

Neutral Citation Number: [2014] EWHC 3404 (QB)
IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 21st October 2014

Before :

HHJ RICHARD PARKES QC
(Sitting as a Judge of the High Court)

Between :

Claim No: HQ14D02677

ANTHONY COULSON
KATHERINE LAWCOCK
REBECCA REED
- and -
NEIL WILBY

Claimants

Defendant

Claim No. HQ14D02678

REBECCA REED
- and -
PETER HOFCHRÖER

Claimant

Defendant

Matthew Richardson (instructed by Cohen Cramer) for the Claimants
The defendants did not appear and were not represented

Hearing date: 3rd October 2014

Judgment

HHJ Richard Parkes QC :

1. These are applications for interim injunctions in harassment, made in two separate actions by claimants who are casework managers in the Wakefield or Sale offices of the Independent Police Complaints Commission (IPCC). Although the applications are founded on harassment alone, the causes of action in each case are stated in the claim forms as being ‘harassment, defamation, breach of privacy, misuse of private information and/or using unlawful means to injure another’.
2. Permission was granted to serve the defendants by email. I was informed by Mr Matthew Richardson, counsel for the claimants, that Mr Wilby, the respondent in the first action, had contacted the claimants’ solicitors and explained that he was going into hospital but was prepared at least for the time being to offer undertakings to take down the material complained of. However, Mr Richardson told me that not all the relevant material had in fact been taken down. In the circumstances, the claimants wished to proceed with the application. As far as Mr Hofschröder is concerned, Mr Richardson informed me that he had not contacted the claimants’ solicitors in response to service but had blocked them from access to his Facebook account, which was a plain indication that he had in fact been served. Neither defendant appeared on the hearing of the application.
3. These claims arise largely out of material published on the internet. In Mr Wilby’s case, he operates a website with the address www.upsd.co.uk (the UPSD website); in Mr Hofschröder’s case, he is the author of a blog hosted at grandmabarbara.wordpress.com (the GMB blog).
4. The evidence of the claimants shows that Mr Wilby is the author and operator of the material on the UPSD website. In fact, he did not dispute his role in his response to solicitors following service of this application, but the evidence shows that his Twitter account biography claims responsibility for ‘investigative reporting of public authority misconduct in West & North Yorkshire (and) Greater Manchester’. The contents of his UPSD website (the initials appear to stand for ‘unprofessional standards department’) are ‘retweeted’ on the Twitter pages of @uPSDWYP and @NeilWilby, and on the Facebook account ‘UPSD West Yorks’. His authorship is sometimes acknowledged on the face of the website. Moreover, according to Rebecca Reed, he created a UPSD newsletter which targeted the West Yorkshire Police, the office of the Police and Crime Commissioner and the IPCC, and used personally to email copies of the newsletter to IPCC staff members.
5. Mr Hofschröder’s responsibility for the material on the GMB blog is evident from the text of the blog, and may also be inferred from the evidence of Ms Reed that the contents of the blog are ‘retweeted’ on the Twitter page of @PeterHofschroer, and on the Facebook account in the name of Peter Hofschröder, from which the claimants’ solicitors have now been blocked.

The claims against Mr Wilby

- (1) Rebecca Reed

6. Ms Reed is a senior IPCC casework manager at the Wakefield office. It is her evidence that she first came into contact with Mr Wilby in 2010. He made an apparently successful complaint against West Yorkshire police, although it appears that he was unhappy with one aspect of the outcome and has since made numerous complaints and appeals.
7. Ms Reed asserts that she is the victim of a network of malicious bloggers who have banded together to campaign against her, and that Mr Wilby is one of the main sources of this material and appears to her to be the ringleader. She identifies other disgruntled police complainants for whom she says that Mr Wilby acts as an advocate, but she does not adduce evidence in support of her assertion that he leads the group. That is not the only unsatisfactory aspect of her witness statement, which also contains assertions about Mr Wilby's behaviour (see eg paragraphs 12 and 18) which are unsupported by evidence and seem not to be directly material to the present application.
8. Ms Reed's concerns about Mr Wilby seem to have arisen originally from a newsletter which, she says, he used to send to IPCC staff members by email. She states that he peppered his articles with personal comments about individual caseworkers, including snide insults which were not legitimate protests about their decisions, but personal attacks on them as individuals. Unfortunately, she gives only one example of this, and it is not clear from her evidence that the problem has continued since.
9. That example is that on 28 January 2013, Mr Wilby sent an email, apparently to some IPCC staff, saying that on 5 February 2013 'Justice campaigners' would assemble outside the office of the Police Commissioner, and would then walk to the IPCC Wakefield office, where "it is hoped the nationally-known campaigner, Michael Doherty, will invite senior IPCC caseworker, Rebecca Reed, to sit in the now famous 'IPCC coffin'".
10. The protest duly took place, during which what Ms Reed calls the UPSD group gathered outside the office and called on a megaphone for her to go outside and sit in the coffin which they had brought with them. The office doorbell was rung several times to ask her to come down. Understandably, she felt oppressed and intimidated by this behaviour. Mr Wilby then reported the event on the UPSD website.
11. There then seems to have been a long lull. Ms Reed states that she first became aware of Mr Wilby's web pages about her during March 2014. She exhibits the pages that concern her, which seem to consist of one long article under the banner heading 'unProfessional Standards Department, West Yorkshire Police'. The article includes a photograph of Ms Reed which has been taken without her consent from her Facebook page, even though she has kept her Facebook profile page 'closed', as she puts it, so that it cannot be found by a public search. She assumes that he must have obtained the photograph by searching against her Facebook friend (and co-claimant) Kathryn Lawcock.
12. Mr Wilby's article includes the following material:

IPCC Rogue – Rebecca Reed

... Which brings us to Rebecca Reed (pictured above centre), whose star still shines brightly at the IPCC even in the face of damning allegations from complainants/litigants that repeat themselves with frightening regularity. In the succeeding paragraphs we will set out case after case in which she has featured - and where IPCC outcomes have not just been plainly wrong: they have been delivered with corrupt and or malicious intent. Miss Reed is plainly shown not to be impartial objective or honest. Her integrity is impugned beyond repair.

The case that marks Miss Read's career, indelibly, is the PC Danny Major miscarriage of justice. She was involved at the very outset assessing the complaints submitted by Bernadette Major (Danny is relentlessly campaigning mother) concerning the West Yorkshire police investigation that had, ultimately, sent her son to prison. A three page report prepared for the then Commissioner, Nicholas Long, shaped the attitude of the IPCC's Wakefield office towards the Major family. That disposition, which was essentially one of scarcely concealed disdain towards a victim of police fit up of her son marks the IPCC not only as incompetent and dishonest, but inherently evil....

... Anthony Ramsden ... a successful Wakefield businessman whose office is less than 3 miles from Rebecca Reed's long-time base, is another who has crossed swords with the belligerent Balance of Probability Bandit. Two separate assaults by police officers at Elland Road Stadium, Leeds, on his first ever visit to a football match, have led to an ever expanding matter that has now reached the Court of Appeal. Miss Reed, and her ex-police officer accomplice, are at the heart of the IPCC's shameful cover-up of three woeful police "investigations" over a two-year period. Much more on the Ramsden case, and the police and IPCC corruption behind it, can be found by clicking [here](#) and [here](#). The most recent battle by Mr Ramsden has been over the failure to even investigate prima facie complaints of dishonesty against Reid and her partner in crime, ex-cop Anthony Coulson...

... This failed investigation became the focus of a police watchdog (IPCC) investigation. Initially, upon expert advice, the IPCC investigator held that the Met had performed a negligent investigation. Of course that simply wouldn't do as it would undermine the whole basis of the polices actions taken on that day back in Sept 2008. As a result, in an unheard of move, the IPCC got a more senior investigator at the IPCC to 'overrule' the first report. This investigator, the notorious Rebecca Reed, raised new 'FACTS' to undermine the earlier assertions and claimed the police investigation was properly actioned. ... Not long afterwards, I was provided information

from a source that proved that the FACTS Rebecca Reed gave were indeed false. I suggested that I was about to initiate a prosecution in relation to Ms Reed's claims and in rapid response the IPCC confirmed that indeed the key claim made in the Rebecca Reed report was false. The director of complaints at the IPCC, while offering Ms Reed's regrets, claimed that this fundamental flaw in the report made no difference to the outcome. Ms Reed, of course, claimed her actions of including facts that didn't exist was 'simply a mistake'....

... Another police corruption case to attract wide publicity is that now known nationwide as the Grandma B scandal at the centre of which is the selfsame Rebecca Reed, this time covering up for North Yorkshire Police, whose most recent chief constable and his deputy (Graeme Maxwell and Adam Briggs) both left the force in disgrace....

... He then effectively blocked the case and deployed the IPCC ultimate weapon when faced with an articulate and determined complainant with a strong case. The highly intelligent, articulate, ruthless but completely amoral Miss Rebecca Reed; the IPCC Stonewall of choice: 'I write to introduce myself as the single point of contact for you and Mr. Hofschröder. Any emails received from you will receive my attention and consideration as to whether we need to reply to their contents.' From then on Reed stonewalled and made it impossible to obtain a resolution....

... Neil Wilby summarises thus: 'Rebecca Reid is, in my informed view, a highly capable individual whose ability to grasp and report on complex issues and cases is unarguable. Where I take exception is with the complete misdirection of her abilities in protecting police officers at all costs - including the destruction of her own integrity and reputation'.

13. Ms Reed protests that these allegations, which on any view are hurtful and highly offensive, are untrue and unfair. She candidly accepts having made mistakes, but makes the point that people who do pressured jobs will occasionally make human errors. She insists, no doubt correctly, that she takes pride in her work and has worked very hard during her time at the IPCC.
14. According to Ms Reed's evidence, the contents of the UPSD website (including, I presume, the article set out above) have been copied over to other websites apparently run by Mr Wilby, which concern Greater Manchester Police and North Yorkshire Police. He has also 'tweeted' on 4 September 2014 his intention to launch a 'UPSD SYP' website in December, which she presumes refers to South Yorkshire Police.
15. It is far from clear what other activity by Mr Wilby Ms Reed relies on. However, she does refer to his behaviour in 'perpetuating' his campaign against her in 'tweets', which are then copied to others who in turn target her, repeating his insinuations. Unfortunately, she omits to give any further details of the 'tweets', their contents or

the dates when they have been published, let alone of the material published by the others who target her as a result. She also refers to ‘the publication of the pages by UPSD across all the websites’, by which I take it that she is referring to Mr Wilby’s behaviour in copying the article complained of onto his websites which concern two other police forces, and soon (so he claims) a third. She says that because of that publication, and because of Twitter comments (for which she maintains that Mr Wilby is responsible), a Google search of her name, particularly in conjunction with ‘IPCC’, produces the USPD website high up in Google rankings, and she exhibits two pages of search results to make the point.

16. Although Ms Reed does not expressly mention it, there are included with the exhibits other pages from the UPSD website which contain hurtful or offensive material about her. I have in mind ‘IPCC Rogues’, last said to have been updated on 3 March 2014, where she is referred to, with Anthony Coulson, as one of the ‘go-to’ duo when a complainant is getting too close for comfort to the truth; a reference to her in a page about a casework manager called Graeme Thame, last updated 12 April 2014, where it is said that there is prima facie evidence against her of misconduct, and where she is said to be part of the ‘dishonest duo’ with Mr Coulson; and a page about David Knight, another IPCC employee, updated 9 April 2014, where she is described as ‘notorious’ and pictured with a glass, with which she is said to be toasting ‘another successful IPCC cover-up’.
17. Much of her remaining evidence is devoted to the distress which she has been caused by Mr Wilby’s activities. It is not necessary for me to say more than that she has plainly been deeply affected and traumatised by what has been said about her. She is frightened of going to the police, because she has seen, she says, what he does to people who dare to report him to the police.

(2) Kathryn Lawcock

18. Ms Lawcock is also a casework manager for IPCC, but she works at the Sale office. Her concerns about Mr Wilby – apart from his activities during the demonstration on 5 February 2013, which did not concern her – appear to stem from her discovery on 7 April 2014 that he had published material about her on his UPSD website.
19. Like Ms Reed, she was very upset to find that the article was illustrated by a photograph of her, taken from her Facebook page.
20. The material parts of the article about Ms Lawcock are as follows:

“IPCC Rogue – Kathryn Lawcock

In the coven of incompetent, dishonest caseworkers that is IPCCs Wakefield office a new name has emerged in recent times: Kathryn Lawcock (pictured above centre) or ‘Kat’ as she likes to be known to her favourite West Yorkshire Police PSD officers: which, most certainly, includes ex Bradford CID ... and now PSD Superintendent, Gary Baker ...

‘Kat’ is the author of one of the worst ever IPCC appeal decisions to come to the attention of UPSD in recent times and

in a roll-call running into hundreds, if not thousands, that is some accolade.

The decision in question concerns an appeal made by Huddersfield businessman, Stephen Bradbury... following two assaults on him by police officers in Wakefield city centre at the end of January 2013, only a short broomstick ride from where witchcraft follower 'Kat' has her desk....

... The appeal was handed to Kathryn Lawcock by the IPCC Wakefield office who were, no doubt, mindful of the close and familiar working relationship 'Kat' enjoyed with the very officer who was supervising the investigation into the complaints into the Tyler and Hurd assaults. Step forward the aforementioned Supt Baker. Or 'Gazza' to his mates.

In the light of the 'Kat' and 'Gazza' connection - only revealed to Mr Bradbury six months later through his own investigations - it would surprise few that 'Kat' handed down a decision that strongly favoured the police. She actually decided to downgrade the decision for Hurd to face a misconduct meeting to the lowest possible on the disciplinary scale which is the infamous 'words of advice': this, in the face of the most compelling evidence possible for criminal charges to be brought against Hurd...

... A letter before action was quickly but carefully drafted and submitted to the IPCC's lawyer Rachel Robertson. The upshot was a swift capitulation by the IPCC and an admission that the decision by 'Kat' was irrational. Mr Wilby says ... that the appeal review by 'Kat' was an 'absolute disgrace' and a 'dishonestly founded conspiracy involving Baker and Ms Lawcock to finally dispose of a very awkward and potentially damaging complaint against West Yorkshire Police'. The fact the plainly stupid decision had been so mindlessly supported by the IPCC's senior caseworkers ... simply inflamed the situation more and left Mr Bradbury with the very strong suspicion that the conspiracy to frustrate his complaints reached to the top of the IPCC as well as the upper echelons of the West Yorkshire Police.

... That leaves the taxpayer facing the burden of another expensive review of the appeal that the unlovely, and heavily tattooed, 'Kat' had cast her evil spell upon."

21. Ms Lawcock is also concerned about a UPSD webpage last updated on 9 April 2014 which refers to her as an 'incompetent and/or dishonest' caseworker, and by another, last updated on 3 March 2014, which states that she is the 'bosom pal' of Supt Baker. The page is now reproduced on the other UPSD websites.

22. She makes clear her case that the allegations about her, including the suggestion of an improper relationship with Supt Baker, are completely untrue. Moreover, she is upset by the references to her tattoos and to witchcraft, which appear to arise from the fact that she is a 'practising pagan', which is a matter that she keeps private because of general fear of and prejudice against pagans and people who have tattoos.
23. Ms Lawcock refers to material published on Twitter, but does not state what the Twitter material contained, or when it was published or by whom.
24. As with Ms Reed, a Google search against Kathryn Lawcock's name now brings up the UPSD web page in a prominent position. She is very worried that her personal details – her address, for instance - could easily be obtained as a result, using www.192.com.
25. She was so distressed about what she refers to as the harassment from UPSD websites that she was signed off work for 4 weeks. I will not attempt to summarise what she says about her distress, but it is clear that, like Ms Reed, she has been deeply affected by what has been published about her, and by the invasion of her privacy that has resulted from it.

(3) Anthony Coulson

26. Mr Coulson is another IPCC casework manager, based at Wakefield. He first became aware of pages in relating to him on the UPSD website in June 2014.
27. It is a curiosity of the evidence filed in this case that there is one bundle of exhibited material, which is referred to by all three witness statements. That makes it difficult to be sure which material is complained of by a particular claimant, except in so far as the particular passages complained of are clearly identified by the claimant in his or her witness statement.
28. In Mr Coulson's witness statement, he complains not, apparently, of one particular page, but of a number of matters published of him on different pages. He does not identify the passages which concern him by reference to the numbered bundle of exhibits, but he does state that the particular references which are of concern him are the following:
 - (1) ... "The unstinting support of other incompetent and/or dishonest caseworkers such as 'Kat' Lawcock and Anthony Coulson..."
 - (2) ... "the IPCC's 'go-to' duo of Rebecca Reed and Anthony Coulson when a complainant is getting too close to comfort for the truth"...
 - (3) ... "It was a shocking dereliction of duty/responsibility by the IPCC's Anthony Coulson, to whom the matter was delegated..."
 - (4) ... "substantive material containing prima facie evidence of misconduct concerning fellow caseworkers Rebecca Reed and

Anthony Coulson Their lies, individually and collectively, would impact on the appeal under consideration...”

(5) ... “Again, this is something Mr Ramsden to which (sic) has fallen victim over the covering up for the dishonest duo, Rebecca Reed and ex police officer, Anthony Coulson...”

(6) ... “Anthony Coulson is a liar. He also blatantly covers up for his criminally inclined ex-cop colleagues ... Mohammed’s own written testimony that condemns Coulson as a liar...”

29. As far as I can see, these various references come from a number of different web pages. (1) is from a page headed ‘IPCC Rogue – David Knight’, stated to have been last updated on 9 April 2014; (2) is from a page headed ‘IPCC Rogues’, stated to have been last updated on 3 March 2014; (3), (4) and (5) are from a page headed ‘IPCC Rogue – Graeme Thame’, stated to have been last updated on 12 April 2014; (6) is from a page headed ‘IPCC Rogue –Anthony Coulson’ which is stated to have been last updated on 10th April 2014. It is clear that at some points there are links to other passages about him, so that the reader is guided from one page to another.
30. There is other material on the pages contained in the exhibits which on the face of it might have been thought to be at least equally damaging, but Mr Coulson does not specifically identify them as being of concern, although he does refer to a ‘tweet’ from Mr Wilby on the IPCC news ‘Twitter’ page dated 3 September 2014 to this effect: “How’s ex police officer Anthony Coulson skill/experience (sic) valued after it was proved beyond doubt he lied in Tony Ramsden case?”
31. However, the short passages particularly complained of give a fair flavour of the allegations of lying, dishonesty, dereliction of duty and corruption which are made against him.
32. Mr Coulson states that he is deeply committed to his job, and resents any suggestion that he is dishonest, corrupt or guilty of misconduct. He refers in his witness statement to his investigation into a complaint against the police by a Mr Anthony Ramsden, at the end of which he concluded that no misconduct had been shown. That led to an application for judicial review, and an appeal to the Court of Appeal, both of which failed. Nonetheless, he explains, Mr Wilby makes several references to a ‘cover-up’ in the Ramsden case, and suggests that Mr Wilby is obsessed ‘beyond all sense of reason or logic’ with the idea that Mr Ramsden has suffered an injustice.
33. In his evidence, Mr Coulson recounts a very alarming incident which he believes is attributable to the UPSD website. This involved a telephone call on 1 September 2014 from a man who had made complaints about North Yorkshire Police which Mr Coulson had investigated, but many of which he did not uphold. The man told him that he, Mr Coulson, was corrupt, something he said he knew because he had read it on the UPSD website, and the conversation ended with a threat that he would ‘get’ Mr Coulson, his wife and family. He said that he knew where Mr Coulson lived. Mr Coulson contacted the police about this threat. He was told by police that when they entered the man’s property they found an improvised explosive device and a police uniform.

34. In common with Ms Reed and Ms Lawcock, he makes the point that as a result of the various publications made against him by Mr Wilby, his name now emerges on the first page of the rankings for a Google search against him.
35. It is clear from Mr Coulson's evidence that he finds the contents of the website stressful, which is understandable. In the light of the telephone threats made to him, his distress perhaps particularly takes the form of fear for his safety and that of his family. Of course, Mr Wilby cannot be held accountable for the behaviour of the man who made the threats, but it is not unreasonable for Mr Coulson to blame Mr Wilby's website for the effect which it has had on a third party, and plainly that is a factor which itself causes him distress.

The claim against Mr Hofschröder

36. This claim is brought in a separate action by Rebecca Reed alone.
37. Ms Reed states in her witness statement that she first became aware of Mr Hofschröder in November 2009 as a result of a number of complaints about the behaviour of North Yorkshire police in connection with a family dispute involving his brother Robert and his parents, Barbara and Paul. The complaints were either investigated and found to be unsubstantiated, or else applications to dispense with the need to investigate them were granted to the police by the IPCC. It appears that Mr Hofschröder was not happy with the outcome of his complaints, as a result of which he and an associate of his, a Mr Hicks, have engaged in prolific correspondence with the IPCC.
38. According to Miss Reid, the Wordpress blog site [https:// grandmabarbara.wordpress.com](https://grandmabarbara.wordpress.com) was set up on August 2011. Since that time, she says, there have been many online publications about the police, the IPCC and other authorities, and in particular blog posts relating to her. The two posts with which she is concerned are entitled "IPCC Corruption" and "IPCC Rogue – Rebecca Reed". She first became aware of them during January 2012. I will summarise them briefly.
39. The first of the two posts, headed "IPCC Corruption", carries a photograph of Ms Reed (taken without her consent from her Facebook page) with the caption "Rebecca Reed. This pervert covers up for the many kiddie diddlers and granny abusers in the police". The post describes her as one of the 'criminals' running the IPCC, and states that, working as she does for the IPCC, she obviously lacks any sense of decency, morality or integrity and is a known, habitual liar. It invites readers who wish to know more about her to go to another internet address.
40. The second post, headed 'IPCC Rogue – Rebecca Reed' refers to her as 'notorious' and states that in the case of an 85-year-old disabled grandmother, alleged to be the victim of 'police crime', she had wilfully failed to carry out her duty of care to that vulnerable person. The post asks: 'What else would one expect from the criminals running the IPCC?' The reader is referred to Mr Wilby's UPSD website, where, it is said, the reader will see that Ms Reed is so sick that she is happy to cover up for child abusers in the police. Much of Mr Wilby's page headed 'IPCC Rogue – Rebecca Reed' is reproduced. At the end of the post, it is said that she can only be described as a 'contemptuous (sic) low life'.

41. It is not clear when the Hofschröder blogs were written or updated, but Ms Reed explains in her evidence that the reference to her as a ‘contemptuous low life’ was added after he received the letter of claim sent on her behalf on 30 May 2014, and that he then (in June) re-posted the links to pages about her on Twitter and Facebook.
42. According to Ms Reed, the contents of the Hofschröder blogs are ‘retweeted’ on the Twitter page @PeterHofschroer and also on the Facebook accounts ‘Peter Hofschröder’ and ‘The abuse of grandma B’. Two of those ‘tweets’ are exhibited. He also, she says, perpetuates his campaign against her by ‘tweets’ copied to other people who target her repeating his allegations.
43. She is particularly concerned about the appearance of her name high up in Google search rankings, which she assumes to have been caused by widespread publication and re-publication of allegations against her by Mr Hofschröder and Mr Wilby.
44. She maintains, as one would expect, that the allegations against her are wholly untrue, and that she finds particularly disgusting the idea that she would cover up for paedophiles. She explains how upset she is by what has been published about her by Mr Hofschröder. I do not propose to say more about her distress than that it has plainly been acute, and understandably so.

Interim injunctive relief

45. The claimants seek interim injunctions to restrain the defendants from harassing them and to compel them to take down certain internet postings. If that relief is granted, it is likely to affect the exercise of the Convention right to freedom of expression. Section 12 of the Human Rights Act 1998 therefore applies. In accordance with section 12(3) of the Act, that relief should not be granted “unless the court is satisfied that the applicant is likely to establish that publication should not be allowed”. As stated by the House of Lords in *Cream Holdings v Banerjee* [2005] 1 AC 253 at [22], the general approach should be that courts will be very slow to make interim restraint orders where the applicant has not satisfied the court that he will probably succeed at trial. “In general, that should be the threshold an applicant must cross before the court embarks on exercising its discretion, duly taking into account the relevant jurisprudence on article 10 and any countervailing Convention rights”.
46. This claim is brought under the Protection from Harassment Act 1997, which (so far as material) , provides:
 - [s.1] (1) A person must not pursue a course of conduct – (a) which amounts to harassment of another, and (b) which he knows or ought to know amounts to harassment of the other.
 - (2) For the purposes of this section ... the person whose course of conduct is in question ought to know that it amounts to or involves harassment of another if a reasonable person in possession of the same information would think the course of conduct amounted to or involved harassment of the other.
 - (3) Subsection (1) ... does not apply to a course of conduct if the person who pursued it shows — (a) that it was pursued for

the purpose of preventing or detecting crime, (b) that it was pursued under any enactment or rule of law or to comply with any condition or requirement imposed by any person under any enactment, or (c) that in the particular circumstances the pursuit of the course of conduct was reasonable.

[s.7]

(2) References to harassing a person include alarming the person or causing the person distress

(3) A ‘course of conduct’ must involve — (a) in the case of conduct in relation to a single person see Section 1 (1)) conduct on at least two occasions in relation to that person or (b) in the case of conduct in relation to two or more persons (see section 1(1A)), conduct on at least one occasion in relation to each of those persons ...

(4) ‘Conduct’ includes speech.

47. In *Dowson v Chief Constable of Northumbria Police* [2010] EWHC 2612 (QB) [42], Simon J set out a useful summary of the law on harassment which was in part derived from the House of Lords decision in the case of *Majrowski v Guy’s and St Thomas’ NHS Trust* [2007] 1 AC 224:

(1) There must be conduct which occurs on at least two occasions,

(2) which is targeted at the claimant,

(3) which is calculated in an objective sense to cause alarm or distress, and

(4) which is objectively judged to be oppressive and unacceptable.

(5) What is oppressive and unacceptable may depend on the social or working context in which the conduct occurs.

(6) A line is to be drawn between conduct which is unattractive and unreasonable, and conduct which has been described in various ways: ‘torment’ of the victim, ‘of an order which would sustain you criminal liability’.

48. Publication, whether in a newspaper or on a website, may of course ground liability in harassment: *Thomas v News Group Newspapers Ltd* [2002] EMLR 4.

49. In the present cases, publication on the defendants’ websites has in each case been continuous. In *Law Society v Kordowski* [2014] EMLR 2 at [61] and [64], Tugendhat J accepted submissions that publication on a website of the names of claimants, in the knowledge that publication would inevitably come to their attention on more than one occasion and on each occasion cause them alarm and distress, constituted harassment;

that where publication was an on-going one on a prominent website, the distress and alarm caused by the publication would also be continuous; and that it was reasonable to infer that the claimants would suffer alarm and distress on at least two occasions. In any event, the claimants could hardly be in a worse position by being confronted with continuous, and intermittently updated, publication, than they would have been had the relevant web pages been taken down and then put up again. It seems plain to me in this case that the distress suffered by the claimants is something which has happened on many more than two occasions.

50. I therefore take the view that the relevant conduct has occurred on at least two occasions. Plainly, it has targeted each of the claimants. In Ms Reed's case, Mr Wilby has referred to her as being corrupt, malicious, dishonest and amoral, and he has made use of a photograph which he had no right to use, thereby aggravating her sense of fear and insecurity; he has described Ms Lawcock as being dishonest, incompetent and corrupt, by reason of her supposed relationship with a senior policeman, and he has aggravated her distress by reference to her personal life and, as in the case of Ms Reed, by use of a photograph from her Facebook page; and he has painted Mr Coulson in very similar terms, as a man guilty of habitual lying, of dishonesty, dereliction of duty and corruption. Mr Hofschröder's allegations against Ms Reed of covering up for child abusers, of lacking any sense of decency, morality or integrity and of being a known, habitual liar, have perhaps been even more serious than those published by Mr Wilby.
51. In my judgment, all of these allegations, considered in particular in the context of the tone and manner in which they are expressed, are plainly calculated to cause alarm and distress. They go a long way beyond that which is merely unattractive and unreasonable. They are properly to be described as utterly oppressive, and as tormenting the claimants, who are public servants deserving of protection from those who launch campaigns of personal vilification against them.
52. There is no material before me which suggests a defence to the claim of harassment. There is no basis that I can see for a s1(3) defence. Of course, in principle the conduct of officials performing an important public service is capable of being a matter of substantial public interest, but there is nothing before me to suggest that such a public interest is present here. If there is such a public interest, it plainly does not extend to the deeply unpleasant personal abuse and vilification which has been levelled at these claimants. I am satisfied that the claimants are each likely to establish at trial that publication should not be allowed.
53. There has been some delay in making this application. I have considered whether the delay should lead me to refuse any of the claimants relief. However, such delay as there has been does not cause me to doubt the genuineness of the claims, and I see no reason to suppose that it has caused either defendant any prejudice. Moreover, Mr Richardson tells me, and I accept, that such ability as the claimants had to endure this campaign against them was very sorely tested by the incident in September 2014 of the threats made against Mr Coulson.
54. I will therefore grant the relief sought, although I would like to hear counsel on the precise terms (particularly the mandatory terms) of the order, with a view to ensuring that the order made does not go beyond that which is necessary to put a stop to the harassment of the claimants.