



Neutral Citation Number: [2020] EWHC 1048 (QB)

Case No: QB-2019-004059

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

Haverfordwest District Registry
Penffynnon, Hawthorn Rise, Haverfordwest,
Pembrokeshire, SA61 2AX

Date: 1 May 2020

Before :

THE HONOURABLE MR JUSTICE NICKLIN

Between :

Eleanor Louise Hanson **Claimant**

- and -

Associated Newspapers Limited **Defendant**

David Hirst (instructed by **Carter-Ruck Solicitors**) for the **Claimant**
David Glen (instructed by **ACK Media Law LLP**) for the **Defendant**

Written submissions: 23 April 2020

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.

.....
THE HONOURABLE MR JUSTICE NICKLIN

The Honourable Mr Justice Nicklin :

1. This is a claim for libel arising from the publication of an article in both the print and online editions of *The Mail on Sunday* on 28 July 2019, headlined – in the print version – “*THEY FUELLED HIS FANTASIES In a devastating account, the expert who exposed Carl Beech’s lies in The Mail on Sunday blames psychotherapists for the foul abuse ‘memories’ they helped create*” (“the Article”). The Article was written by Richard Hoskins who was described, in the byline of the print edition, as an author and criminologist. Mr Hoskins has acted as an expert witness in a large number of criminal trials. The text of the Article appeared with photographs, captions, pull-quotes and (online) with an embedded video. Agreed versions of the print and online versions of the Article are set out, respectively, in Appendix 1 and 2 to this judgment showing paragraph numbers in square brackets and captions identified by letters.
2. The Article was published in the *Mail on Sunday* the weekend following the conviction of Carl Beech on twelve counts of perverting the course of justice and one of fraud following a 10-week trial at Newcastle Crown Court. Mr Beech was sentenced to a total of 18 years’ imprisonment by Goss J on 26 July 2019. As the Article made clear to the reader, Mr Beech had made a series of false allegations implicating several high-profile individuals in a paedophile ring.
3. The Claimant, commonly known as Elly Hanson, is a clinical psychologist and therapist who acts as a consultant to UK law enforcement agencies. Until 2018, she was a consultant to the National Crime Agency’s specialist Child Exploitation and Online Protection Command. In her Particulars of Claim, the Claimant states that she is an active researcher, writer and speaker. Her principal research interests include the dynamics and impact of, and recovery from, trauma such as domestic violence or sexual abuse. She holds a first-class undergraduate degree from Oxford University in Experimental Psychology as well as a doctorate in Clinical Psychology.
4. *The Mail on Sunday* is published by the Defendant both in conventional print and online editions - *MailOnline* at www.dailymail.co.uk.
5. The Claim Form was issued on 14 November 2019. In her Particulars of Claim, the Claimant pleads that the Article (both in print and online) bore the following natural and ordinary meaning which she contends is defamatory of her (“the Claimant’s Meaning”):
 - (1) The Claimant was one of two key psychotherapists who had been instrumental and blameworthy in ruining the reputations of blameless public figures, wasting millions of pounds of taxpayers’ money and damaging future investigations of child sexual abuse by their deluded encouragement and legitimisation of an obvious and malicious fantasist, Carl Beech, and in the Claimant’s specific case was to blame for the following improper reasons:
 - (a) the Claimant adheres to an approach to historic child sex abuse investigations in which anyone claiming to be a victim must be believed in any event;
 - (b) the Claimant became friends with Carl Beech and together with him set up a charity exhibition for victims of sexual abuse called ‘Wall of Silence’; and

- (c) the Claimant helped create, fuel and legitimise Carl Beech’s false abuse memories through her personal contact and treatment of him.
 - (2) The Claimant acted improperly on (sic) an obvious conflict of interest and without due professional independence when she accepted a supposedly independent role on a panel of advisors on Operation Conifer, the police investigation into child sexual abuse allegations against Sir Edward Heath, in circumstances where she was clearly partial and conflicted because:
 - (a) the Claimant had become friends with Carl Beech, one of Sir Edward’s accusers, and together with him set up a charity for victims of sexual abuse called ‘Wall of Silence’;
 - (b) the Claimant had helped create, fuel and legitimise Carl Beech’s false abuse memories through her personal contact and treatment of him;
 - (c) the Claimant adheres to an approach to historic child sex abuse investigations in which anyone claiming to be a victim must be believed in any event; and
 - (d) prior to her appointment to the panel the Claimant had already expressed the prejudiced view that she wouldn’t have let her children near Ted Heath had he been alive.
6. On 11 March 2020, I approved a consent order agreed between the parties directing the trial of the following preliminary issues (“the Preliminary Issues”):
 - i) the natural and ordinary meaning of the Article;
 - ii) whether the words complained of are statements of a factual nature or statements of opinion; and
 - iii) if statements of opinion, whether the words complained of indicate, in general or specific terms, the basis of the statements of opinion.
7. The Defendant has not yet filed a Defence, but in a letter dated 5 February 2020, the Defendant’s solicitors contended that the natural and ordinary meaning of the Article (“the Defendant’s Meaning”) was:
 - (1) The Claimant gave unjustified credibility and legitimacy to Carl Beech’s fantasies, notwithstanding that proper analysis of the evidence would have revealed him to be a liar and a fraud and his claims to be poppycock, including by:
 - (a) her support for Vicki Paterson, the psychologist who was the principal conduit through which Beech’s claims were revealed;
 - (b) her apparent subscription to the idea that Beech, as an alleged victim of abuse, must be believed;
 - (c) her willingness to befriend and publicly associate with Beech by appearing as a co-speaker and sharing a platform with him at his charity exhibition, The Wall of Silence,

thereby demonstrating a lack of professional judgement and showing a cavalier approach to the truth, which has contributed to ruining the lives and traducing the reputations of those whom Beech sought falsely to accuse and damaged criminal investigations.

- (2) The Claimant acted improperly by accepting a notionally impartial role as a member of the supposedly independent panel of advisors on Operation Conifer, notwithstanding the clear breach of impartiality which arose given her previous dealings in relation to Beech, her views about Ted Heath and her role as an advisor to Ms Paterson.

The Defendant contended that the words shown underlined would have been understood by readers to constitute the opinion of the author of the Article, Mr Hoskins.

8. With the consent of the parties, no hearing took place. Instead, I have considered the written submissions of the parties on the issues to be determined. In accordance with the practice I outlined in *Hewson -v- Times Newspapers Ltd* [2019] EWHC 650 (QB) [25], copies of the parties' written submissions will be made available with copies of this judgment. Judgment has been handed down at the Haverfordwest District Registry as I had another hearing at that Court.

Determining meaning and fact/opinion: the law

9. The principles to be applied in determining the Preliminary Issues are not controversial.
- i) For the determination of Preliminary Issues (i) and (ii) – the natural and ordinary meaning, and whether the Article conveys an allegation of fact and/or an expression of opinion – the relevant principles are set out in *Koutsogiannis -v- The Random House Group Limited* [2020] 4 WLR 25 [11]-[17].
- ii) The Court should be wary of adopting too rigid or formulaic an approach when deciding whether a publication would be understood as an expression of opinion or an allegation of fact. The point was made by the Court of Appeal in *British Chiropractic Association -v- Singh* [2011] 1 WLR 133 [16], [32] and further explained by Warby J in *Sube -v- News Group Newspapers Ltd* [2018] EWHC 1234 (QB) [33]:
- “*Singh*’s case also highlights the dangers of drawing too rigorous a distinction between the question of whether words are defamatory and the question of whether they are fact or comment. To ask the questions separately, in that order, ‘may not always be the best approach, because the answer to the first question may stifle the answer to the second’: [32]...”
- iii) In relation to Preliminary Issue (iii), pursuant to s.3 Defamation Act 2013, a defence of honest opinion requires a defendant to demonstrate that the following three conditions are met:
- a) first, that the statement complained of was a statement of opinion;
- b) second, that the statement complained of indicated, whether in general or specific terms, the basis of the opinion; and

- c) third, that an honest person could have held the opinion on the basis of (1) any fact which existed at the time the statement complained of was published; and (2) anything asserted to be a fact in a privileged statement published before the statement complained of.

The determination of the Preliminary Issues requires me to resolve whether the first and second conditions are satisfied.

- iv) Assessment of the first condition requires an application of the principles set out in *Koutsogiannis* [16]. The second condition is not usually controversial, but where it is, the broad proposition is that a defendant must show that the reader could understand what the comment is about and that the commentator can, if challenged, explain by giving particulars of the subject matter of his comment and why he expressed the views that he did: *Peck -v- Williams Trade Supplies Ltd* [2020] EWHC 966 (QB) [11(vi)].
10. In his written submissions, Mr Hirst on behalf of the Claimant accepts that the third Preliminary Issue should be resolved in the Defendant's favour: he accepts that the Article did indicate in general terms the basis of the defamatory opinion that was expressed. In light of that, I need only resolve the first and second Preliminary Issues.
11. Understandably, the parties have identified particular principles which they say have greater importance in this case, but there is no dispute between Counsel as to the applicable legal framework.

Submissions

12. Mr Hirst, for the Claimant, contends that there is not much between the parties' rival contentions as to meaning. He submits that both parties acknowledge that the Article conveyed, at least in part, Mr Hoskins' opinion and that this would be obvious to readers. Both parties have emphasised the importance of the principles (a) that the statement must be recognisable as comment, as distinct from an imputation of fact: *Koutsogiannis* [16(i)]; *Yeo -v- Times Newspapers Ltd* [2015] 1 WLR 971 [88]; and (b) that opinion is something which is or can reasonably be inferred to be a deduction, inference, conclusion, criticism, remark, observation, etc.: *Koutsogiannis* [16(ii)]; *Branson -v- Bower* [2001] EMLR 800 [12].
13. Mr Hirst highlights the following particular legal principles:
- i) the ability of the reasonable reader to read between the lines and understand implication: *Koutsogiannis* [12(iii)];
- ii) the Article must be read as a whole and appreciated in its full context: *Koutsogiannis* [12(viii) and (ix)]. In this regard, the Claimant emphasises the recognised capacity of headlines, captions and the placement of images significantly to affect overall meaning: *Charleston -v- News Group Newspapers Ltd* [1995] 2 AC 65, 72, 74; and
- iii) whether a statement is one of a verifiable factual nature may suggest to the reader that an allegation of fact is being made, although the Claimant recognises that this is not an inflexible rule and the ultimate question of distinguishing

statements of fact from comment will be context-specific: *Greenstein -v- Campaign Against Antisemitism* [2019] EWHC 281 (QB) [19].

14. For his part, Mr Glen, for the Defendant, emphasised the following:
- i) the ultimate question is how the word would strike the ordinary reasonable reader: *Grech -v- Odhams Press Ltd* [1958] 2 QB 275, 313;
 - ii) the subject matter and context of the words may be an important indicator of whether they are fact or opinion: *British Chiropractic Association -v- Singh* [2011] EMLR 1 [26] and [31];
 - iii) 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. The real question is whether, in context, the allegation of dishonesty would be understood to be the deduction or inference of the speaker: *Zarb-Cousin -v- Association of British Bookmakers* [2018] EWHC 2240 (QB) [26];
 - iv) in deciding whether the words complained of are comment, it is permissible to look only at the publication itself: *Telnikoff -v- Matusevitch* [1992] 2 AC 343, 352, although the context of the words complained of within the publication is to be taken into account; and
 - v) the Court should avoid an overly prescriptive analysis of meaning as this is likely to exacerbate the risk highlighted by the Court of Appeal in *British Chiropractic Association -v- Singh* [32] – namely that the correct answer to the question of whether statements would have been understood to be opinion or factual may be ‘stifled’ if that assessment is conducted through the narrow prism of a determined meaning, without regard to the manner and context in which those statements were presented in the complained of publication.
15. As the parties’ detailed submissions on the preliminary issues are set out in the written submissions that will be available with this judgment when it is handed down, I need only give the following summary. I am also mindful of the need to avoid being over-analytical in the task that I have to perform.
16. Mr Hirst contends that the Article is accusatory in tone and that it identifies the Claimant as one of those who had encouraged and legitimised Carl Beech’s “*tissue of lies*” (print [12]; online [18] and [F]) which led to the consequences identified: ruining the lives of the people he accused and wasting millions of pounds in police investigations. The two named psychotherapists/psychologists were being ‘outed’ as culpable and responsible for this damage as a result of their acts and omissions. The hypothetical ordinary reasonable reader would note that these accusations were being made by a person of standing – an expert criminologist – who stated that, in 2016, he had seen through Beech’s “*ludicrous claims*” (print [9]; online headline and [13]) and identified him as a “*liar and a fraud*” perpetrating a “*giant hoax*” (print [11]; online [16]). As to the impact on the reader, Mr Hirst contends:

“The overall publication context is recognisably an opinion piece where a commentator (with a picture byline) is expressing a view on matters covered in greater detail in the piece. The primary meaning of the Articles as conveying the opinion that the two identified psychotherapists are to be held accountable for helping create Mr Beech’s false accounts is signposted by the use of the word ‘blames’ in each headline – which cannot be anything other than a deductive conclusion of the writer... In that context the headline of the Print Article ‘They Fuelled his Fantasies’ is reasonably understood as opinion of the writer. The Articles go on to state early on that the writer ‘believes’ Beech’s fantasies were ‘fuelled by psychotherapy’. The Articles conclude with the observation that the ‘cavalier approach to truth’ of the psychotherapy industry has ‘ruined lives, traduced reputations and damaged criminal investigations.’ Thus, the foremost element of the opinion being expressed, above all other factors, is that the psychotherapists named are responsible and blameworthy for the damage caused by Carl Beech’s false accounts.”

17. Mr Hirst identifies four strands of defamatory opinion in the Article: (1) that the Claimant was one of the experts who had “*given legitimacy to the whole farrago*” (print [15]; online [23]); (2) that the experts had been instrumental and material in causing Beech to provide false ‘memories’ and thereby gave his account credibility; (3) that the Claimant’s conduct amounted what Mr Hirst describes in his submissions as the “*deluded encouragement of an obvious fantasist*”; and (4) that the Claimant, with Ms Paterson, was responsible for causing the serious damage identified in the Article.
18. Turning to the Claimant’s Meaning, Mr Hirst says that sub-paragraphs (1)(a) to (c) are the factual underpinning of Mr Hoskins’ expressed opinion. He contends that there is a second imputation – distinct and separate – that is captured in paragraph (2) of the Claimant’s Meaning: that the Claimant had acted improperly, in conflict of interests and without due professional independence when she accepted a position on the panel of advisors to Operation Conifer, the investigation by Wiltshire Police into the allegations against Sir Edward Heath. This meaning, it is argued, emerges as a result of the ordinary reasonable reader reading between the lines and understanding the obvious implications of what was being reported. The element of meaning that the Claimant had acted improperly is recognisably one of opinion, Mr Hirst argues, but it is separate from the underpinning factual allegations that are set out in sub-paragraphs (2)(a) to (d).
19. As I have noted, Mr Hirst’s written submissions accept that the Article did indicate in general terms the basis of the opinion expressed.
20. Mr Glen, for the Defendant, makes three broad submissions about the thrust of the Article:
 - i) The Claimant’s Meaning fails properly to distinguish between the separate roles which the Article clearly states were played by a psychotherapist, Vicki Paterson, in enabling Beech to “*recover*” and then “*develop*” and “*embellish*” his false claims, and the Claimant’s subsequent involvement in events.
 - ii) Paragraph (1) of the Claimant’s Meaning adopts a prescriptive formulation, in which individual aspects of the Claimant’s underlying conduct set out under the three sub-paragraphs are said to be “*improper*” (and therefore presumably defamatory) in their own right. However, properly construed, there is nothing

defamatory by itself about the conduct identified in (a) and (b); nor is it intrinsically improper for the Claimant to have acted towards Beech in a manner which had the effect of giving legitimacy to his claims (in (c)). Mr Hoskins' criticism was that the legitimacy which the Claimant provided to Beech was unjustified and improper in the circumstances because, first, a more sceptical consideration of the actual evidence would have revealed his claims to be "*poppycock*"; and second, it meant that the Claimant's subsequent decision to take an advisory position on Operation Conifer was a breach of the impartiality expected of that role. It is these two criticisms which, the Defendant contends, constitute the central sting of the Article.

- iii) Several parts of the Claimant's Meaning contain adjectives and embellishments which are not found in the Article itself and which do not reasonably arise by implication. Mr Glen identified the following:
- a) The impact on "*future investigations of child sexual abuse*", arising from the Claimant's conduct, is not something which the Article addresses. There is a reference to "*criminal investigations*" having been damaged (print [41]; online [55]), but this, Mr Glen submits, is a reference to the damage caused to Operations Conifer and Midland – the parallel police investigations into Beech's claims.
 - b) The phrase "*in any event*", added to the end of the Claimant's Meaning at (1)(a) and (2)(c), is a gloss which is not contained in the text and materially alters the point which Mr Hoskins is clearly making; namely that he believes that the Claimant is "*among those*" who are signed up to "*the idea*" (i.e. a school of thought in the field) that alleged victims should be believed when they come forward (print [27]; online [37]). The gloss added by the Claimant's Meaning, however, transforms this from a presumption, or rule of policy, into an irreversible dogma in which the claims of all complainants must continue to be accepted, regardless of actual events and even when it becomes apparent that their allegations could be false.
 - c) Finally, the phrase "*deluded encouragement*" in paragraph (1) of the Claimant's Meaning is directed without precision at both Ms Paterson and the Claimant and, to the extent that it implies that the Claimant was involved in the process by which Beech's claims were developed and embellished, at odds with the distinction drawn in the Article between the roles of Ms Paterson and the Claimant.

21. Mr Glen argues that the Defendant's Meaning reflects the key criticisms the Article made of the Claimant. The sub-paragraphs under paragraph (1) of the Defendant's Meaning, he contends, are not defamatory in their own right.

Decision

22. I read the Article before I read the Particulars of Claim and the parties' written submissions. I formed a very clear initial impression that this was an expression of opinion and it was not surprising to see that this is position of both parties. The area of real controversy is: (a) the extent to which the Article also made allegations of fact (and

whether these were defamatory of the Claimant); and (b) the rival arguments over the single meaning the Court should find.

23. Although the headline indicates to readers that the main focus of the author's criticism are the psychotherapists that were involved, the Article also makes criticisms of the police and others. The initial section of the Article (print [1]-[13]; online [1]-[20]) sets the immediate context for the reader. Carl Beech was a fantasist who had made false claims of child sexual abuse against a series of prominent figures. He had managed to deceive two police forces, as well as several MPs and journalists, for over eight years, before finally, in the week before publication of the Article, being convicted and jailed for 18 years, for his "*perjury*". That, however, was not before he had "*caused the waste of millions of pounds of taxpayers' money and ruined the lives and legacies of those he had falsely accused*" (print [13]; online [20]). Mr Hoskins argues (print [14]; online [21]) that his lies should have been detected a great deal sooner and that the police had shown "*astonishing gullibility*" (print [14]; online [22]).
24. Mr Hoskins then turns to the focus of his criticism – "*but there is another group of professionals whose role in this fiasco should be examined... the psychotherapists who gave legitimacy to the whole farrago. Without them, none of this might have happened.*" (print [15]-16; online [23]-[24]). In my judgment, those passages are key to setting the parameters of the author's criticism of the psychotherapy used in the case. It signals clearly to readers that this is his opinion and the subsequent paragraphs would be understood to be the basis of his criticism.
- i) First, the Article identifies the technique of recovered memories in psychotherapy "*which in Beech's case were twisted and false*" (print [16]; online [25]). I accept Mr Glen's submission that the criticisms made in this section of the Article are clearly made against Vicki Paterson, not the Claimant (print [17]-[25]; online [25]-[34]), and that Mr Hoskins makes it clear that he is not suggesting that Ms Paterson "*acted from anything other than honest motives*"; his criticism is that "*unless the counsellor remains discerning, a cunning and manipulative liar such as Beech can make hay*" (print [25]; online [34]).
 - ii) The Article introduces the Claimant (in print [26]; online [35]) as someone from whom Ms Paterson sought advice. Although the Article does not identify what (if any) advice she gave, it states that she met and befriended Beech, ultimately setting up the charity exhibition "The Wall of Silence" (print [26]-[27]; online [35]-[37]). The clear implication from these passages is that the Claimant also believed Beech's claims and had shared a platform with him at the charity event. Mr Hoskins criticises her as someone who had, he believed, "*signed up to the idea that anyone claiming to be a victim of abuse must be believed*" (print [27]; online [37]). The implied criticism that arises from this is that, had the Claimant adopted a more critical approach to Beech's claims – rather than simply believing what he said as a matter of professional ideology – she too might have been able to see that he was a dangerous fantasist.
 - iii) There is a distinct criticism made of the Claimant which is premised on her alleged statement that "*she wouldn't have 'let her children near Ted Heath' – while adding that she wasn't presuming guilt*" (print [28]; online [38]). This is a factual statement about what the Claimant had said. The opinion expressed is

that this demonstrates, contrary to what she had added in her statement, that she had indeed prejudged Sir Edward Heath's guilt. In context, the reader would detect that Mr Hoskins was suggesting that this was one of the consequences of the Claimant having uncritically accepted the allegations made by Beech.

- iv) A further criticism is made – both of the Claimant and the Chief Constable of Wiltshire Police – of the Claimant's appointment to the "*independent*" panel of advisors on Operation Conifer, the name of Wiltshire Police's investigation into Beech's allegations (print [29]; online [39]). Again, this is a statement of fact – the appointment – coupled with an expression of opinion: criticism of the Claimant's conduct in accepting the appointment to the panel of advisors as a "*breach of impartiality*", based on the Claimant having already accepted Beech's allegations to be true.
25. The balance of the Article – (print [30] to end; online [40] to end) – contains serious criticism of the credulity of the police and of a lack of rigour in their investigations. Read as a whole, the Article blames both the police and psychotherapists (and MPs and journalists) for the failure quickly to detect that Beech was a "*malicious fantasist*" and to avoid the hugely costly police investigations and ruined lives of those falsely accused. When the author returns to the role of experts (print [41]; online [55]) – "*as for the psychotherapy industry*" – the criticism here made (whilst likely to be taken to include the specific criticisms of the Claimant and Ms Paterson) was a general one, tied expressly to the industry's "*cavalier approach to truth*". This was not a suggestion, as advanced in paragraph (1) of the Claimant's Meaning, that the Claimant had damaged future investigations of child sexual abuse, whether as a matter of fact or expression of opinion.
26. Having regard to those conclusions, in my view, the Defendant's Meaning, in substance, more accurately captures the natural and ordinary meaning of the Article. I have restructured the meaning so as to mark clearly the boundary between statement of fact and expression of opinion, and inserted elements of the Claimant's Meaning as to the consequences of Beech's lies that were missing from the Defendant's Meaning. In my judgment, the natural and ordinary meaning of the Article is:
- (1) The Claimant, by:
- (a) her support for Vicki Paterson, the psychotherapist who was a principal conduit through which Carl Beech's claims of a network of child abusers were revealed;
 - (b) her subscription to the idea that Beech, as an alleged victim of abuse, must be believed; and
 - (c) her willingness to befriend and publicly associate with Beech by appearing as a co-speaker and sharing a platform with him at his charity exhibition, The Wall of Silence,

had demonstrated a lack of professional judgement and given unjustified credibility and legitimacy to Beech's fantasies, whereas a proper analysis of the evidence would have revealed him to be a liar and a fraud and his claims to be poppycock, and in consequence shared some of the responsibility for

ruining the reputations of blameless public figures and wasting millions of pounds of taxpayers' money on police investigations;

- (2) By accepting a position on an independent panel of advisors on Operation Conifer, which was investigating Beech's claims, having previously stated that she would not have "let her children near Ted Heath", the Claimant had demonstrated a lack of impartiality and professional judgment, by prejudging Sir Edward Heath's guilt.

27. The underlined passages are statements of opinion. The balance are allegations of fact. The issue of whether the meaning found was defamatory was not ordered to be tried as a preliminary issue. However, in their written submissions the parties have, in substance, addressed this point and it seems to be important that this issue is not left undetermined. In my judgment the allegations of fact are not themselves defamatory. The meaning as a whole is defamatory, but that is because the defamatory element is supplied by the opinion that has been expressed.
28. I have removed the word "*apparent*" from paragraph 1(b) of the Defendant's Meaning. That word would be inappropriate in any formulated meaning. It is an attempt either to permit the Defendant to advance a case that this is how it appeared to the author (irrespective of the true position) or to lower the level of meaning to something akin to "grounds to suspect". The former is impermissible, and the latter engages the ordinary rules of meaning. In context, the ordinary reasonable reader would not have any reason to doubt that Mr Hoskins' belief was not correct. Further, although not argued so expressly in his submissions, I infer that Mr Glen's argument, in support of paragraph 1(b) of the Defendant's Meaning being an expression of opinion, was that the words "*I believe [the Claimant] is among those signed up to the idea that anyone claiming to be a victim of abuse must be believed*", were the author's "*deduction or inference*" and therefore a statement of opinion. On its own, the insertion of "*I believe*", before what would otherwise be a statement of fact, certainly does not convert it into an expression of opinion. In context, there is nothing in the Article that supports this being understood an expression of opinion and, as I say, insertion of the words "*I believe*" does not have that effect. Paragraph 1(b) of the meaning set out above is an allegation of fact.
29. As I have noted above, in relation to the third Preliminary Issue, there is no dispute that the Article did indicate, in general terms, the basis of the statements of opinion.

Appendix 1 – Print edition of the Article

THEY FUELLED HIS FANTASIES

In a devastating account, the expert who exposed Carl Beech’s lies in the Mail on Sunday blames psychotherapists for the foul abuse ‘memories’ they helped create

By **RICHARD HOSKINS**

Author and Criminologist

- [1] Detective Chief Superintendent Andy Taylor’s footsteps crunched across the gravel as he walked up my driveway. A short time later, I was staring at stacks of files on the living room floor. ‘That’s our evidence against Sir Edward Heath, right there,’ he said.
- [2] Over the course of that morning, three years ago, Detective Taylor briefed me on what Wiltshire Police called Operation Conifer – an investigation into astonishing claims that former Prime Minister Sir Edward Heath had been part of a paedophile ring.
- [3] Last week, the man behind many of those foul allegations, Carl Beech, was jailed for 18 years for perjury and fraud and described by the judge as a ‘malicious fantasist’ – fantasies I believe were fuelled by psychotherapy and the powerful techniques at its disposal.
- [4] The police had come knocking because they needed my help. A brothel keeper who had made accusations against Sir Edward had suddenly withdrawn them. A ‘sighting’ of boys on his yacht in Jersey had turned out to be unreliable. Other vague ‘leads’ had petered out.
- [5] Now they were relying on this heap of documents in front of me, which included interviews with a man called Carl Beech. Under the pseudonym of ‘Nick’, he was making outlandish claims about a Westminster VIP paedophile ring involving prominent figures such as Sir Edward.
- [6] There was also a pile of witness statements made by four sisters alleging that Sir Edward had been involved in satanic rituals.
- [7] As a criminologist specialising in rituals, would I write an analysis of this material to support the police case?
- [8] Two months later, my 44,000-word report landed on the desks of the most senior officers in Wiltshire Police, the Commissioner of the Metropolitan Police and the Home Secretary.
- [9] I told them the claims were ludicrous. Allegations from Beech and the sisters about Sir Edward and other public figures were the ravings of fantasists and frauds.
- [10] My report did not please Wiltshire Police, who asked me to rewrite it. When I refused, they pointed out that I was calling into doubt the credibility of their witnesses. They were right.
- [11] The police made it clear that my report belonged to them and would now be filed deep in the basement of Swindon Police’s headquarters. And that’s why, on November 27, 2016,

I told The Mail on Sunday that Operation Conifer and the claims against Heath were a giant hoax started by a single source who was clearly a liar and a fraud.

- [12] Last week, I was proved all too correct when Beech was jailed. He had also admitted possessing 300 pictures of underage boys on his computer, with 28 images in the worst, most violent category. But for eight years he had managed to con two police forces, MPs such as Labour deputy leader Tom Watson and journalists from the BBC and online news service Exaro into believing his tissue of lies.
- [13] Carl Beech is the principle reason we have the vast – and I suspect ill-fated – Independent Inquiry into Child Sexual Abuse. He caused the waste of millions of pounds of taxpayers’ money and ruined the lives and legacies of those he falsely accused, such as former Home Secretary Leon Brittan, ex-Tory MP Harvey Proctor and D-Day veteran Lord Bramall.
- [14] Yet Beech should have been stopped at the outset. It took me ten minutes of reading his ‘evidence’ to realise it was poppycock and many senior police officers have rightly been condemned for their astonishing gullibility.
- [15] But there is another group of professionals whose role in this fiasco should be examined, and that is the psychotherapists who gave legitimacy to the whole farrago.
- [16] Without them, none of this might have happened. Both Operation Conifer and Operation Midland, the Metropolitan Police’s investigation into the supposed VIP abuse ring, were fuelled by hypnotic techniques to recover ‘memories’. Memories which in Beech’s case were twisted and false.

[Photograph of Vicki Paterson and the Claimant with caption]

[A] LEGITIMACY: Carl Beech’s claims were given credibility by psychotherapist Vicki Paterson, left, and Dr Elly Hanson

[Photograph of Carl Beech and ‘body map’ diagram with caption]

[B] SICK FANTASIES: Carl Beach, left, sent this ‘body map’ to his counsellor, Vicki Paterson, showing injuries he claimed he received at the hands of a ‘VIP paedophile ring’

- [17] He first approached therapist Vicki Paterson in 2012, eight months before he went to Wiltshire Police claiming he had been abused by his stepfather.
- [18] Newcastle Crown Court heard last week that between February 2012 and October 2016, Beech saw Ms Paterson for 121 sessions and they had exchanged numerous emails. During these sessions, Beech developed his story – I have seen the psychotherapy notes and drawings – and over those four and a half years, he embellished it.
- [19] As names were fed to him – often by a tiny group of headline-hungry journalists in his confidence – so he gradually ‘revealed’ them to Paterson until a whole network of alleged VIP abusers was involved.
- [20] When the police came to me, I decided I needed to find out more about Ms Paterson and establish how she operated. So I went undercover and posed as a client.
- [21] Ms Paterson told me that she employed a method called ‘deep stasis’. Although not actually hypnotism, it is close. Lying on her couch, it would be easy to allow fantastical imaginations to run riot.

- [22] In court, we heard that Ms Paterson encouraged Beech to recover his memories through drawing. He also performed what she called ‘emotional writing’.
- [23] There is no suggestion that Vicki Paterson acted from anything other than honest motives. Speaking yesterday, she said: ‘For a psychotherapist the role is to deal with the presenting issues that a client brings into the room rather than make a judgment on the truth.’
- [24] ‘As a psychotherapist practising under the British Association for Counselling and Psychotherapy guidelines, I received regular supervision in which I discussed Mr Beech and had the support of my supervisor about the approach that was taken.’
- [25] Yet that approach raises questions. As Ms Paterson tells her clients, she works by listening ‘in a non-directive, non-judgmental way understanding your world from your point of view’. The trouble is that unless the counsellor remains discerning, a cunning and manipulative liar such as Beech can make hay.
- [26] As the scale of Beech’s fantasies grew, Ms Paterson sought advice. She contacted another psychologist, Dr Elly Hanson, who as the court heard, soon met Beech in Bristol. They became friends and set up a charity exhibition called The Wall Of Silence, which displayed child abuse survivors’ pictures, stories, poems and mementoes. It was backed by Tom Watson and Beech shared a platform with Dr Hanson, speaking straight after her.
- [27] Dr Hanson is a distinguished and influential figure who advises police, the National Crime Agency and the NSPCC. But I believe she is among those signed up to the idea that anyone claiming to be a victim of abuse must be believed. And she had befriended Beech.
- [28] It was Dr Hanson who declared she wouldn’t have ‘let her children near Ted Heath’ – while adding that she wasn’t presuming his guilt.
- [29] So when Mike Veale, Chief Constable of Wiltshire Police, appointed Dr Hanson to the supposedly independent panel of advisers on Operation Conifer, it would seem a clear breach of impartiality.
- [30] There is no doubting the importance of the therapists in this case.
- [31] At the end of June 2012, in an apparent departure from protocol, Vicki Paterson drove with Beech to Bicester in Oxfordshire, one of his childhood homes, to see if they could ‘revisit his past’ and ‘unlock those memories of abuse’.
- [32] At this point, Beech made a major mistake. He had already told the police that a young boy, Scott, had been murdered in a hit-and-run by VIP paedophiles in Kingston upon Thames, South-West London, on his way to school. He told Paterson this astonishing ‘crime’ had take place in Bicester instead.
- [33] This contradiction was one of the many and obvious ‘red flags’ the police had overlooked in their fanatical zeal to prove Beech’s allegations were ‘credible and true’.
- [34] The scandal is all the more dumbfounding because we have been here before. Beech is directly linked to the satanic abuse mania that reached its height in the late 1980s and early 90s. That scandal had its origins in Canada and a book called Michelle Remembers, which revealed ritual abuse on suburban estates involving animal sacrifice and murder.

- [35] The ‘memories’ at the heart of it were fake – the result of hypnotherapy and the power of suggestion. But the book spread panic across the US and Britain. Children were removed from their beds. On February 27, 1991, nine children on Orkney were forcibly removed from their families by social workers and police in dawn raids.
- [36] Even rural Wiltshire was touched by the madness. In 1989, four sisters walked into Salisbury police station and told incredulous officers that satanic rings had operated on Salisbury Plain between 1950 and 1980. Their statements read like something out of a Hollywood B movie. There were blood rituals involving animals and child sacrifices on church altars. It is worth noting that a ringleader among the sisters had worked with a Canadian psychotherapist specialising in deep stasis – the technique used by Vicki Paterson – and ‘emotional free writing’.
- [37] The sisters didn’t name Edward Heath in 1989 when they met Wiltshire Police. But by 2016 they were back in touch and this time they were alleging he had conducted satanic rituals on a forest floor surrounded by candles. Astonishingly, the police believed them. Why had the sisters suddenly remembered Sir Edward’s name? I can only conclude it is because Beech had put it into the public domain.
- [38] The police response to this fiasco has been disgraceful. Some of those responsible have either retired with pensions or been promoted.
- [39] Others are slithering away from culpability. When my report in this newspaper exposed them in 2016, the police declared that the ritualistic material was only a small strand of their investigation. We are yet to see the rest.
- [40] Following the guilty verdict, they dared to claim Beech wasn’t so central to Operation Conifer after all. This is a whopper worthy of Beech himself. Without Beech, there would have been no Operation Conifer and no inquiry into Sir Edward.
- [41] As for the psychotherapy industry, its cavalier approach to truth has ruined lives, traduced reputations and damaged criminal investigations. One result of this fiasco must be the obligatory accreditation of professionals.
- [42] Regulatory bodies need to tighten up admissibility of evidence in criminal investigations.
- [43] Whatever excuses the police now make, these investigations should never have happened – that much is crystal clear. The continued lack of accountability, however, is astounding.

Appendix 2 – Online edition of the Article

Expert who told police Carl Beech's evidence was 'ludicrous' blames psychotherapists for the foul abuse 'memories' they helped create

By RICHARD HOSKINS FOR THE MAIL ON SUNDAY

[1] Detective Chief Superintendent Andy Taylor's footsteps crunched across the gravel as he walked up my driveway.

[2] A short time later, I was staring at stacks of files on the living room floor. 'That's our evidence against Sir Edward Heath, right there,' he said.

[3] Over the course of that morning, three years ago, Detective Taylor briefed me on what Wiltshire Police called Operation Conifer – an investigation into astonishing claims that former Prime Minister Sir Edward Heath had been part of a paedophile ring.

[Photograph of Carl Beech with caption]

[A] Carl Beech (pictured in March 2018) is the principle reason we have the vast – and I suspect ill-fated Independent Inquiry into Child Sexual Abuse. He caused the waste of millions of pounds of taxpayers' money and ruined the lives and legacies of those he falsely accused, such as former Home Secretary Leon Brittan, ex-Tory MP Harvey Proctor and D-Day veteran Lord Bramall

[4] Last week, the man behind many of those foul allegations, Carl Beech, was jailed for 18 years for perjury and fraud and described by the judge as a 'malicious fantasist' – fantasies I believe were fuelled by psychotherapy and the powerful techniques at its disposal.

[5] The police had come knocking because they needed my help.

[6] A brothel keeper who had made accusations against Sir Edward had suddenly withdrawn them.

[7] A 'sighting' of boys on his yacht in Jersey had turned out to be unreliable. Other vague 'leads' had petered out.

[8] Now they were relying on this heap of documents in front of me, which included interviews with a man called Carl Beech.

[9] Under the pseudonym of 'Nick', he was making outlandish claims about a Westminster VIP paedophile ring involving prominent figures such as Sir Edward.

[10] There was also a pile of witness statements made by four sisters alleging that Sir Edward had been involved in satanic rituals.

[Photograph of Vicki Paterson and the Claimant with caption]

[B] Carl Beech's claims were given credibility by psychotherapist Vicki Paterson, left, and Dr Elly Hanson

- [11] As a criminologist specialising in rituals, would I write an analysis of this material to support the police case?
- [12] Two months later, my 44,000-word report landed on the desks of the most senior officers in Wiltshire Police, the Commissioner of the Metropolitan Police and the Home Secretary.
- [13] I told them the claims were ludicrous. Allegations from Beech and the sisters about Sir Edward and other public figures were the ravings of fantasists and frauds.
- [14] My report did not please Wiltshire Police, who asked me to rewrite it. When I refused, they pointed out that I was calling into doubt the credibility of their witnesses. They were right.
- [15] The police made it clear that my report belonged to them and would now be filed deep in the basement of Swindon Police's headquarters.
- [Picture of 'body map' diagram with caption]
- [C] Carl Beech, left, sent this 'body map' to his counsellor, Vicki Paterson, showing injuries he claimed he received at the hands of a 'VIP paedophile ring'
- [16] And that's why, on November 27, 2016, I told The Mail on Sunday that Operation Conifer and the claims against Heath were a giant hoax started by a single source who was clearly a liar and a fraud.
- [17] Last week, I was proved all too correct when Beech was jailed. He had also admitted possessing 300 pictures of underage boys on his computer, with 28 images in the worst, most violent category.
- [18] But for eight years he had managed to con two police forces, MPs such as Labour deputy leader Tom Watson and journalists from the BBC and online news service Exaro into believing his tissue of lies.
- [19] Carl Beech is the principle reason we have the vast – and I suspect ill-fated – Independent Inquiry into Child Sexual Abuse.
- [20] He caused the waste of millions of pounds of taxpayers' money and ruined the lives and legacies of those he falsely accused, such as former Home Secretary Leon Brittan, ex-Tory MP Harvey Proctor and D-Day veteran Lord Bramall.
- [21] Yet Beech should have been stopped at the outset.
- [22] It took me ten minutes of reading his 'evidence' to realise it was poppycock and many senior police officers have rightly been condemned for their astonishing gullibility.
- [23] But there is another group of professionals whose role in this fiasco should be examined, and that is the psychotherapists who gave legitimacy to the whole farrago.
- [24] Without them, none of this might have happened.

[Photograph of Carl Beech with caption]

[D] A 'sighting' of boys on his yacht in Jersey had turned out to be unreliable. Other vague 'leads' had petered out. Now they were relying on this heap of documents in front of me, which included interviews with a man called Carl Beech

[Embedded video of Carl Beech's police interviews, captioned 'Ex-nurse who lied about paedophile ring sentenced to 18 years']

- [25] Both Operation Conifer and Operation Midland, the Metropolitan Police's investigation into the supposed VIP abuse ring, were fuelled by hypnotic techniques to recover 'memories'. Memories which in Beech's case were twisted and false.
- [26] He first approached therapist Vicki Paterson in 2012, eight months before he went to Wiltshire Police claiming he had been abused by his stepfather.
- [27] Newcastle Crown Court heard last week that between February 2012 and October 2016, Beech saw Ms Paterson for 121 sessions and they had exchanged numerous emails. During these sessions, Beech developed his story – I have seen the psychotherapy notes and drawings – and over those four and a half years, he embellished it.
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[Photograph of Carl Beech in a police interview with caption]

[E] Yet Beech should have been stopped at the outset. It took me ten minutes of reading his 'evidence' to realise it was poppycock and many senior police officers have rightly been condemned for their astonishing gullibility. He is pictured in a police interview in 2016

- [35] As the scale of Beech's fantasies grew, Ms Paterson sought advice. She contacted another psychologist, Dr Elly Hanson, who as the court heard, soon met Beech in Bristol.
- [36] They became friends and set up a charity exhibition called The Wall Of Silence, which displayed child abuse survivors' pictures, stories, poems and mementoes. It was backed by Tom Watson and Beech shared a platform with Dr Hanson, speaking straight after her.

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- [Photograph of Carl Beech holding a baby with caption]
- [F] Beech is pictured holding a baby above. For eight years he had managed to con two police forces, MPs such as Labour deputy leader Tom Watson and journalists from the BBC and online news service Exaro into believing his tissue of lies
- [48] Their statements read like something out of a Hollywood B movie. There were blood rituals involving animals and child sacrifices on church altars.
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- [56] Regulatory bodies need to tighten up admissibility of evidence in criminal investigations.
- [57] Whatever excuses the police now make, these investigations should never have happened – that much is crystal clear. The continued lack of accountability, however, is astounding.