Third Defendant. As a result, the ordinary reasonable viewer would conclude that the interview was included in the broadcast because it provided further information about the findings made in the Report.
23. Also of significance, according to Ms Skinner KC, was that in the broadcast the Third Defendant's views were not specifically discounted by the reporter, Ms Moritz. Indeed, it is pointed out that after the Third Defendant had made his statement about the Claimant being a liar, Ms Moritz said nothing. Accordingly, Ms Skinner KC argued that there was no antidote to the bane of the plain accusation that the Claimant had lied to the Court. Ms Skinner KC accepted that the impression given to the ordinary reasonable reader might have been different had Ms Moritz gone on to say after the Third Defendant had accused the Claimant of being a liar that she, or the Inquiry, believed the Claimant's evidence to be true.
24. Ms Skinner KC also disagreed with Mr Gallop's contention for the Defendants that the single meaning of the broadcast had to be consistent. The ordinary reasonable viewer could come out with the impression that both the Claimant and the Third Defendant had lied, or had reasonable grounds to suspect this.
25. Ms Skinner KC submitted that the meaning of the words spoken by the Third Defendant should include a reference to the Claimant committing perjury. Ms Skinner KC contended that it was a matter of general knowledge that giving false evidence to a Court, where evidence is given on oath, constitutes the crime of perjury, and so this had to be included in the natural and ordinary meaning.
26. Ms Skinner KC submitted that the meaning that the Claimant was putting forward was an allegation of fact. The Claimant was accused of giving dishonest evidence, and on an issue about which the Third Defendant has personal knowledge.
27. Ms Skinner KC submitted that an allegation of giving dishonest evidence to a Court and/or perjury is clearly defamatory at common law. A right thinking person would be

taken to think less of the Claimant. It would be contrary to public policy to suggest otherwise.

28. For the Defendants, Mr Gallop contended that the words spoken by the Third Defendant had to be understood in the context of the broadcasts taken as a whole, and not in isolation. The context included the findings of the Report that the Third Defendant's evidence was "unreliable", and that the Claimant's evidence had been preferred; that the Report had found that the leaders of the Mosque had been wilfully blind to what was happening on their premises; and that the Third Defendant was persisting with this wilful blindness by not only denying what the Report said had taken place but then saying that the Claimant was a liar. In this context, Mr Gallop argued that the Third Defendant's statement that the Claimant was a liar would be disregarded by the ordinary reasonable viewer as it was just a continuation of the Third Defendant's position that had been criticised and authoritatively dismissed in the Report.
29. In further support of this proposition, Mr Gallop pointed to the choreography of the broadcasts and the exchange between Ms Moritz and the Third Defendant. After summarising the findings of the Report, the Third Defendant was confronted by a BBC reporter and this would be familiar to viewers as the subject of criticism being confronted by a reporter to provide 'balance'. Mr Gallop also referred to the tone of the interaction: the BBC reporter did not believe the Third Defendant, and the introduction to his comments links what the Third Defendant says in the interview to the Inquiry's findings that he was an unreliable witness.
30. Mr Gallop contended that the single meaning of the broadcasts as a whole had to be consistent with the words uttered by the Third Defendant. That single meaning could not be that both the Claimant and the Third Defendant were liars.
31. Mr Gallop took issue with Ms Skinner KC's attempt to draw a distinction between "reliability" and "credibility". The ordinary reasonable viewer would regard the reference to a witness who is unreliable as one who was not telling the truth. That is how the ordinary reasonable viewer would have understood what was said by the Report about the Third Defendant.
32. In legal terms, Mr Gallop submitted that taking the broadcast as a whole there had been a total antidote to the bane of the Third Defendant's statement about the Claimant. The effect of this was that the latter statement had been neutralised and any defamatory meaning extinguished.
33. Mr Gallop took issue with the Claimant's contention that the meaning of the Third Defendant's words included a reference to him having committed perjury. This was not general knowledge. Not all reasonable viewers would know the definition of perjury or that it applied to the circumstances of the Claimant's giving of evidence at the Inquiry.
34. Mr Gallop contended that the meaning put forward by the Defendants was one of fact and that it was not defamatory of the Claimant.

(b) The Second Statement

35. Ms Skinner KC submitted that paragraph 2 of the press release called into question the Claimant's honesty and credibility, and amounted to a statement of fact. This could be seen by the reference in the text to the Third Defendant having been "subjected to vigorous cross-examination whereas [the Claimant] was not".
36. Ms Skinner KC contended that the statement was one of fact and not opinion. There was nothing in the text that made it an expression of opinion. Indeed, what was stated by the Mosque to be an "opinion" was surrounded by assertions of fact. This included the reference at paragraph 3 of the press statement to another Imam who had provided written evidence but not been called to give evidence.
37. In the circumstances, Ms Skinner KC submitted that there was a clear allegation of fact that the Claimant's evidence was dishonest and the only reason why this was not exposed was because he was not cross-examined.
38. Ms Skinner KC accepted that, if the statement was found by the Court to be one of opinion, the basis of the opinion was stated in general terms.
39. For the Defendants, Mr Gallop contended that the press statement needed to be read as a whole, and in the context of the Report and the criticisms made of the Didsbury Mosque and the Third Defendant. The broad thrust of the response was that the Mosque believed that the Inquiry did not do enough to look into the criticisms being made of it or consider other rebuttal evidence. In this regard, the press statement drew attention to the fact that the Third Defendant was cross examined whilst the Claimant was not. It expressed the view that the Claimant should have been cross-examined and speculates that large parts of his evidence would not have been accepted had he been.
40. Mr Gallop pointed out that the statement does not say "why" the Claimant would not have been believed and the Court should not, when finding the meaning of the statement, fill in the blanks and provide an explanation for why the evidence would have been rejected. There could be many reasons for why the Claimant was said to be "lacking in credibility", and not just that he was a liar. Mr Gallop relied in this regard on Nicklin J's refusal in *Dyson v MGN Limited* [2022] EWHC 2469 (QB) to supply a definition of the phrase "screw the country" which was included in the meaning of the text that was being complained about by the claimant in that case. Nicklin J stated at [25] that "I should be careful not to supply a definition of that phrase. Ultimately, it will be for the author, if a defence of honest opinion is advanced, to defend the publication of his opinion." Mr Gallop contended that Nicklin J's rationale for refusing to define the phrase in question in *Dyson* was an expression of principle applicable to the present case.
41. Mr Gallop submitted that the statement about the Claimant was clearly one of opinion. The fact that the text expressly stated that it was an "opinion" is a strong indication of this, although Mr Gallop accepted that this was not determinative by itself. In addition, the outcome of what would have happened had the Claimant's evidence been challenged was clearly conjecture.
42. Mr Gallop contended that the Second Statement was not defamatory of the Claimant. An ordinary reasonable reader would not think less of the Claimant merely because

the Mosque strongly disagreed with his account to the Inquiry and its belief that the Claimant's evidence should have been rejected. There are a number of reasons why a person's evidence should be rejected and these do not generally reflect on his character.

Discussion

43. In order to put myself in the position of the ordinary reader or viewer, I watched the broadcasts and read the press statement before reading or hearing any argument: see *Tinkler v Ferguson & Ors* [2019] EWCA Civ 819 at [9]. I then read the written submissions and listened to the well presented oral arguments before reaching the conclusions set out below.
44. In conducting my analysis, I was careful not to approach each of the preliminary issues "in too linear or compartmentalised a fashion" in case determination of one issue might unfairly stifle consideration of another: see e.g. *Bridgen v Hancock* [2024] EWHC 1603 (KB) at [17].
45. Each of the broadcasts were slightly different from one another. Ultimately, however, as the parties recognised, these differences did not materially affect the impression that the ordinary reasonable reader would have taken away. For convenience, I will start with the BBC World News broadcast of 2 March 2023, and then deal with the other broadcasts.
46. This broadcast starts with a description of the findings of the Inquiry, and in particular the failure of MI5 in missing a significant opportunity that might have prevented the attack perpetrated by the bomber, Salman Abedi, at the Manchester Arena. The reporter, Ms Moritz, then comments on Salman Abedi's role and states that "others bear responsibility". The broadcast then cuts away to a brief extract of Sir John Saunders reading his findings about MI5. There is then a comment from Ms Moritz about the victims and an introduction to the families of those who were murdered. This is followed by a brief extract of a family member of one of the victims of the attack reading a statement about the heartbreak that the families have endured and a comment that "Forgiveness will never be an option".
47. The initial part of the broadcast provides the ordinary reasonable viewer with the general background to the discussion about what went on at Didsbury Mosque. That viewer would be aware of the gravity of what had taken place, the impact on the families of the victims and that an inquiry into the circumstances surrounding the bombing, headed by Sir John Saunders, had just concluded.
48. The broadcast then shows clips of the Mosque at prayer. The reporter, Ms Moritz, explains that this is the Didsbury Mosque where the Abedis worshipped. She sets out the findings of the Inquiry that "leaders here were wilfully blind to extremist activity on the premises. Its chairman was described as an unreliable witness who downplayed the links between the Abedis and the mosque". The reporter went on to say that this was "something he continued to deny outside the Court today". This set the scene for what the Third Defendant was going to say. It communicated in strong terms to the ordinary reasonable viewer how the Third Defendant had previously behaved and what had been thought of him as a witness.

49. There was then a statement from the Third Defendant that there was “no place for radicalisation or politics or any evil acts. No one can be radicalised with a 10-minute sermon”. The reporter, Ms Moritz, responded by saying that this was about “political meetings, it’s about other activities in the mosque”, to which the Third Defendant replied “I repeat again and I hope you will have it on. There are no political meetings. I do not care what people say”. Ms Moritz then stated that the Third Defendant that “The Inquiry said that there were political meetings”, to which the Third Defendant said “Of course, they would say. Have they been to the mosque? Have they been in 2016, 2017? They heard what they were told. The people would sometimes lie”.
50. This exchange gave the ordinary reasonable reader the impression that the Third Defendant was defiant and not interested in other people’s observations. Further, the impression was that the Third Defendant was critical of the finding reached by the Inquiry about whether there had been political meetings at the Mosque, and was prepared to make a serious allegation that people would not tell the truth to the Inquiry.
51. There then followed the specific comments that are alleged to be defamatory. The broadcast showed Ms Moritz pushing back against what the Third Defendant had said about political meetings by reminding him that the Inquiry had heard evidence from one of the Mosque’s imams “who was said to be reliable”. This informed the ordinary reasonable viewer that the Inquiry had not just reached its conclusion that there had been political meetings at the Mosque from worshippers or other attendees, but from someone in a position of authority within the Mosque and someone who the Inquiry had found to be “reliable”. This information was a reasoned retort to what the Third Defendant was saying, further undermining what he had to say in the eyes of the ordinary reasonable viewer.
52. The Third Defendant then said the offending words “That Imam and I stood in the Court and I said that Imam is a liar. Many things he did were not correct”. The Third Defendant was there describing what he said at the Inquiry (misdescribing it as a “Court”) about the Claimant, and making an allegation about the Claimant’s conduct.
53. The ordinary reasonable viewer would have understood from this that the Third Defendant was maintaining his position that the Claimant was a liar in spite of what the Report had concluded. However, the ordinary reasonable reader would have understood that this position had not been accepted by the Inquiry itself.
54. In light of:
 - (i) the gravity of the matter and that an Inquiry had investigated the relevant circumstances;
 - (ii) the specific findings that the Mosque’s leaders had been “wilfully blind” to activities at the Mosque;
 - (iii) the finding of the Report that the Third Defendant had been found not to be “reliable” in his evidence;
 - (iv) the steer from the reporter, Ms Moritz, that the Third Defendant was still denying what was going on; and

(v) that the Claimant had himself been found by the Inquiry to be “reliable”;

the accusation made by the Third Defendant that the Claimant was a liar would not have been regarded by the ordinary reasonable viewer as a believable statement about the Claimant. Contrary to what the Third Defendant was alleging, the impression gained by the ordinary reasonable viewer was that the Claimant had not lied to the Inquiry but had given truthful evidence which was believed. In reaching this impression, the ordinary reasonable viewer would not have queried why the Inquiry had used the term “reliable” rather than “credible”, or sought to parse the distinction between the Report’s findings about extremism at the Mosque and political meetings.

55. This is a classic example of where the bane has been neutralised completely by the antidote. Contrary to Ms Skinner KC’s submissions, it was not necessary for the reporter, Ms Moritz, to have commented specifically on the veracity of the Third Defendant’s remarks about the Claimant or to have challenged him directly on them, as this was all implied by the material that preceded the allegation of lying, including the way in which questions were asked and information was put to the Third Defendant by Ms Moritz. I do not consider that the ordinary reasonable viewer would have drawn any inference from the fact that the Claimant had not been interviewed. There was no need for that. The ordinary reasonable viewer was aware that the Inquiry had accepted his evidence.
56. In this particular broadcast, the Third Defendant went on to say “I do not care what he said, but I will tell you, he lied”. This was a more emphatic way of the Third Defendant saying what had already been said, but would not have altered the impression gained by the ordinary reasonable viewer that the Third Defendant’s accusation against the Claimant was not to be believed.
57. The broadcast continued with the reporter, Ms Moritz, asking the Third Defendant to confirm that he had not turned a blind eye, to which the Third Defendant stated “we did not turn a blind eye!”. This would have bolstered the impression gained by the ordinary reasonable viewer that the Third Defendant was not credible. He was specifically denying what had already been found by the Inquiry about him and other leaders at the Mosque.
58. The remainder of the broadcast went on to deal with the responsibility of other Abedi family members, and the criticism that the Inquiry made of Ismail (Salman Abedi’s brother) and the M15 and counter-terrorism police. The broadcast then included some comments from the Government Minister, Tom Tugendhat, who referred to the recommendations that had been made by an internal inquiry and that more changes would be needed as a result of Sir John Saunders’ report. The broadcast concluded with comments from Ms Moritz about bombing itself. These final matters did not add anything to the ordinary reasonable viewer’s impression of what the Third Defendant had said about the Claimant.
59. In conclusion, therefore, I agree with the Defendants that the ordinary and natural meaning of this broadcast is that *Despite contrary protestations by the Chairman of the Didsbury Mosque, the Imam who had given evidence to the inquiry about political meetings had done so truthfully.*

60. I consider that the same meaning is attributed to the other broadcasts. The BBC 6pm News on 2 March 2023 had a slightly, but not materially, different introduction to the BBC World News broadcast, and a lengthier concluding section which dealt in more detail with the role of MI5. None of this material affected the impression formed by the ordinary reasonable reader about the Claimant and what was said about him by the Third Defendant.
61. The BBC 10pm News on 2 March 2023 also had a slightly, but not materially, different introduction. There was also a different conclusion to the BBC World News broadcast, with commentary about MI5 and further detail about the Inquiry process itself. The introduction to the interview with the Third Defendant was different in that the reporter, Ms Moritz, said that he was “keeping a low profile outside the Court, but I put the criticism to him.” The broadcast then shows the Third Defendant wearing a mask, and the reporter saying to him “I don’t mean to be disrespectful, we can’t see you today. You say you are not turning a blind eye. I can’t see”. The Third Defendant responds with the words “I am not hiding”. The exchange with the Third Defendant was edited for this broadcast in that it did not contain the Third Defendant’s words about the Claimant that “I do not care what he said, but I will tell you, he lied”. I do not consider that these differences made any material difference to the impression that was gained by the ordinary reasonable viewer for this broadcast as compared with the ordinary reasonable viewer of the BBC World News.
62. The BBC Breakfast 3 March 2023 broadcast started off differently from the BBC World News report. The reporter, Ms Moritz, was asked about the questions asked of Didsbury Mosque and the report’s finding that there was wilful blindness. Ms Moritz was asked to say something about that, noting that she had spoken to someone from the Mosque. She stated that the Report had found that Mosque was not responsible for radicalising the family, but had talked about wilful blindness. She then stated that “they looked at two people connected to the Mosque, the chairman and an Imam, who had been preaching there and the Inquiry found that the Imam had been reliable . . . but the chairman had not been. He said there had been a wilful blindness to activities on the premises, and I found him speaking outside the hearing yesterday”. There was then an image of the Third Defendant wearing his mask and the comments and questions from Ms Moritz that was included in the BBC News at 10pm discussed above.
63. The differences identified above would have fortified the impression gained by the ordinary reasonable viewer that the Third Defendant was not to be believed when he accused the Claimant of lying as the reporter referred at the outset to the fact that the Imam had been found to be reliable, and that was repeated in the questioning of the Third Defendant. This bolstering of the impression was cancelled out, however, by the final segment of the broadcast where the reporter, sitting in the studio, did not comment negatively in tone or words on what the Third Defendant had said. Ms Moritz stated that: “The Mosque there are saying that they haven’t down played the relationship between the Abedi family and the community. But I suppose that speaks to another thing here which is that this has been about the Manchester Community and what that sort of did, whether there was a role here for people who are closest to the Abedi family”.
64. The meaning that I have found – see paragraph 59 above – amounted to a statement of fact, rather than opinion. Nevertheless, I do not find that it was defamatory at

common law, as a statement that someone is truthful in spite of contrary protestations could not tend to lower the Claimant in the estimation of right-thinking people generally, and would not tend to have a substantially adverse effect' on the way that people would treat the Claimant. Accordingly, the claim of defamation with respect to the First Statement cannot be made out.

The Second Statement

65. The comments about the Claimant set out at paragraph 2 of the press statement need to be read in the context of the press statement as a whole. Of particular note are the preliminary remarks that "some of the findings of the report are disputed by Didsbury Mosque and in the interests of transparency we wish to respond to said things". This sets the scene for what is contained at paragraph 2.
66. Similarly, at paragraph 1 of the press statement, the role of Didsbury Mosque at the Inquiry is set out: the Mosque was not a core participant, written evidence was provided and the Chair (the Third Defendant) gave oral evidence.
67. The remarks that are complained about are contained at paragraph 2 of the press statement and are set out at paragraph 8 above. In paragraph 3 of the press statement, there is reference to a previous longstanding Imam, Mr Graff, not being invited to give evidence at the Inquiry, although he did provide his own statement to the Inquiry. It is then said that the Didsbury Mosque "feels that more consideration should have been given to this statement as Mr. Graff was an Imam who served for a long period of time and had a deep understanding of the issues raised by Mr. Saeiti". This paragraph involves criticism of the Inquiry for not giving proper consideration to Mr Graff's statement, and raises the implication that had it done so the Inquiry would have had a better understanding of the issues than was gained from the Claimant's own evidence.
68. In this context, I consider that the ordinary reasonable reader of the press statement would understand paragraph 2 as meaning that *whilst the Claimant's evidence was preferred by the Chair, if he had been cross-examined he would have been found to have given evidence which he knew to be false*. The ordinary reasonable reader would understand from the context that the Claimant's evidence was only preferred by the Chair of the Inquiry because he had not been cross-examined and had his evidence tested; had that happened it would have exposed that the Claimant was not telling the truth.
69. I do not consider that the ordinary reasonable reader would know that this constituted the offence of perjury as I do not consider that reasonable readers would know that giving false evidence to the Inquiry was a criminal offence, they would know that giving evidence which one knows to be false is wrong. A reference to perjury does not form part of the ordinary and natural meaning of the Second Statement.
70. The statement at paragraph 2 was clearly one of opinion and not fact. The Mosque explicitly state that this was an "opinion" and this provides strong evidence that that is how the offending words would have been read and understood. Furthermore, it is implicit in what was being said there that this was conjecture or speculation as to what would have happened had the Claimant been subject to cross-examination and his evidence tested.

71. Ms Skinner KC rightly accepted, on behalf of the Claimant, that if the Court found that the statement was one of opinion the basis for this was that the Claimant was not subject to cross-examination and his evidence not tested.
72. It is not necessary for the Court to say anything about “why” the Claimant would have been found to have given evidence which he knew to be false. That will be a matter for the Defendants to address as part of their Defence.
73. I consider that the Second Statement was defamatory of the Claimant at common law. An ordinary reasonable reader would think less of the Claimant if he had given evidence which he knew to be false.

Conclusion

74. In the circumstances, therefore, the claim with respect to the First Statement was not defamatory of the Claimant.
75. With respect to the Second Statement, I find that the natural and ordinary meaning is that set out above at paragraph 68; that was a statement of opinion, the basis for which being that the Claimant was not subject to cross-examination and his evidence was not tested; and this was defamatory of the Claimant at common law.

Appendix A-First Statement

Transcript of BBC World News Channel

Female 1 (F1) Judith
Moritz (JM)
Sir John Saunders (JS)
Caroline Curry (CC)

Transcript starts at 00:08

F1	Here in the UK, the inquiry into the Manchester Arena bombing has found that MI5 missed a significant opportunity in the months running up to it that might have prevented the attack. It happened on the 22 May 2017 after an Ariane Grande concert, killing 22 people. The final part of the inquiry, which has been held in private, has looked at what the intelligence services knew about the bomber, Salman Abedi. Previous reports found failings in both the security at the venue and the response from the emergency services. Judith Moritz, reports.
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JM	Only Salman Abedi detonated the bomb which killed 22 people at Manchester Arena, but others bear responsibility: those who radicalised him, helped him make the device and the agencies who failed to stop him. The Manchester Area inquiry reports spells it out starkly; MI5 let Abedi slip through the net.
JS	I have found a significant missed opportunity to take action that might have prevented the attack. There was a realistic possibility that actionable intelligence could have been obtained which might have led to actions preventing the attack. The reason for this missed opportunity included a failure by the security service, in my view, to act swiftly enough.
JM	Abedi set off his suicide bomb in the foyer at the end of an Arianne Grande concert. Teenagers were leaving, parents were waiting for their children. The youngest to die was

	just 8 years old. For the families of those who were murdered, the report's findings are hard to take.
CC	All we as families have asked for from day one is the truth, acknowledgement of failures. Hopefully, next time there won't be as many families going through the utter heartbreak we have had to endure for the last, five years, 9 months, one week and one day. Forgiveness will never be an option for such evil intentions and those that played any part in the murder of our children will never ever get forgiveness from top to bottom MI5, to the associates of the attacker, we will always believe that you all played a part in the murder of our children.
JM	Tonight, MI5 have said it's <i>profoundly sorry</i> that the security service did not prevent the arena attack.
	<i>Clips of the Mosque at prayer</i>
JM	This is Didsbury mosque where the Abedis worshipped. The report found that leaders here were wilfully blind to extremist activity on the premises. Its chairman was described as an unreliable witness who downplayed the links between the Abedis and the mosque, something he continued to deny outside Court today.
FH	I can tell you here and now, there is no place for radicalisation or politics or any evil acts. No one can be radicalised with a 10-minute sermon.
JM	But this is about political meetings, it's about other activities in the mosque.
FH	I repeat again and I hope you will have it on. There are no political meetings. I do not care what people say.
JM	The inquiry said that there were political meetings.
FH	Of course, they would say. Have they been to the mosque? Have they been in 2016, 2017? They heard what they were told. The people would sometimes lie.
JM	They heard evidence from one of your Imams, who was said to be reliable.
FH	That Imam and I stood in the Court and I said that Imam is a liar. Many things he did were not correct. I do not care what he said, but I will tell you, he lied.
JM	And you did not turn a blind eye, you say?
FH	And we did not turn a blind eye!
JM	The report found that Salman Abedi's father, Ramadan, holds significant responsibility for radicalising his sons.

	<p>Ismail, BBC News. Can I ask you a few questions please? Ismail, its BBC news.</p> <p>And there was heavy criticism of the eldest Abedi brother, Ismail, who fled the country in defiance of a Court order to appear at the inquiry. The report found that MI5 and counter-terrorism police each failed to share intelligence. That's something that both organisations say has improved since, allowing our cameras inside their joint operation centre to illustrate the way they work together.</p> <p>This is the first time that journalists have been allowed inside this building and the obviously tight security prevents us from filming much of what goes on here, but this place is being held up as an example of positive change. It was built in direct response to the Manchester Arena bombing and the other terror attacks which happened that year.</p>
TT	<p>In five years, since this incident happened, there has already been an internal inquiry by MI5 and 104 recommendations were made. 102 have already put in place, the last 2 are being put in place as we speak. And there are no doubt many more changes that are going to be needed from the reports that Sir John has written, and I will be making absolutely sure that they are put in place as well.</p>
JM	<p>The arena bombing was Manchester's darkest day. Tonight, its Mayor said that the country was simply not prepared for a terror attack like it to happen here and that the inquiries findings must be used both to protect and respond better in future. Judith Moritz, BBC News Manchester.</p>

End of Transcript

Transcript of BBC 6pm News

Sophie Raworth (SR)
Head of MI5 (M5)
Judith Moritz (JM)
Sir John Saunders (JS)
Caroline Curry (CC) Fawzi
Haffar (FH)
Tom Tugendhaft (TT)
Richard Walton (RW)
Ismail Abedi (IA)

	Now on BBC One the BBC News at 6 of clock with Sophie Raworth.
SR	At 6, the head of MI5 says he is profoundly sorry that the security services failed to prevent the Manchester Arena Bombing. 22 people died in the attack in 2017. An inquiry finds MI5 <i>did</i> miss a significant chance to take action that might have prevented the attack.
M5	Gathering covert intelligence is difficult, but had we managed to seize the slim chance we had, those impacted might not have experienced such appalling loss and trauma.
CC	Those that played any part in the murder of our children will never ever get forgiveness, from top to bottom MI5, to the associates of the attacker.
SR	We will have all the details from this third and final report into the Manchester Arena Bombing.
	<i>No transcribing 0:59 – 1:52 - UNRELATED NEWS STORIES</i>
SR	Good evening and welcome to the BBC News at 6. The inquiry into the Manchester Arena bombing has found that MI5 missed a significant opportunity in the months running up to

	<p>it that might have prevented the attack. The final part of the inquiry, which has been held in private, has looked at what the intelligence services knew about the bomber, Salman Abedi. Previous reports found failings in both the security of the venue and the response from the emergency services. The attack at an Arianna Grande concert on 22 May killed 22 people. The Prime Minister today called the bombing among the most callous and cowardly the country had ever seen. One of the victims' families said forgiveness will never be an option for those they believe played a part in the death of their children from the attacker to MI5. Our North of England correspondent, Judith Moritz reports on the day's events.</p>
JM	<p>Only Salman Abedi detonated the bomb which killed 22 people at Manchester Arena, but others bear responsibility: those who radicalised him, helped him make the device and the agencies who <i>failed</i> to stop him. The Manchester Arena inquiry reports spells it out starkly. MI5 let Abedi slip through the net.</p>
JS	<p>I have found a <i>significant</i> missed opportunity to take action that might have prevented the attack. There was a realistic possibility that actionable intelligence could have been obtained, which might have led to actions preventing the attack. The reason for this missed opportunity included a failure by the security service, in my view, to act swiftly enough.</p>
JM	<p>Abedi set off his suicide bomb in the foyer at the end of an Arianna Grande concert. Teenagers were leaving, parents were waiting for their children. The youngest to die was just 8 years old. For the families of those who were murdered, the report's findings are hard to take.</p>
CC	<p>All we as families have asked for from day 1 is the truth, acknowledgement of failures. Hopefully, next time there won't be as many families going through the utter heartbreak we have had to endure for the last five years, 9 months, one week and one day. Forgiveness will never be an option for such evil intentions and those that played any part in the murder of our children will never ever get forgiveness. From top to bottom, MI5 to the associates of the attacker. We will always believe that you all played a part in the murder of our children.</p>
JM	<p>Tonight MI5 have said it is profoundly sorry that the security service did not prevent the arena attack.</p>
	<p><i>Clips of Mosque at Prayer 4:43</i></p>
JM	<p>This is Didsbury mosque where the Abedi's worshipped. The report found that leaders here were wilfully blind to extremist activity on the premises. Its chairman was described as an unreliable witness who downplayed the links between the Abedi's and the mosque, something he continued to deny outside Court today.</p>

FH	I can tell you here and now, there is no place for radicalisation or politics or any evil acts. No one can be radicalised with a 10-minute sermon.
JM	But this is about political meetings, it's about other activities in the mosque.
FH	I repeat again and I hope you will have it on. There are no political meetings. I do not care what people say.
JM	The inquiry said that there were political meetings.
FH	Of course, they would say. Have they been to the mosque? Have they been in 2016, 2017? They heard what they were told, the people would sometimes lie.
JM	They heard evidence from one of your Imams who was said to be reliable.
FH	That Imam and I stood in the Court and I said that Imam is a liar. Many things he did were not correct. I do not care what he said, but I will tell you he lied.
JM	And you did not turn a blind eye, you say?
FH	And we did not turn a blind eye!
JM	The report found that Salman Abedi's father, Ramadan, holds significant responsibility for radicalising his sons. Ismail, BBC News. Can I ask you a few questions please? Ismail.
IA	Who's this?
JM	It's BBC news.
JM	And there was heavy criticism of the eldest Abedi brother, Ismail, who fled the country in defiance of a Court order to appear at the inquiry. The report found that MI5 and counter- terrorism police each failed to share intelligence. That's something that both organisations say has improved since, allowing our cameras inside their joint operation centre to illustrate the way they work together. This is the first time that journalists have been allowed inside this building and the obviously tight security prevents us from filming much of what goes on here, but this place is being held up as an example of positive change. It was built in direct response to the Manchester Arena bombing and the other terror attacks which happened that year.
TT	In five years, since this incident happened, there has already been an internal inquiry by MI5 and 104 recommendations were made.102 have already put in place, the last 2 are being put in place as we speak. And there are no doubt many more changes that are

	<p>going to be needed from the reports that Sir John has written, and I will be making absolutely sure that they are put in place as well.</p>
JM	<p>The arena bombing was Manchester's darkest day. Tonight, its Mayor said that the country was simply not prepared for a terror attack like it to happen here and that the enquiries' findings must be used both to protect and respond better in future. Judith Moritz BBC News Manchester.</p>
SR	<p>So, as you heard, the head of MI5 has today said that he is profoundly sorry that MI5 didn't manage to prevent the attack. Our security correspondent, Frank Gardner looks at what went wrong.</p>
FG	<p>MI5's job is to keep this country safe. At the time of the Manchester attack, they were monitoring around 3,000 terrorist suspects, allocating resources to where they thought they were most needed, but today's revelations are stark. MI5 missed a significant opportunity that could have prevented the Manchester bombing. The conclusions of this inquiry are damning for the security service MI5 because it was supposed to have learned the lessons of the failures that led up to the 2005 London bombings. The director general has offered his profound apologies but that is unlikely to satisfy the families of the victims of this terrible attack.</p>
M5	<p>Gathering covert intelligence is difficult, but had we managed to seize the slim chance we had, those impacted might not have experienced such appalling loss and trauma. I am <i>profoundly sorry</i> that MI5 did not prevent the attack.</p>
FG	<p>An apology but also a refusal to take questions afterwards. The inquiry believes that in Libya the bomber, Salman Abedi, had help from someone who showed him how to put the bomb together. That runs contrary to MI5's assessment. The inquiry doesn't specify exactly what the missed opportunities were, but one of them is obvious. MI5 knew Abedi had left the UK but no action was taken to stop and search him when he returned just four days before his attack, nor was he followed on his return. That might had led investigators to where he had hidden the bomb. All this, despite his known contacts with the notorious islamist radicaliser inside this jail. Yet a former head of police counter terrorism points to the limitations of human intelligence gathering.</p>
RW	<p>They are human and humans make mistakes and there has been an error and mistake in judgment here in terms of the assessment of some intelligence. Action has not been taken speedily enough and therefore, this attack, there was no opportunity to prevent this attack from actually occurring.</p>
FG	<p>Since the Manchester Arena attack, MI5 say they have put in place more than 100 improvements. Little comfort though for those affected by Britain's worst terrorist attack in 12 years – Frank Gardner BBC News.</p>

SR	Well let's talk to Judith Moritz who is outside the inquiry. So this is the third of three reports, the final report. You have been following this inquiry for <i>some time</i> right from the start. Has it answered the questions that the <i>families needed to know</i> ?
JM	Well, this is the final of those three reports, but you know there is also a <i>fourth</i> document that you and I, and crucially the <i>families</i> will never see and that's because that it has been produced after evidence heard here in secret which was deemed too sensitive, too much jeopardy connected to national security, to make it public so there is frustration about whether everything has been answered. The inquiry chairman himself said today that he is very conscious that he hasn't answered all the families questions and, in fact, this volume may raise more questions in their minds. He said to them, "I'm sorry that was inevitable. I asked the questions. I have got the answers but I can't reveal them all publically". Maybe the last word should go to one of those families who said to us this does feel like the closing of a chapter, but they don't think they'll <i>ever</i> be able to move on they said simply "we have just lost too much."
SR	Judith Moritz, thank you.

End of Transcript

Transcript of BBC Breakfast 3 March 2023

BBC Female 1 (F1)
BBC Male 1 (M1)
Judith Moritz (JM)
Fawzi Haffar (FH)

F1	Well, we are joined now by our North of England correspondent, Judith Moritz, who has been following the Inquiry. Judith, there is understandable anger from many of the families yesterday. What have they been telling you?
JM	Yeah, anger and frustration, I suppose is how I would sum it up. You know this is - I've brought the report in, this is the third of three reports that the inquiry have produced publically but there is also a fourth document that those families are never going to get to see and that contains evidence which was and judgments on evidence that was heard in secret because of national security and families always knew that was going to be part of this process, but that doesn't make it easy to take because you know yesterday they found that MI5 had missed an opportunity, but they didn't get the detail of what that opportunity exactly involved, they have an outline of it but nothing more specific. That is in the report which is being kept secret. It will only be read by people in government and within MI5 who have security clearance. So I suppose you know they feel, not everybody, but some of those families would say to you that they feel frustrated, a bit short changed that they don't have the full picture.
M1	Now, Judith, in amongst the various parts of the investigations there are questions asked of various organisations, for example, Didsbury Mosque, and there was a form of wilful blindness according to the report. Just tell us a little bit more about that and in the immediate aftermath, yesterday you did speak to someone from the mosque.
JM	Yeah, so Didsbury mosque is the mosque south of Manchester where the Abedi family worshipped. Now this report looked at that and looked at whether the mosque was

	<p>responsible for radicalising the family, and it found that it was not. But, as you have just said, it talks about wilful blindness. Now, particularly, they looked at two people connected to the Mosque, the chairman and an Imam, who had been preaching there and the inquiry found that the Imam had been reliable but his evidence was reliable but the chairman had not been. He said there had been a wilful blindness to activities on the premises, and I found him outside the hearing yesterday.</p> <p><i>Speaking now to Mr Haffar</i></p> <p>I don't mean to be disrespectful, we can't see you today, You say you are not turning a blind eye, I can't see.</p>
FW	I am not hiding. I can tell you here and now, there is no place for radicalisation or politics or any evil acts. No one can be radicalised with a 10-minute sermon.
JM	But this is about political meetings, it's about other activities in the mosque.

FW	I repeat again and I hope you will have it on. There are no political meetings. I do not care what people say.
JM	The inquiry said there were political meetings.
FW	Of course, they would say. Have they been to the mosque? Have they been in 2016, 2017? They heard what they were told.
JM	They heard evidence from one your Imams who was said to be reliable.
FW	That Imam and I stood in the Court and I said that Imam is a liar. Many things he did were not correct.
JM	And you did not turn a blind eye, you say?
FW	And we did not turn a blind eye!
JM	<i>Back in studio</i> The Mosque there are saying that they haven't down played the relationship between the Abedi family and their community. But I suppose that speaks to another thing here which is that this has been about the Manchester Community and what that sort of did, whether there was a role here for people who are closest to the Abedi family, but also beyond that questions going as far as Government, MI5, the country and you know, the point is, I think, is that everybody involved with this report, including the families want it to be used so in the future no one can go through the sort of suffering that they have.
M1	Judith, thank you very much.

End of Transcript

Transcript of BBC 10pm News

Sophie Raworth (SR)
Head of MI5 (M5)
Judith Moritz (JM)
Sir John Saunders (JS)
Caroline Curry (CC) Fawzi
Haffar (FH)
Tom Tugendhaft (TT)

Mark Easton (ME)

	<i>Transcript starts at 00:10</i>
SR	Tonight at 10, the head of MI5 apologises to the victims of the Manchester Arena bombing for failing to stop the attack. 22 people died in the attack in 2017, and an inquiry finds that MI5 <i>did miss</i> a significant chance to take action.
M5	I am <i>profoundly sorry</i> that MI5 did not prevent the attack.
CC	Those that played any part in the murder of our children will never ever get forgiveness from top to bottom MI5, to the associates of the attacker.
SR	We will be looking at what went wrong and what lessons have been learnt.
	<i>No transcribing – also on the programme – 00:47 – 01:44</i>

SR	Good evening and welcome to the BBC News at 10. The inquiry into the Manchester Arena bombing has found that the security service, MI5, missed a significant opportunity in the months running up to the bombing that may have prevented the attack. The head of MI5 has said that he is profoundly sorry. The final part of the inquiry has been looking at what the intelligence services knew about the bomber, Salman Abedi. The families of
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	<p>the 22 people who died in May 2017 say the report is a devastating conclusion. Tonight, we will hear from those families and will look at what went wrong and ask what MI5 could have done to prevent the attack, and will look at the lessons learned during the inquiry that has lasted two and half years. We start with our North of England correspondent, Judith Moritz, who has been in Manchester and has been reporting on this story since the night of the attack – Judith.</p>
JM	<p>Yes, and Sophie, this is the third of three reports which this inquiry has published and made public, but there is a fourth document that you and I and, <i>crucially</i>, the bereaved families will never get to see and it covers evidence which was heard here in private on the grounds of National Security. Now, today the inquiry chairman acknowledged that that is likely to have raised more unanswered questions in the families' minds, and those families have said that it is frustrating. They say that this does feel like the closing of a chapter, but they won't be able to move on. They tell me they have lost too much. It was nearly 6 years ago, but for those caught up in it, the memories are still vivid. The Manchester Arena attack shattered this city, 22 lives taken, hundreds more broken. Only Salman Abedi detonated the bomb, but others bear responsibility: those who radicalised him, helped him make the device, and the agencies who failed to stop him. The Manchester Area inquiry reports spells it out starkly; MI5 let Abedi slip through the net.</p>
JS	<p>I have found a significant missed opportunity to take action that might have prevented the attack. There was a realistic possibility that actionable intelligence could have been obtained which might have led to actions preventing the attack. The reason for this missed opportunity included a failure by the security service, in my view, to act swiftly enough.</p>
JM	<p>Abedi set off his suicide bomb in the foyer at the end of an Ariane Grande concert. Parents were waiting for their children. The youngest to die was just 8 years old. Liam Curry and his girlfriend, Chloe Rutherford, were teenage sweethearts. For their parents and all the families still reeling from loss, the report's findings are hard to take.</p>
CC	<p>All we as families have asked from day one is the truth, acknowledgment of failures. Hopefully, next time, there won't be as many families going through the utter heartbreak we have had to endure for the last five years, 9 months, one week and one day. Forgiveness will never be an option for such evil intentions, and those that played any part in the murder of our children will never ever get forgiveness from top to bottom MI5, to the associates of the attacker. We will always believe that you all played a part in the murder of our children.</p>
JM	<p>Tonight, the director general of MI5 apologised, but would not take questions from journalists.</p>

M5	MI5 exists to stop atrocities. To all those whose lives were forever changed on that awful night. <i>I am so sorry</i> that MI5 did not prevent the attack at the Manchester arena.
	<i>Clips of mosque at prayer</i>
JM	This is Didsbury mosque where the Abedis worshipped. The report found that leaders here were wilfully blind to extremist activity on the premises. Its chairman described as an unreliable witness who downplayed the links between the Abedi family and the mosque. He was keeping a low profile outside the Court, but I put the criticism to him. I don't mean to be disrespectful, we can't see you today. You say you are not turning a blind eye. I can't see.
FH	I am not hiding. I can tell you here and now, there is no place for radicalisation or politics or any evil acts. No one can be radicalised with a 10-minute sermon.
JM	But this is about political meetings, it's about other activities in the mosque.
FH	I repeat again and I hope you will have it on. There are no political meetings, I do not care what people say.
JM	The inquiry said that there were political meetings.
FH	Of course, they would say. Have they been to the mosque? Have they been in 2016, 2017? They heard what they were told.
JM	They heard evidence from one of your Immans, who was said to be reliable.
FH	That Imam and I stood in the Court and I said that Imam is a liar. Many things he did were not correct.
JM	And you did not turn a blind eye, you say?
FH	And we did not turn a blind eye!
JM	The report found that Salman Abedi's father, Ramadan, holds significant responsibility for radicalising his sons. <i>Clip shown of BBC news following Ismail Abedi</i> Ismail, BBC News. Can I ask you a few questions please, Ismail? And there was heavy criticism of the eldest Abedi brother, Ismail. I tracked him down in Manchester in 2020, but then he fled the country in defiance of a Court order to appear at the inquiry. The report found that MI5 and counter- terrorism police each failed to share

	<p>intelligence. That's something that both organisations say has improved since, allowing our cameras inside their joint operation centre to illustrate the way they work together.</p> <p>This is the first time that journalists have been allowed inside this building and the obviously tight security prevents us from filming much of what goes on here, but this place is being held up as an example of positive change. It was built in direct response to the Manchester Arena bombing, and the other terror attacks which happened that year.</p>
TT	<p>There has already been an internal inquiry by MI5 and 104 recommendations were made. 102 have already put in place, the last 2 are being put in place as we speak.</p>
JM	<p>The arena bombing was Manchester's darkest day. Tonight its Mayor said that the country was simply not prepared for a terror attack like it to happen here, and that the inquiries' findings must be used both to protect and respond better in future. Judith Moritz, BBC News Manchester.</p>
SR	<p>This final report found that the suicide bomber, Salman Abedi, probably received assistance from someone in Libya and that an MI5 officer failed to act swiftly enough on a key piece of information. Much of the evidence for this part of the inquiry was heard in secret. Frank Gardner is our security correspondent, who is here now – Frank.</p>
FG	<p>Right, well, this is not the first time in my career that MI5 has been accused of intelligence failings ahead of an attack. There was the Bali bombing in 2002 and the London bombings three years later. Set against that, MI5 have thwarted 37 terrorist attacks from 2017 until this year. But let's drill down now into what exactly went wrong with Manchester. Libya was a country that MI5 underestimated in terms of terrorist risk. Their attentions were focused much more on Syria where Isis had its so-called Caliphate, but Isis also had a growing presence in Libya. MI5 knew that Salman Abedi, the bomber, had left the UK, yet there were no port stops put in place at airports and ports to question him on his return from Libya, just four days before he blew himself up. And another crucial failing was that once Abedi came back to this country, he wasn't followed despite his well-known contacts with an extremist. If he had been followed, perhaps to where he had hidden the bomb, then it is possible but not certain then the attack may have been prevented. Well, MI5 say that they have since put in place over 100 improvements to the way they work, but that I'm afraid is going to be little comfort to those who have lost love ones in this hideous attack.</p>
SR	<p>Frank, thank you. The inquiry has lasted two and half years and called hundreds of witnesses. Previous reports found failings in both the security at the venue and the response from the emergency services. Our home editor, Mark Easton, is with me now. It has certainly been a very long and gruelling process for those families.</p>

ME	<p>You know, the start of each of these three thick volumes of the Arena Inquiry report is a list of names of the 22 who died. The Inquiry chairman, Sir John Saunders, describes them as irreplaceable, unique people who lit up the lives of those around them. Through the words of those who loved them, he said, through pictures of them, some of their happiest moments, and through song, he said; "I heard about their personalities, their strengths and their aspirations and that, I think, has been really important." A statutory public inquiry lasting, as you say, two and a half years can easily become a legal and technical exercise squeezing out the humanity if you like, but this inquiry has consistently put those who died and those who must live with the consequences of that terrible night right at the centre of everything it has done. Sir John, the chairman, repeatedly stressed that responsibility for the bombing rested with brothers, Salman and Hashim Abedi. His intention was to uncover what went wrong, so that no one has to, in his words, "suffer such terrible pain and loss again." He identified, as we know, the failings of the venue, of the emergency services, and of the security services, and of the families, as we have been hearing, have described the possibility that the attack could have been thwarted as a devastating conclusion, but they have also paid tribute both to Sir John and his team for their unwavering determination to uncover the truth, and also to those who looked after them through the process; the support unit and what was called the resilience hub. And, interestingly, the government has announced that it is setting up a permanent expert panel to help people after major tragedies in England and Wales. This was an inquiry about learning lessons, and perhaps one of the lessons is that the inquiry itself found a good balance between the need for dispassionate legal detachment and just as much needed humanity.</p>
SR	Mark Easton, thank you.

End of Transcript

Appendix B- Second Statement

PRESS STATEMENT – IMMEDIATE RELEASE

**Manchester 3rd March 2023 – Didsbury Mosque Responds to Manchester
Arena Radicalisation Report.**

First and foremost, Didsbury Mosque wishes to recognise the bravery and dignity shown by the

victims and the families of victims during the course of the Inquiry and the evidence heard.

The anguish felt by the victims cannot accurately be put into words and Didsbury Mosque wishes to offer its unwavering support to all those affected and hopes that the conclusion of this Inquiry can provide a pathway to obtaining some justice and closure.

The Mosque will do all it can to ensure that it is a place of peace, calm, and safety for all those who come to worship or visit and recognises and understands how dangerous the scourge of extremism/terrorism can be. It will not be tolerated under any circumstances whatsoever.

Didsbury Mosque also wishes to thank the Chair for overseeing a long and difficult Inquiry.

After considering the final report issued on 2nd March 2023, Didsbury Mosque agrees with the conclusion that the Mosque was not involved in the radicalisation of Salman and Hashim Abedi.

However, some of the findings of the report are disputed by Didsbury Mosque and in the interests of transparency we wish to respond to said findings.

1. The trustees were invited voluntarily to give evidence to the Inquiry; they were never a core participant. Didsbury Mosque provided written evidence and responses on numerous occasions and our chair also gave oral evidence. It is vital that the public understand that we attended and cooperated with the hearing on a voluntary basis, purely to assist with the Inquiry and Didsbury Mosque is of the opinion more could have been done to highlight this fact.
2. The Chair has made comments on evidence heard from Mr. Haffar and Mr. Saeiti and has stated that the evidence of Mr. Saeiti was preferred. It should be noted that Mr. Haffar was subjected to vigorous cross-examination whereas Mr. Saeiti, was not. The opinion of Didsbury Mosque is that had Mr. Saeiti been cross-examined and had his evidence been tested, he would have been found lacking in credibility and his evidence widely dismissed.
3. Didsbury Mosque also notes that a previous longstanding Imam Mr. Graff was not invited to give evidence at the Inquiry. We will stand corrected if an invite was sent to him. Mr. Graff voluntarily provided his own statement to the Inquiry and Didsbury Mosque feels that more

consideration should have been given to this statement as Mr. Graff was an Imam who served for a long period of time and had a deep understanding of the issues raised by Mr. Saeiti.

<https://files.manchesterarenainquiry.org.uk/live/uploads/2021/12/09134553/INQ042545.pdf>

4. Didsbury Mosque does not agree with the assertion that it was ‘wilfully blind’. The trustees do not manage the activities at the mosque on a day-to-day basis, the staff do. There were no meetings of radical Libyan groups at the mosque. Evidence was provided to the Inquiry that proved there is a longstanding policy of not allowing overseas politics at the mosque. Like many mosques the meeting room was hired for humanitarian aid work in Libya and for other countries, this is not evidence of extremism. An allegation was made against two individuals who had held meetings on the day Mr. Haffar gave evidence. Those individuals subsequently submitted statements to the Chairman that they were not extremists but holding a lawful registered charity/social meeting. Those statements have not been commented upon by the Inquiry.
5. Didsbury Mosque asked trustees and staff what they knew about the Abedi family and any sightings. They were asked to put their response into an email. Those emails included that of both Imams. Copies were provided to the Inquiry. If any former member of staff now claims other information, we would ask why that information was withheld and was not put in the email or provided to the police in the first place and question the motive. We provided details of Ismail Abedi his mother and his sister working at the mosque to the Inquiry. They have not been charged with anything to do with this attack and were DBS cleared. There was no other information we had to give. Mr. Haffar the Chair has never met anyone from the Abedi family and answered at a personal level which is the truth. Other trustees and staff confirmed what they knew to the Inquiry
6. Didsbury Mosque had been a place where Ramadan Abedi and their sons prayed until 2006 when they moved to a mosque in another part of the city, after which they went to Libya and then the children returned. They were not known to the mosque as adults (except Ismail), and this was not their local mosque. Our staff reported a visual sighting of Salman on a few occasions at Friday prayers. He is said to have prayed and left. No contact or conversations were reported to have taken place. Ramadan Abedi attended Ismail’s Islamic marriage contract as the witness and father, in the prayer hall. We were shown a recording of this only on the day of our public hearing. It was presented on the day as if it was evidence of an extremist circle at the mosque. The trustees were not made aware of this beforehand. Thousands of marriage contracts have been performed at this mosque the staff cannot be expected to recall them all and the trustees are not aware of them. Does this mean we are linked to everyone who has a marriage at this mosque from any ethnic origin?
7. The mosque has been linked to Libya and the wider political situation in the country, because of the common ethnic heritage of some of our staff and those who come to pray. Are we linked to worshippers from Pakistan, Syria, and Iraq too? We also cannot be linked with the politics and political comments of the Libyan or any community on their social media or in their private lives, simply because they come and say their prayers at our premises or hold a charity meeting or

marriage here. The Inquiry and its lawyers and expert have also sometimes confused political comments and discussions about conflicts overseas with extremism that leads to terrorism. Are the Muslim community not able to discuss any politics overseas? This is a flawed approach. None of our trustees are of Libyan heritage. The breakdown of Libyan and non-Libyan staff and trustees was provided to the Inquiry at the outset. The Mosque has no links with Libya other than this.

8. We did not accept weak management in Libyan or other politics. There have been a few staffing/management issues to deal with which happen at every institution. The trustees have had a long-term informal policy of not allowing Imams and speakers to use the mosque for politics or expressing their personal political opinions. This predates 9/11 and has been effectively applied over decades. Two former Libyan Imams had opposing political views of the Libyan civil war, but both were against extremism and ISIS. Didsbury Mosque was aware of their differences and managed them as best and sensitively as they could. Neither were allowed to use the mosque for the promotion of their political views. Both gave sermons against extremism, and the mosque has always preached against anyone going overseas to fight. From 2011 -2017 there were 364 Friday sermons. Many had spoken against extremism. During that time two sermons strayed slightly into politics, and both were clamped down on by trustees immediately and the Imams warned not to let it happen again. A correspondence warning to both Imams was provided to the Inquiry. These two sermons and the mosque's response to them were discussed at the Inquiry.
9. It has been alleged that the former Imam of the Mosque Mustafa Graf called for people to go to fight in the fundraising sermon he delivered which was widely reported in the media. That sermon was a fundraising sermon for local charities because of a chemical attack on Syrian people. The call was for striving by Maal (or giving). The police expert who examined the sermon concluded that this was not an encouragement for warfare but charity. The Mosque also commissioned an independent expert to investigate the sermon and that reached the same conclusion. Our investigation concluded: -

*"3.31 There was no objective of encouraging people to take up arms, nor did the khutbah do so. Our main reason for saying this is: - a) there was a clear charitable purpose to khutbah. b) those verses commonly known as the 'fighting verses' or 'sword verses' are not used in the Khutbah. The fighting verses are used by most scholars or leaders of violent groups who wish to encourage taking up arms and fighting. The BBC's own website defines Jihad and mentions types of non-violent expression as Jihad and states the key fighting verses. c) **At the end of the Khutbah in English, MG makes it clear he is asking people for donations for victims in Aleppo, not just to give loose change but give more and that "this will be considered Jihad fi Sabeelillah (Jihad in the path of Allah)". This is also mentioned, toward the end of the speech in Arabic "spend your wealth considering that your Jihad in the path of Allah". It is also mentioned in the last Arabic paragraph "seeking reward from Allah with your wealth and effort and do not be miserly and do not hesitate". d) The congregation understood the purpose of the Khutbah was fundraising.**"*

Didsbury Mosque wishes to reconfirm that it voluntarily and wilfully aided the Inquiry to the best of its ability based on the information it could gather. This has been done in the interests of transparency and justice.

Didsbury Mosque will continue to cooperate with and provide support to the victims and their families and is committed to doing so. We have already indicated that we will to the Inquiry. It is also hoped that the findings of the Inquiry can assist in preventing such an atrocity from occurring again and assist those affected in finding closure.

